

Conservation Society Inc

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Director Industry Assessments Development Assessment Department of Planning and Environment Locked Bag 5022 Parramatta, NSW 2124

29 November, 2022

RE: SSD 13475973, 706 Mowbray Road, Lane Cove North, Lane Cove Bushland & Conservation Society (LCBCS) Submission on Microsoft Mowbray Road Data Centre

Thank you for the opportunity to comment on the above development. This submission focuses on environmental issues of the data centre development. As one of Sydney's earliest local environment associations, established in 1971, the LCBCS has a strong track record of successfully advocating for remnant urban bushland at the local, and where appropriate, the State and Federal levels.

Our submission arises from attendance and feedback at Microsoft data centre community information and briefing meetings, a LCBCS-specific online meeting in October 2022 and an on-site meeting in November to look at the environmental challenges of the site. The discussions have been with senior Microsoft staff involved in community engagement, environmental management and DA liaison staff.

From the outset it is important to note the specific nature of the Microsoft site. It is on a ridge top with minimal flat land surrounding the building foot print. The **exact site boundary is not easy to ascertain** given that in many parts of the southern section the Microsoft bushland merge with Lane Cove C2 bushland. Immediately below the site is a steep slope zoned C2 with protected remnant bushland. This location makes the **bushland vulnerable with the large development occurring immediately above**. The C2 zoned bushland, known as part of the Plateau Epping Road, has indigenous vegetation known for containing **Rare or Threatened Australian Plants known as ROTAPs species scheduled under the Threatened Species Conservation Act 1995**. It is a **significant wild life corridor connecting with the Lane Cove National Park** and represents a precious finite resource and demands particular care at all stages of development.

This area of the Plateau is unique since in such a small area there are so many rare plant species. Our submission therefore has **five recommendations for our Lane Cove environment** from the Microsoft development:

RECOMMENDATION 1 – CLEARLY MARKED BOUNDARY SURVEYING

Prior to commencement of any development Microsoft must accurately survey and peg the boundaries of its site, with clearly visible boundary markers along the southern slope.

The accurate surveying of boundaries is vital to ensure adherence to the remaining recommendations. All development work must be clearly within Microsoft boundaries, as must control of invasive weed species. Given the vulnerability of the C2 bushland on the southern slope below the development site, accurate and visible boundary marking will ensure that there are no transgressions or damage on the public bushland.

RECOMMENDATION 2 – SEDIMENT, POLLUTION AND STORMWATER CONTROLS

Sediment, building pollution and stormwater have the potential to do irreparable damage to the remnant bushland below the building site. When there is disturbed and loose earth, tons of earth can be washed away during rain, especially during heavy falls, which often occur in Sydney.

Thus, stormwater management and sediment control must be taken very seriously and be of the highest standard. DA approval must insist on a superior sediment control fence with a double barrier located on the Microsoft site prior to commencement of demolition and construction and in place until completion of all works.

The Super Sediment Control fence that we are suggesting, consists of a double barrier strong metal fencing, wide siltation fabric fixed into the ground and extending well up the fence with strong attachment, and then a second layer, so if the first fence fails the second fence will catch any over flow. This fencing also needs to be strong enough to stop demolition and building material from leaving the building area.

Regular checks and maintenance of the sediment fence must be conducted throughout the development and construction phases. There should be **a designated person** to regularly check, clean out and maintain this fencing.

On the site it is also noted that there are major storm water discharging into the C2 bushland. The water discharge is both strong and carries pollutants and weed seed. These will present a major challenge in keeping the silt from escaping from the site as they appear to discharge below the site. Advice from Lane Cove Council may be needed to make sure this does not end up in our vulnerable bushland below.

Finally, **concerns are raised regarding heat emissions and diesel storage**. The heat which will be generated by the need to keep the data equipment cool, we understand will be released via the roof. This could create a microclimate within the vicinity with unknown and potentially negative impacts on the indigenous flora and fauna.

The Diesel Oil emissions present health and environmental concerns. The diesel is to provide backup power in the event of blackouts. It is clear from reading 4.3.8.2 Hazardous and Offensive Development in the EIS that there are many instances where a drastic event could happen, even with the precautions listed. Given the proximity to homes, childcare, business and bushland there are naturally great concerns. It raises the question as to whether this is a suitable area for this data centre. We ask the panel to apply the strictest measures available to mitigate these heat effects and diesel dangers.

