



## **CLARENCE ENVIRONMENT CENTRE Inc**

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### **Referrals section**

**Federal Department of the Environment and Energy**

[epbc.referrals@environment.gov.au](mailto:epbc.referrals@environment.gov.au)

Dear assessment team

**“Reference No 2017/8003 STEVENS HOLDING PTY LIMITED”  
(Hickey Street urban housing development, Iluka, NSW)**

### **Introduction**

The Clarence Environment Centre (CEC) has maintained a shop-front in Grafton for over 27 years, and has a proud history of environmental advocacy. The conservation of Australia's natural environment, both terrestrial and marine, has always been a priority for our members, and we believe the maintenance of healthy ecosystems and biodiversity is of paramount importance. To that end we are again making this submission requesting the above development be called in as a Controlled Action..

### **Foreword**

Iluka is a small coastal village with about 950 occupied dwellings housing around 1,700 people, and has limited opportunities for employment, with few public facilities. Its isolated location requires residents to undertake a 150km round trip to travel to the nearest regional centre in Grafton, where many residents commute for employment, specialist medical treatment, and the many essential services that only regional centres provide. It is a 60km round trip to the nearest high school or hospital at Maclean, and all of which is hampered by an almost total lack of public transport.

The village area is completely surrounded by the Clarence River, and National Parks, including renowned World Heritage Littoral Rainforest, the largest of the few remaining remnants in Australia, part of the coastal group of listed [Gondwana Rainforests of Australia](#), inscribed in 1986.

The reserve was added to the Australian National Heritage List in 2007, and contains many different plant species ranging from coastal dune to tropical rainforest species, and provides habitat for a wide range of native animal species including matters of national significance such as the threatened Koala, Spotted-tailed Quoll, Grey-headed Flying-fox, Scented Acronychia (*Acronychia littoralis*), all of which have been recorded on or in close proximity to the subject site.

The proposed development will cause the direct loss of some 15 hectares of native forest vegetation, which the DA's authors admit supports those threatened species. Not only that, but it will sever a crucial east-west wildlife movement corridor that currently lies wedged between urban residential areas to the south and a golf course to the north. We believe the loss of that habitat and connectivity, and its replacement with 141 residential blocks containing between 350 to 450 residents, some 300 motor vehicles, and many hundreds of dogs and cats, will pose a serious threat to all native wildlife.

## Impacts on matters of national significance listed under the EPBC Act

The Clarence Environment Centre has identified the following matters of **National Environmental Significance** that trigger the need for Commonwealth Assessment and Approval. they are:

1. World Heritage properties;
2. Nationally threatened species and communities;
3. Migratory species.

**NOTE: The DA for the above development acknowledges the occurrence of almost all the following matters of national environmental significance. However, we strongly challenge the DA's repeated cut and paste assessment that the development, "is not considered likely to result in a significant adverse impact, given the extent of this vegetation within the immediate vicinity, much of which is reserved. Therefore, a Species Impact Statement is not required."**

## Impacted matters of National Environmental Significance

### World Heritage Area

The IUCN (the International Union for the Conservation of Nature) has expressed concerns regarding the high impacts of adjacent land-use on the outstanding universal values of the Gondwana Rainforests World Heritage Areas. **The one specific issue** mentioned in their outlook, published in 2014 (but based on an assessment conducted in 2012), was in direct relation to the Iluka Nature Reserve.

