

Lot 5, 64 Blackbutt Lane, Broken Head, NSW 2481

17 November 2023

**The Hon. Tanya Plibersek
Minister for the Environment**

Request to protect foraging habitat of the Vulnerable Grey-headed Flying-fox (as listed under the *EPBC Act 1999*) proposed to be destroyed for a residential development at 15 Torakina Road, Brunswick Heads, NSW (Byron Shire DA No 10.2021.575.1)

Dear Minister

I am writing to you in relation to the proposed permanent destruction of approximately 5ha of foraging habitat of the Vulnerable Grey-headed Flying-fox *Pteropus poliocephalus* (as listed under the *EPBC Act 1999*) in a proposed development site at 15 Torakina Road, Brunswick Heads in Byron Shire, NSW.

I have a long experience with this site, having undertaken fauna survey work there in 1998 as part of a flora and fauna study of Byron Shire (Landmark *et al.* 1999). I was also involved in my previous capacity as ecologist with Byron Shire Council (2005-2008) in an attempt to modify and curtail the damaging tractor-slashing that was being regularly applied to the site (copy of my Council file note attached).

I also made a submission in 2011 to the concept plan for the site, which constitutes part of the current development proposal (a copy also attached).

The Grey-headed Flying-fox appears to be permanently dependent on the subject site as a foraging resource because it has been recorded by all environmental assessments to date (e.g. AWC Woodward-Clyde 1966, James Warren and Associates 2011, Australian Wetlands Consulting 2023). The site is also only approximately 6km from two established Grey-headed Flying-fox roost sites or camps at Marshall's Creek and Mullumbimby, and 3km from a previously used roost site at Ocean Shores. The species was also present on the site when I was undertaking surveys there in 1998 (Landmark *et al.* 1999).

The Grey-headed Flying-fox's primary nectar-bearing food trees and shrubs on the site are Broad-leaved Paperbark *Melaleuca quinquenervia*, Wallum Banksia *Banksia aemula* and Swamp Mahogany *Eucalyptus robusta*. These plant species flower between April and August in Byron Shire (Milledge 1991) and provide an important food source for flying-foxes from local roosts during these months. The residential development will remove approximately 5ha of plant communities where Broad-leaved Paperbark, Wallum Banksia and Swamp Mahogany are dominant, co-dominant or sub-dominant in the upper storey (Australian Wetlands Consulting

2023) and this loss will clearly result in a substantial reduction in nectar at a time when other flying-fox food resources are scarce.

It is apparent that there has also been an on-going loss of potential Grey-headed Flying-fox food resource in the site through the prevention of the regeneration of relevant plant species in the area of former forest and heathland, which has been subjected to the regular tractor-slashing regime.

The assessments of the potential impact from the development on the Grey-headed Flying-fox (James Warren and Associates 2011, Australian Wetlands Consultancy 2022) have been inadequate, erroneous and misleading. The James Warren and Associates (2011) report, provided as the ecological basis for the 2011 concept plan, first stated that the Grey-headed Flying-fox had been recorded in the site but then claimed that species had not, and that the development would not result in any habitat loss. Any significant effect on the species was then dismissed because of a stated lack of any roosts within the site. The Australian Wetlands Consultancy (2022) BDAR acknowledged a loss of foraging habitat but made not attempt to assess the significance of this.

There has been no attempt either to address the cumulative loss of Grey-headed Flying-fox foraging habitat as a result of the subject development and other developments that have occurred in the area in the recent past, particularly in relation to the food requirements of flying-foxes that occupy roost sites within 10-20km of the development site. This has now become critical due to the temporary loss of foraging habitat from recent wildfires in the adjacent Tyagarah Nature Reserve.

As a result of the failure to adequately assess the effect of this development on the Grey-headed Flying-fox, a crucially important keystone species on the New South Wales north coast, I request that you ensure that the important areas of the species' flowering tree and shrub food resource in the site, together with linking areas currently being slashed, are considered and protected under any referral of impacts made to your Department.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Milledge', with a stylized flourish at the end.

David Milledge

References

AGC Woodward-Clyde. 1996. Fauna Impact Statement. Mixed Density Urban Residential Development, Bayside Brunswick, Brunswick Heads. Unpubl. report. AGC Woodward-Clyde, Alstonville, NSW.

James Warren and Associates. 2011. Amended Ecological Assessment. Volume 1. Lot 73 DP 851902. Bayside Way. Brunswick Heads. Unpubl. report to Codlea Pty Ltd. James Warren and Associates, Ballina, NSW.

Australian Wetlands Consulting. 2022. Wallum Estate. Lot 13 DP 1251383, Torakina Road, Brunswick Heads. Biodiversity Development Assessment Report. Australian Wetlands Consulting, Bangalow, NSW,

Landmark Ecological Services, Ecograph and Terrafocus. 1999. Byron flora and fauna study 1999. Report to Byron Shire Council. Landmark Ecological Services Pty Ltd, Ecograph Ecological and GIS Consultants and Terrafocus Pty Ltd, Suffolk Park, Limpinwood and Mullumbimby, NSW.

Milledge, D. 1991. A survey of the terrestrial vertebrates of coastal Byron Shire. *Aust. Zool.* 27: 66-90.