RECOMMENDATION 3 - ON-SITE BUSH RESTORATION, LANDSCAPING AND LIGHT 'SPILL'

The Microsoft site has many mature native trees and other native vegetation, much of this is along the property boundary adjacent to the C2 bushland and wildlife corridor. Responsible revegetation and landscaping are required:

- 3.1 Undertake sensitive bush restoration using local progeny on Microsoft land immediately adjacent to the public C2 bushland based on a bush regeneration plan;
- 3.2 In order to ensure that the landscaping on-site, including the streetscape and the open space area, is in keeping with the adjacent bushland area, all landscaping and revegetation must be undertaken with local indigenous species in keeping with Lane Cove Council DCP Part H. A detailed plant list specific to this site is provided in the Appendix;

3.3 Implement a light spillage plan for the protection of the local fauna.

As many **mature native trees** as possible, especially along the escarpment area and steep slope adjacent to the C2 zone, should be **retained and protected** during the pre-construction and construction phases. This area can then form the **basis for on-site bush restoration**. This should be sensitively undertaken following the established Bradley Method of Bush Restoration and should have its **own management plan developed by a bush re-vegetation specialist rather than a landscape architect**.

No heavy machinery should be moved or operate on this southern area adjacent to the C2 zone, nor should building materials be stockpiled in this location before or during construction.

On the on-site landscaping sections in the northern, eastern and western areas, Lane Cove Council's Development Control Plan (DCP) Part H (Bushland) must be followed. This requires local indigenous species and the area-specific indigenous species list in this Appendix shows the large diversity of vegetation available to Microsoft. However, given the unique species and ROTAPs in the C2 zone, **a Plateau Epping Road specific plant species list has been compiled and is provided** in the Appendix to this submission. An electronic version has also been provided to Microsoft staff responsible for community liaison and engagement.

Given the location of the development in a **significant and large wildlife corridor**, Microsoft must ensure the integrity and sustainability of this corridor by taking into account the **impacts of light 'spill' on urban bushland**. In January 2020, the Australian Government released its National Light Pollution Guidelines for Wildlife <u>National Light Pollution Guidelines for Wildlife (dcceew.gov.au)</u> January 2020. Their opening sentence states:

"Natural darkness has a conservation value in the same way that clean water, air and soil has intrinsic value. Artificial light at night is increasing globally by about two per cent per year. Animals perceive light differently from humans and artificial light can disrupt critical behaviour and cause physiological changes in wildlife."

Thus, a plan and proposal to **minimise light spillage** into the bushland during and post construction must be a requirement of this development.

RECOMMENDATION 4 – REMOVE DISCREPANCIES BETWEEN DA, BDAR WAIVER AND PUBLIC CONSULTATIONS PRIOR TO APPROVAL

Our submission is based on our recent meetings with Microsoft Corporation personnel, who invited us to meet to discuss community and environmental issues and the concerns we had raised at the Community Information Sessions about the Microsoft Data Centre. A discrepancy appears to exist between public information and discussion with Microsoft staff and the submitted DA documents and this must be resolved prior to approval of the DA. On-site it was discussed and agreed that weed species would be removed and as many as possible of the native trees, at least on the southern side and slope, would be retained.

The Arborist's Report, Appendix 12 of the EIS is alarming. Almost all the large trees being removed are Australian native. Most are local, even if planted, and some may even be original. Of the trees to be retained the majority are **noxious weeds and a primary source of weed infestation**.

Specifically of 113 trees assessed, 65 are to be removed and 48 retained. Of the 48 retained, 32 are WEED trees. Specifically, 12 are Camphor laurel (trees 3, 6,7,19,21,23,24,26,27,36,41,47), 7 are Small-leaved Privet (trees 2,5,33,35,37,44,45), 6 are Broad-leaved Privet (trees 8,18,22,30,38,39). Clearly this does not align with the public consultation and discussions detailed.

Finally, we dispute the statements and **waiver request for a BDAR in Appendix 13. The description** of the C2 bushland is at odds with our local knowledge and appears inaccurate and misleading. The waiver should NOT be granted. The description of the uniqueness of the C2 site in this submission and the accompanying Appendix *Plateau Epping Road Species List* demonstrate the extent of vegetation diversity and wildlife habitat support.

Given the sensitivity of the bushland on site and immediately adjoining in the C2 zone, it is imperative that the statements and advice of Microsoft senior environmental staff and the DA vegetation documentation, proposed bush restoration and other on-site plantings and landscaping align. At present they DO NOT.