See [http://www.worldheritageoutlook.iucn.org/search-sites/-/wdpaid/en/12202?p\\_p\\_auth=2MV0kDQ8](http://www.worldheritageoutlook.iucn.org/search-sites/-/wdpaid/en/12202?p_p_auth=2MV0kDQ8)

The current threats to the World Heritage area (listed in the Full assessment, under Threats, and then Current Threats) include the following:

#### ***Housing/Urban Areas - High Threat***

***“Incompatible land-use on adjoining properties and pressure for residential and tourist development due to increasing urbanization and population pose a high threat. Diversity in local government zoning policies creates a potential for inconsistent planning (Periodic Report, 2003)”.***

The IUCN is clearly concerned at urban encroachment, but is probably unaware that recent legislative requirements in NSW actually require public land managers, including the National Parks and Wildlife Service, to develop “Strategic Fire Management Plans” where their land abuts residential areas. This results in regular hazard reduction, either by too frequent burning, mechanical slashing, or both, and is an emerging threat to all forest types, exacerbating the threats, particularly in National Parks which are supposedly created to protect those natural assets.

In the case of the Hickey Street development, it will mean changes to the management of the vegetation in the adjoining nature reserve, national park, and world heritage area, that immediately adjoin the eastern edge of the site. Therefore we assert that that immediate area will be impacted by 3 Key Threatening Processes as a direct result of the proposed development:- a range of “edge effects”, and the mandatory hazard reduction that will involve “too frequent fire”, and/or “clearing of native vegetation”.

However, the DA fails to even mention the World Heritage forests on its doorstep. This is despite the IUCN's stated concerns, and the numerous submissions to two earlier DAs submitted by the proponent, most of which conveyed concerns over the potential impacts on the World Heritage site.

In conclusion, we strongly believe the proposed development so close to the nationally protected area will result in diminished values of that world heritage rainforest.

## Nationally Threatened Species and Communities

### 1. Koala (Vulnerable EPBC) *Phascolarctos cinereus*

The Office of Environment and Heritage lists “*Threats For This Species*” which include:

- *Vehicle strike*
- *Loss, modification and fragmentation of habitat*
- *Predation by roaming or domestic dogs*
- *Poor understanding of population distribution and trend*
- *Poor understanding of animal movements and use of habitat*”

We will show that the proposed development will add significantly to loss of habitat, and increase in vehicle strike and dog attack, while showing that the DA confirms there is a poor understanding of Koala movement and population trends.

We note that assertions made in the two earlier DAs that the image of a Koala captured on camera walking on the ground, indicated the animals did not use the canopy, and moved across the site on foot using a north-south corridor, has been dropped. In its place we have an admission that: “*The Koala is known to occur on site, but the population is small*”, inferring that because there are now so few Koalas, there will still be enough foraging habitat left to feed them after the 15ha of native forest is removed for the development.

Koala numbers have dwindled in the Iluka peninsular due to a combination of factors including habitat loss, vehicle strike, dog attack and stress-induced diseases. This alone should ensure no approval is granted to allow further clearing of habitat for a development which will add hundreds more cars, and dogs, and subsequently, added stress to the remaining Koalas.

Another earlier suggestion that fences within the development should be designed in such a way as to ensure free movement for Koalas travelling to habitat on the other side of the development, has also been dropped. This DA suggests fences will be Koala proof to ensure the animals don't enter yards where dogs are penned. While we were highly critical of the previous 'fenceless' plan which would have resulted in dog attacks on Koalas. Koala-proof fences will ensure Koalas will have to use the streets, dodging traffic to get cross the area. In any event, we have doubts that a developer can dictate the type of fencing used.

#### **Recent confirmed Koala sightings near the DA site include:**

5/1/17. On a power pole in Elizabeth St, some 250 metres from the subject.

10/2/17, 16/4/17, 19/4/17 on private property in Elizabeth St, including a young Koala photographed clinging to the side of a house. again close to the subject site

10/02/17 a sighting the animal was situated in a Paperbark tree (*Melaleuca quinquenervia*), a known feed tree.

16/04/17 sighting of a Koala in a Cypress Pine (*Callitris columellaris*) and

19/04/17 sighting of a Koala in Pink Bloodwood (*Corymbia intermedia*).

In conclusion, we believe the severing of the east-west movement corridor will have a serious negative impact on the local Koala population that has been in decline for more than 20 years, and has already become locally extinct in the neighbouring Woombah area, and nearby Bundjalung National Park during that time.

