

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

12 November 2023

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

Request to require surveys for the Vulnerable Long-nosed Potoroo (as listed under the *EPBC Act 1999*) in relation to a development proposal 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 likely occurrence of the Vulnerable Long-nosed Potoroo *Potorous tridactylus tridactylus* (as listed under the *EPBC Act 1999*) in a proposed development site at 15 Torakina Road, Brunswick Heads in Byron Shire, NSW.

I am an expert on the Long-nosed Potoroo in NSW and have been engaged in studies of the species in northern NSW since 1985. I was recently a member of a Long-nosed Potoroo working group convened for the Commonwealth by the Victorian Department of Environment, Land, Water and Planning and have co-authored a number of scientific papers on the species.

I previously wrote to you on 23 October 2023 requesting that your Department refer the above development proposal as a controlled action under the *EPBC Act 1999* and supplied two relevant papers in support of this request.

I am particularly concerned that this species has not been adequately considered in assessments of the site's ecological values and of the likely impacts of the proposed development, despite documented past evidence of its occurrence in and adjoining the site and further recent observations. It has also not been considered in any of the on-site mitigation measures or in the provision of offsets to compensate for the potential impacts of the development.

None of the early site ecological assessments adequately surveyed for or considered the Long-nosed Potoroo (Woodward-Clyde 1996, James Warren and Associates 2008-2009) and the current assessment (Australian Wetland Consulting 2022) has also not undertaken an acceptable survey or assessment of its likely occurrence or of potential impacts on the species.

Surveys for the Long-nosed Potoroo carried-out on the site by Australian Wetland Consulting in 2021 only employed two motion-detection cameras for 14 nights,

representing completely inadequate survey effort and coverage. The limiting of surveys to February was also inappropriate for detecting the species.

Australian Wetland Consulting surveys undertaken in 2022, employing 10 cameras set over 30 nights during February-March achieved more extensive site coverage, although most cameras were not placed in locations that sampled suitable habitat. In addition, surveys were limited to February-March, an inappropriate period again, and much of the site flooded at this time, probably making surveys ineffective.

Further, the Australian Wetlands Consulting 2022 report did not refer to the records of Long-nosed Potoroos from the site reported to the NSW Department of Planning in August 2006 (Milledge 2011). Very recently observations of potoroo diggings and possible movement tunnels through dense ground vegetation on the site have been reported by local residents.

As referred to in my earlier letter, the likely presence of Long-nosed Potoroos on and adjacent to the site would have particular significance as a potential source area for recolonisation of the Tyagarah Nature Reserve, which previously supported a population of the species (Milledge *et al.* 2021) and has just been extensively burnt by wildfire.

As a consequence of the above, as part of any referral considerations I request that you require comprehensive surveys employing acceptable survey methods be undertaken for the Long-nosed Potoroo on and adjoining the site before any progression of the referral process.

Yours sincerely



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.

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

Milledge, D. 2011. Submission in relation to Major projects (part 3A, EPA Act) – Concept Plan MP 05_0091, Residential Subdivision, Lot 1 DP 871039, Bayside Road, Brunswick Heads. Unpubl. submission. David Milledge, Suffolk Park, NSW.

Milledge, D., Graham, N. and Smith, J. 2021. The decline and likely loss of a population of the Northern Long-nosed Potoroo *Potorous tridactylus tridactylus* in Tyagarah Nature Reserve on the New South Wales Far North Coast. *Australian Zoologist* 42: 95-110.