It would be wrong and environmentally negligent to accept and pass these DA documents as they stand.

RECOMMENDATION 5 – PROVIDE FINANCIAL SUPPORT FOR RESTORATION IN THE C2 BUSHLAND

As a global corporate citizen with a professed environmental and community conscience Microsoft should provide **annual**, **indexed financial support for bush regeneration of the adjoining public bushland for the duration of Microsoft operating the data centre here**. This would represent a broader environmental and community contribution by Microsoft. In its public briefing meetings, Microsoft has stated its environmental and community commitments. Acceptance of our Recommendation 5 would provide **a tangible signal of the company's stated values**. The Plateau Epping Road vegetation list in this Appendix shows the status of their rarity.

In the almost 30 years of the local Stringybark Creek Bushcare group, bush regeneration in Batten Reserve and on part of the plateau adjoining this Microsoft data centre site, has restored what had become a degraded area back to beautiful natural bushland. This has seen the return of wildlife including echidnas, sugar gliders and the Threatened Powerful Owl which is known to nest in this area. Regular bush follow-up maintenance of the worked areas is carried out and essential in maintaining the integrity and sustainability of this significant vegetation community.

This precious resource of bushland in Lane Cove is becoming under threat of impacts by large developments such as this. Therefore, in order to ensure that this special area is preserved and given the ongoing environmental impacts of the data centre (eg heat generated by the building, light spillage, storm water and runoff) and in the interests of the well-being of the local community and the environment, Microsoft should provide **an ongoing annual financial contribution to Lane Cove Council for the bush regeneration in the bushland downhill** from this site. This request has been highlighted throughout the community engagement phases undertaken by Microsoft and also at our meetings with Microsoft Staff. Microsoft's stated value of the local environment and community engagement can be concretely demonstrated by this annual financial contribution to the local urban bushland in the C2 zone.

We appreciate the consultation from Microsoft with the community, specifically the Lane Cove Bushland & Conservation Society, and the company's stated concern and care for our indigenous vegetation, both on site and immediately below the development. Discrepancies between these public consultations and the highlighted Appendices 12 and 13 must be resolved to the benefit of the Lane Cove bushland and wildlife corridor.

Our appendix contains the Plateau Epping Road plant species list.

Yours sincerely,

Ruth Neumann Norma Stuart Frances Vissel On behalf of the Lane Cove Bushland & Conservation Society Committee.

APPENDIX - Submission by the Lane Cove Bushland & Conservation Society, on SSD 13475973 Microsoft Mowbray Road Data Centre

FLORA and FAUNA of LANE COVE A Lane Cove Council Document Extract - List of Indigenous Plants – Plateau Epping Road

At the 18 October 2022 meeting, the Lane Cove Bushland & Conservation Society (LCBCS) and Microsoft / Caroline McGrath, Frances Vissel of the LCBCS undertook to compile a list of indigenous plants on the Plateau above Epping Road which is situated immediately below the Microsoft Data Centre development site.

The indigenous vegetation in the C2 bushland on the Plateau Epping Road is known for containing **ROTAP species scheduled under the Threatened Species Conservation Act 1995, in**digenous to the Lane Cove area. It is a **significant wild life corridor connecting with the Lane Cove National Park** and represents a precious finite resource.

This vegetation extract below is provided for the information of Microsoft Corporation who invited representatives of the Lane Cove Bushland and Conservation Society to discuss issues of concern in relation to their proposed Data Centre on the site directly above this C2 zoned bushland, how to best address concerns raised by the community and for Microsoft to take positive steps in relation to the likely impacts of their proposal onto the bushland below.

The Plant lists are based on comprehensive surveys carried out by Lane Cove Council Bush Regenerators since the early 1990's and intermittently updated.

