

The Hon Tanya Plibersek
PO Box 2676
Strawberry Hills NSW 2012
Minister.Plibersek@dcceew.gov.au

Dear Ms Plibersek,

Re: Impact on Matter of National Environmental Significance – koala – relating to “Wallum Brunswick Heads” development at 15 Torakina Road, Brunswick Heads, NSW.

I am writing to emphasise the likelihood of the proposed development having a significant impact on the endangered koala and its habitat.

I am a threatened species ecologist with over 20 years of experience working mainly in the Northern Rivers area. My expertise particularly relates to the monitoring and management of koalas. I have worked in the private and public sector, including on the preparation and assessment of development applications. I conducted the baseline koala surveys that formed the basis for the Byron and Tweed Coast Comprehensive Koala Plans of Management and am a co-author of the latter. I am a member of the Northern Rivers Regional Koala Network, the NSW Government’s Northern Rivers Regional Koala Partnership and sit on the National Koala Recovery Team Community Advisory Committee.

It is my understanding that approximately 4.5 hectares of koala habitat is to be removed under the current proposal, consisting of coastal swamp forests, woodland and wallum heathlands, much of which is of considerable age and thus habitat value not only to koalas but many other threatened and locally-important species. These are some of the most over-cleared and poorly protected vegetation types in eastern Australia. Habitat removal is the most well-known threat to the survival of the endangered koala, and in particular, clearing of existing and well-established habitat is contradictory to the following local, State and Commonwealth environmental legislative instruments and conservation planning documents (amongst many others).

- The intent of the *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* and other Commonwealth initiatives, being to protect and conserve nationally important environment matters.
- the Australian Government’s Conservation Advice for Koala, which lists habitat clearing at the highest risk category of threats to koalas [1]. Every other threat (eg climate change effects, increased bushfire, dog and car mortality) considered in that document is also occurring within the Northern Rivers coastal koala populations such that each compounds on the effects of the other.
- Part of the goal of the National Recovery Plan for the Koala, being “...to increase the extent, quality and connectivity of habitat occupied” [2].
- The management objectives of the Byron Coast Koala Plan of Management, being “to increase the area and quality of koala habitat, and to ensure new development... minimises the impacts on koalas and their habitat” [3]
- The aims and management intent of the Northern Rivers Regional Koala Conservation Strategy, being to halt any overall decline in the size and distribution of the current regional koala population, protect existing habitat and prevent habitat clearing [4].
- The aims and development control provisions of *NSW State Environmental Planning Policy (Biodiversity and Conservation) 2021*, being to protect the biodiversity values of trees and other

vegetation, and to control development that is likely to have a higher level of impact on koalas or koala habitat.

In 2022 the koala was listed as endangered in NSW under the *Biodiversity Conservation Act 2016*. The determination finds that the koala “...is facing a very high risk of extinction in the near future...” due to a large reduction in population size due to a decline in its geographic distribution and habitat quality [5]. In February 2022, the koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) was listed as endangered under the *EPBC Act 1999*. It is the responsibility of the Australian Government to protect this iconic species, a task that the recent independent review of the Act showed that the Commonwealth and its environment legislation is doing poorly [6].

The recently updated referral guidance for the koala states that removal of habitat areas as small as one hectare and disturbing any land that provides for movement between patches of habitat is to be considered as potential for significant impact [7].

It is my opinion that the following significant impact criteria relating to Matters of National Environmental Significance (MNES) are relevant [8]:

- **Adversely affect habitat critical to the survival of the species.** The extent of clearing and fragmentation on the Northern Rivers coast is such that **all** koala habitat, whether or not it is currently occupied by koalas, is critical to the survival of the population. All available habitat must be maintained and protected such that koala populations have the opportunity to disperse to and recolonise currently unoccupied areas as they recover to viable population size. Once recovery is achieved, yet further unoccupied habitat is required in order to facilitate a shifting population in response to stochastic events (eg bushfire), climate change impacts and koala social structures.
Recent work shows that koalas in this area comprise part of one of five genetically distinct groups of koalas, and are highly genetically diverse compared with other groups in the country [9]. Maintaining this genetic diversity is critical to the survival of the koala nationally.
- **Modify, destroy, remove, isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline.** In an already highly fragmented landscape, the proposed development will reduce the availability of habitat through removal of mature primary koala food trees and inserting urban landscape in a currently relatively koala-friendly landscape. The quality of retained habitat will inevitably be reduced by its increased proximity to urban development and the in-perpetuity pressures that this introduces, including increased visitation by residents, increased weed and feral animal invasion and the current connectivity across existing cleared areas of the site between habitat patches will be removed by new residential development.
- **Interfere with the recovery of the species.** Every currently identified threat to the recovery of the koala is currently operating on the koala population in the area. Removal of available habitat, removal of functional connectivity and increasing the threats of dog and vehicle related mortality are in direct conflict with the actions required to recover the species.

Tens of millions of dollars of public funds are being invested by all levels of government, along with significant cash and in-kind contributions, given in good faith, by not-for-profit organisations, volunteers and the general public, in the Northern Rivers and across Australia on recovery actions and in stakeholder partnership initiatives.

Continuing approval of urban developments and other activities that remove koala habitat jeopardise and undermine these actions, partnerships, and goodwill, and continue to compromise the recovery of the species.

I strongly request that the development be considered as a controlled action under the Environment Protection and Biodiversity Conservation Act 1999, if the applicant does not refer the project themselves, and that the development is not granted approval in its current form.

Please do not hesitate to contact me if you require further information.

Yours sincerely

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20 November 2023

[1] Australian Government Department of Agriculture, Water and the Environment. 2022. *Conservation Advice for Phascolarctos cinereus (Koala) combined populations of Queensland, New South Wales and the Australian Capital Territory*.

[2] Australian Government Department of Agriculture, Water and the Environment. 2022. *National Recovery plan for the Koala: Phascolarctos cinereus (combined populations of Queensland, New South Wales and the Australian Capital Territory)*. Department of Agriculture, Water and the Environment, Canberra. March 2022. <https://www.dcceew.gov.au/sites/default/files/documents/recovery-plan-koala-2022.pdf>

[3] Byron Shire Council. 2015. *Byron Coast Comprehensive Koala Plan of Management*. Byron Shire Council, Mullumbimby, NSW. <https://www.byron.nsw.gov.au/files/assets/public/hptrim/environmental-management-planning-byron-coast-koala-plan-of-management/byron-coast-comprehensive-koala-plan-of-management-adopted-res-16-435-and-approved-under-state-environmental-planning-policy-sepp-koala-habitat-protection-2021-part-4-clause-19-commenced-17-march-2021.pdf>

[4] Earthscapes Consulting. 2023. *Northern Rivers Regional Koala Conservation Strategy*. https://friendsofthekoala.org/wp-content/uploads/Northern-Rivers-Regional-Koala-Conservation-Strategy_final.pdf

[5] NSW Threatened Species Scientific Committee. 2022. Notice and reasons for the Final Determination. <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Scientific-Committee/Determinations/final-determination-phascolarctos-cinereus-endangered-species.pdf?la=en&hash=005D26A4C7215AF7CF913ADE39FCC02F0E211089>

[6] Samuel, G. 2020. *Independent Review of the EPBC Act – Final Report*. Department of Agriculture, Water and the Environment, Canberra, October 2020.

[7] <https://www.dcceew.gov.au/environment/biodiversity/threatened/publications/referral-guidelines-endangered-koala>

[8] Australian Government Department of the Environment. 2013. *Matters of National Environmental Significance. Significant impact guidelines 1.1 Environment Protection and Biodiversity Conservation Act 1999*.

[9] Lott, M. J., Wright, B. R., Neaves, L. E., Frankham, G. J., Dennison, S., Eldridge, M. D. B., Potter, S., Alquezar-Planas, D. E., Hogg, C. J., Belov, K., & Johnson, R. N. 2022. Future-proofing the koala: Synergising genomic and environmental data for effective species management. *Molecular Ecology*, 31, 3035–3055. <https://doi.org/10.1111/mec.16446>