

Friends of Lane Cove National Park Inc.

Re: Submission on Biodiversity Impacts – Proposed Data Centre at 6–8 Julius Avenue, North Ryde 20.8.25

On behalf of the Friends of Lane Cove National Park, we wish to raise significant concerns about the impacts of the proposed Data Centre at 6–8 Julius Avenue. While we have numerous other concerns including the over development of the site, overshadowing of the National Park excessive power and water consumption and apparent multiplication of data centre applications in the LGA, we will concentrate on biodiversity impacts in this submission.

Status of Community Group

Friends of Lane Cove National Park was established after the devastating bushfires of 1994, which burned approximately 90% of the park. The group consists of about 400 members and volunteers, who collectively contribute over 7,500 hours of volunteer work each year to improve the park's environment. Additionally, the group obtains grants from all levels of government and industry and actively lobbies and collaborates with NSW NPWS to restore habitat and secure positive outcomes for the park. Disappointingly, at this stage they have not been involved in any community consultation regarding this development.

Relationship of the development to Lane Cove NP.

Lane Cove National Park is unusual in that it is a national park enclosed within an urban setting. It stretches along the Lane Cove River Valley from near Pennant Hills in the north to Hunters Hill in the south, forming a crucial "Habitat Corridor." This corridor also includes several council reserves adjacent to the park and, importantly, native vegetation on over 1,000 neighbouring private and corporate properties that share a boundary with the park such as with the current development. In many places, the habitat corridor is narrow and vulnerable to degradation.

The proposed development will drastically reduce the habitat corridor at this location. According to studies included with the current DA, over 500 mature trees would be removed mainly from an area of the Coastal Enriched Sandstone Moist Forest ecological community. The majority of this vegetation community is in very good condition and merits full protection. It is not simply the trees but all components of the community that are important habitat. The consequences of clearing would be severe, involving disastrous habitat loss and the destruction of mature trees containing hollows that would take more than a century to replace.

Possible TECs on and adjacent to site

Although the BDAR failed to identify the occurrence of TECs on the site, we believe that PCT 1235 occurs on the site and PCT1064 very close to the boundary. These PCTs form the basis for the TECs Swamp Oak Flood Plain Forest and Swamp Sclerophyll Forest protected under both NSW Biodiversity Conservation Act and the Australian Government EPBC Act.

It should be noted that although these TECs have not been mapped in this area, the maps require 'ground truthing'. These TECs are known to occur in many locations along

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the Lane Cove River Valley both upstream and downstream of this area and were recently acknowledged by the DECCW as one of the main components in a successful Urban Rivers grant application by Friends of Lane Cove NP. The 'Final determination' for these TECs particularly emphasises that the community can include areas of regeneration and that most remaining areas will be weed affected and fragmented. Confirmation of the presence of these communities will have considerable affect both on potential site modifications and with potential biodiversity offsets.

Developments adjacent to National Parks

Despite the many consultant reports provided with the application, and the applicants stated commitment to 'sustainability', there is little evidence that the effects on the National Park have been considered. Or that meaningful efforts have been made to minimise those effects, rather than seeking offsets. When developments are proposed near a national park, the NPWS publication "Developments adjacent to National Parks and Wildlife Service lands" should be a key reference both for the proponents and consent authorities. As stated in that document:

NPWS recognises the benefits of working in partnership with planning authorities to ensure that developments adjoining or in the vicinity of NPWS parks are sympathetic to the values of those lands and NPWS's ongoing capacity to manage its parks in the public interest. The issues and approaches outlined in these guidelines are provided to assist planning authorities in their decision-making

While the EIS describes the impacts of the project as "negligible" and the site as "highly disturbed," a thorough review of the Biodiversity Development Assessment Report (BDAR) reveals important ecological sensitivities particularly on the southern portion of the potential development that require further consideration and potential site modifications.

Remnant Vegetation Adjacent to the Park

The BDAR confirms the presence of 1.78 ha of Sydney Coastal Enriched Sandstone Forest (PCT 3592) with up to 1.2 ha to be affected by the development. Portions of PCT 3592 are rated as being in good condition and lie directly next to Lane Cove National Park, it serves as significant buffer and wildlife corridor and cannot be replaced by offset credits.

Presence of Assumed Threatened Species (Flora & Fauna)

The BDAR identifies suitable habitat and assumes the presence of several threatened species, including:

- Flora: *Darwinia biflora*, *Deyeuxia appressa*, *Hibbertia spanantha*, *Rhizanthella slateri*
- Fauna: *Chalinolobus dwyeri* (Large-eared Pied Bat), *Miniopterus australis* (Little Bent-winged Bat), *Miniopterus orianae oceanensis* (Large Bent-winged Bat)
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*It should be noted that the presence of *Darwinia biflora* in this area was confirmed in the on- ground studies conducted during the CSIRO subdivision in or around 1995.*

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Offset Requirements and Mitigation Dependence

Although the EIS focuses on potential offsets, legal precedent (IRM Property Group vs. Blacktown Council) establishes that the Biodiversity Offset Scheme should only be invoked after all possible steps to avoid or minimise impacts have been taken.

This project appears to do little to avoid significant impacts and relies on offsets.

To compensate, the BDAR stipulates:

- 23 ecosystem credits to offset clearing of PCT 3592 (1.2 ha of vegetation)
- Substantial species credits for each threatened flora and fauna species and TEC affected

Crucially, all assumptions rely on strict implementation of mitigation actions such as vegetation retention protocols. Any deviation would increase the project's ecological footprint. Of particular importance is the 'Landscape Context' of the development as even patches of moderate-quality vegetation adjacent to protected land play vital ecological roles:

- They provide edge habitat, foraging corridors, and stepping-stone connectivity, supporting the ecological resilience of Lane Cove National Park.
- Offsets implemented elsewhere cannot replicate the unique benefits of spatial proximity and the local ecosystem services provided by the on-site vegetation.

Suggested Actions

We urge the Department to:

- Require a reduction or realignment of the development footprint. In particular the building associated with stand by power generation which is currently intended to be located south of the proposed road must be relocated within the footprint of the main buildings, north of the proposed new road.
- To protect all areas of higher-quality PCT 3592 and to require the further investigation of the presence of PCT 1235 and PCT 1064
- Secure contributions towards long term (10-20 years) on-site habitat enhancement (such as buffer planting and weed management) in addition to off-site offsets.
- Implement long-term biodiversity monitoring—beyond offset delivery—to ensure ongoing effectiveness of compensation and enable adaptive management as needed.
- Acknowledge in the Final EIS that the direct removal of strategically located native vegetation cannot be fully offset, even with mitigation measures.
- Ensure that all 'protected areas' are in fact protected throughout the building process and perpetuity.

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Conclusion

While the BDAR might technically meets NSW thresholds, its narrative framing understates the ecological significance of the intact PCT 3592 patches and completely misses the other important PCTs identified in this submission. We respectfully ask that decision-makers recognize the irreplaceable nature of these buffer zones and request meaningful changes to protect both biodiversity and the connected integrity of Lane Cove National Park.

Thank you for your consideration. We remain ready to provide any additional information or support.

Tony Butteriss,

President Friends of Lane Cove NP.

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