Extract Compiled by Frances Vissel Member Lane Cove Bushland & Conservation Society Inc (also, Convenor Stringybark Creek Bushcare Group) October 2022

Plant Status Coding

V	Very common	predominant species in much of the reserve and found easily
С	Common	species widespread throughout reserve and found easily
F	Fairly common	plants/colonies widespread in some parts of reserve, and found easily without searching
0	Occasional	plants/colonies scattered through reserve and not immediately apparent
U	Uncommon	more than 4 plants or colonies, but in low populations, and plants only found by searching
R	Rare	1-4 plants or 1-2 small colonies, and plants only found by searching

DICOTS	
TREES	
Acacia parramattensis	U
Allocasuarina littoralis	F
Angophora bakeri	0
Angophora costata	F
Angophora crassifolia0	R
Banksia serrata	F
Callicoma serratifolia	0
Casuarina glauca	R
Ceratopetalum gummiferum	U
Elaeocarpus reticulatus	0
Eucalyptus gummifera	F
Eucalyptus haemastoma	C
Eucalyptus piperita	C
Eucalyptus racemosa	0
Eucalyptus resinifera	U
Ficus rubiginosa	R
Glochidion ferdinandi	0
Glochidion ferdinandi var pubens	R
Hakea dactyloides - tree form	U
Melaleuca linariifolia	R
Notelaea longifolia form inter	U
Omalanthus populifolius	0
Pittosporum undulatum	V
CLIMBERS & SCRAMBLERS	
Billardiera scandens	R
Billardiera scandens var. sericata	F
Cassytha glabella	R
Cassytha paniculata	C
Cassytha pubescens	C
Eustrephus latifolius	R
Glycine clandestina	R
Glycine microphylla	0
Hardenbergia violacea	U
Hibbertia empetrifolia	0
Kennedia rubicunda	F
Marsdenia rostrata	R
Smilax lyciphylla	F

SHRUBS	
Acacia linifolia	0
Acacia longifolia	0
Acacia myrtifolia	R
Acacia suaveolens	0
Acacia erminalis	0
Acacia ulicifolia	0
Amperea xiphoclada	U
Astrotricha longifolia	R
Baeckea diosmifolia	R
Banksia ericifolia	С
Banksia oblongifolia	F
Banksia spinulosa	0
Bauera rubioides	С
Boronia ledifolia	R
Bossiaea heterophylla	0
Bossiaea obcordata	R
Bossiaea scolopendria	R
Brachyloma daphnoides	0
Callistemon linearis	R
Dillwynia retorta	0
Dodonaea triquetra	0
Epacris microphylla	0
Epacris pulchella	0
Gompholobium glabratum	R
Grevillea buxifolia	F
Grevillea linearifolia	0
Grevillea sericea	F
Hakea dactyloides - shrub	R
Hakea gibbosa	R
Hakea sericea	F
Hakea teretifolia	0
Hibbertia fasciculata	R
Hibbertia linearis	U
Hibbertia riparia	R
Hovea longifolia	R
Isopogon anemonifolius	R
Isopogon anethifolius	R
Kunzea ambigua	V
Lambertia formosa	0
Lasiopetalum ferrugineum	R

Leptomeria acida	R
Leptospermum arachnoides	R
Leptospermum aracimotaes	F
Leptospermum squarrosum	R
Leptospermum squarrosum	F
	F
Leucopogon ericoides Leucopogon juniperinus	R
Leucopogon microphyllus	R
	R
Logania albiflora	R
Lomatia myricoides	к F
Lomatia silaifolia	
Lomatia silaifolia (Blue Mts. form)	R C
Micrantheum ericoides	
Mirbelia rubiifolia	R
Monotoca elliptica	U
Monotoca scoparia	O D
Notelaea ovata	R
Olearia microphylla	0
Ozothamnus diosmifolius	F
Persoonia lanceolata	0
Persoonia levis	R
Phebalium dentatum	F
Phyllanthus hirtellus	F
Phyllota phylicoides	R
Pimelia linifolia	0
Platysace linearifolia	R
Polyscias sambucifolia	F
Pomaderris ferruginea	R
Pultenaea daphnoides	U
Pultenaea elliptica	0
Pultenaea stipularis	0
Ricinocarpos pinifolius	R
Styphelia tubiflora	U
Viminaria juncea	R
Woollsia pungens	F
Xanthosia pilosa form A	F
Zieria pilosa	R
Zieria smithii	F
MISTLETOES	
Amyema congener	0
Dendrophthoe vitellina	U

SUCCULENTS	
Portulaca oleracea	R
HERBS	
Actinotus helianthi	R
Actinotus minor	F
Centella asiatica	0
Centaury spicatum	R
Cotula australis	0
Dampiera stricta	R
Dichondra repens	0
Drosera auriculata	0
Drosera peltata	R
Drosera spathulata	R
Einadia trigonos	R
Epilobium billardieranum ssp	U
Geranium homeanum	R
Gonocarpus teucrioides	0
Hydrocotyle sp. aff. acutiloba A	R
Hydrocotyle tripartita	R
Hypericum gramineum	U
Lobelia gracilis	R
Lythrum hyssopifolia	R
Opercularia aspera	U
Opercularia varia	0
Oxalis exilis	U
Oxalis thomsoniae	R
Persicaria decipiens	R
Plantago debilis	R
Pomax umbellata	0
Poranthera microphylla	R
Pratia purpurascens	U
Pseudognaphalium luteoalbum	U
Rumex brownii	0
Senecio quadridentatus	R
Solanum americanum	U
Stackhousia viminea	R
Veronica plebeia	U
Wahlenbergia gracilis	0
Xanthosia tridentata	F

MONOCOTS	
ORCHIDS	
Acianthus fornicatus	R
Caladenia alata	U
Caladenia catenata	R
Calochilus paludosus	R
Calochilus robertsonii	U
Cryptostylis erecta	U
Cryptostylis subulata	R
Dipodium variegatum	R
Genoplesium rufum	R
Pterostylis acuminata	0
Pterostylis concinna	R
Pterostylis longifolia	R
Thelymitra pauciflora	R
GRASSES	
Agrostis avenacea	0
Anisopogon avenaceus	0
Aristida ramosa	R
Aristida vagans	0
Aristida warburgii	R
Bothriochloa macra	R
Cymbopogon refractus	R
Danthonia longifolia	C
Danthonia tenuior	0
Deyeuxia decipiens	0
Deyeuxia quadriseta	0
Dichelachne crinita	U
Dichelachne micrantha	U
Dichelachne parva	U
Dichelachne sieberiana	R
Echinopogon caespitosus	0
Entolasia marginata	0
Entolasia stricta	V
Entolasia whiteana	R
Eragrostis benthamii	0
Eragrostis brownii	F
Eragrostis parviflora	R
Imperata cylindrica	C
Microlaena stipoides	C

Oplismenus aemulus	F
Oplismenus imbecillis	F
Panicum simile	0
Paspalidium distans	R
Phragmites australis	R
Stipa pubescens	F
Stipa ramosissima	R
Stipa rudis spp. rudis	U
Tetrarrhena juncea	С
SEDGES & RUSHES	
Baumea acuta	R
Baumea articulata	
Carex appressa	R
Carex breviculmis	F
Carex inversa	0
Caustis flexuosa	F
Cyathochaeta diandra	С
Cyperus difformis	R
Cyperus gracilis	0
Cyperus imbecillis	R
Cyperus mirus	0
Cyperus sanguinolentus	R
Eleocharis gracilis	R
Fimbristylis dichotoma	R
Gahnia aspera	R
Gahnia clarkei	0
Gahnia erythrocarpa	0
Isolepis hookeriana	R
Isolepis inundata	0
Isolepis nodosa	R
Juncus continuus	0
Juncus flavidus	R
Juncus homalocaulis	U
Juncus planifolius	R
Juncus prismatocarpus	R
Juncus subsecundus	U
Juncus usitatus	0
Lepidosperma concavum	R
Lepidosperma filiforme	0
Lepidosperma latens	R
Lepidosperma laterale var.A	F

Lepidosperma neesii	С
Lepidosperma sp.A	R
Lepyrodia scariosa	С
Ptilothrix deusta	0
Schoenus apogon	R
Schoenus maschalinus	R
Schoenus melanostachys	R
Schoenus villosus	R
Tetraria sp.A	R
Tricostularia pauciflora	R
LILIES, GRASS TREES, ETC	
Burchardia umbellata	U
Caesia parviflora	R
Dianella caerulea v.caerulea	U
Dianella caerulea v.producta	F
Dianella revoluta	U
Haemodorum planifolium	R
Lomandra cylindrica	F
Lomandra filiformis var filiformis	0
Lomandra glauca	U
Lomandra gracilis	F
Lomandra longifolia	С
Lomandra obliqua	F

FERNS	
Adiantum aethiopicum	F
Adiantum hispidulum	R
Blechnum cartilagineum	R
Calochlaena dubia	F
Cheilanthes sieberi	R
Christella dentata	0
Cyathea cooperi	0
Gleichenia dicarpa	0
Gleichenia rupestris	0
Histiopteris incisa	R
Hypolepis muelleri	0
Lindsaea linearis	0
Lindsaea microphylla	0
Pellaea falcata	R
Platycerium bifurcatum	R
Pteridium esculentum	F
Schizaea bifida	U
Todea barbara	R