### 2. Spotted-tailed Quoll (Endangered EPBC) *Dasyurus maculatus*

There is a 2004 Bionet Wildlife Atlas record for Quoll, sited across Iluka Road to the east of the subject site, less than four hundred metres from the site and, according to the DA, “*16 records from the broader study area*”.

Again the Office of Environment and Heritage website identifies that: *“This species is subject to threatening processes that generally act at the landscape scale (eg habitat loss or degradation)”*.

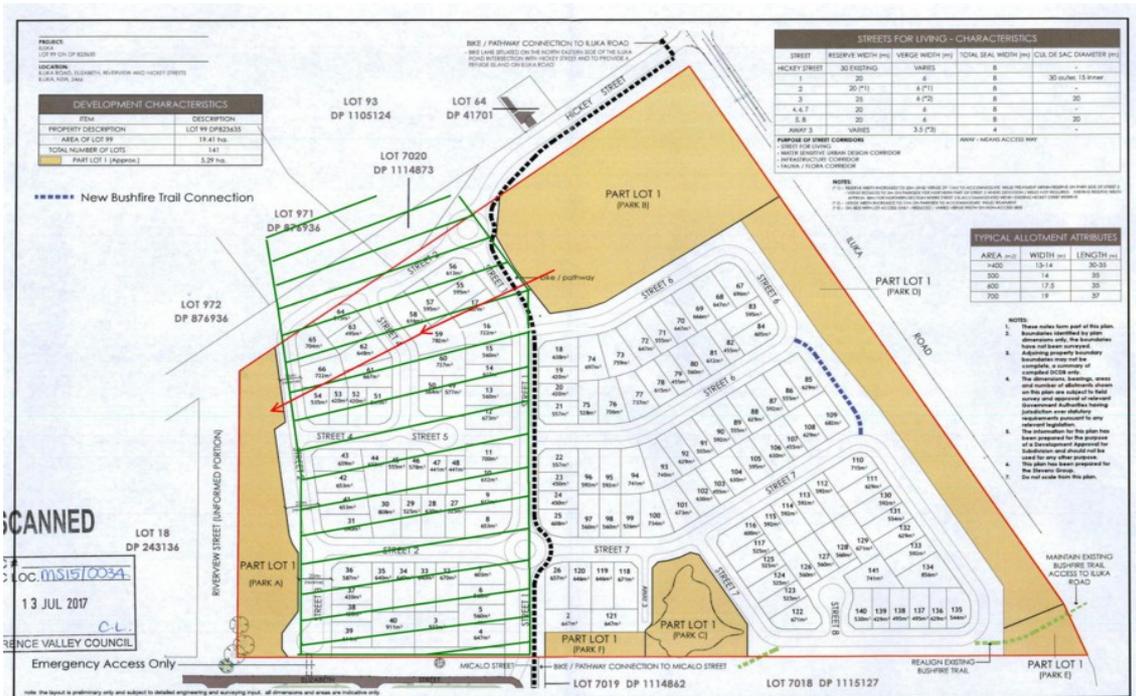
The DA acknowledges that *“Spotted-tailed Quolls require large areas of relatively intact vegetation for foraging (NSW NPWS 1999)17 and is an opportunistic hunter and scavenger.”*

Then, with absolutely no evidence provided to support the claim, the DA states: *“The Spotted-tailed Quoll is unlikely to occur”*, going on to state, *“but if so, is most likely to use the site as a movement corridor”*. With Quolls known to occur in the area, and ranging significant distances for foraging, the latter comment is an unavoidable conclusion; in fact it would be unthinkable that they would not be using this last remaining vegetated corridor from one side of the peninsular to the other.

The fact that the proposed development will sever that movement corridor, shows it will have a negative impact on any Quolls in the area.

However, the DA concludes *“The habitat to be removed is not of high quality for this species, being simplified with few hollows, little felled timber, no rocky outcrops and few prey species. Together with the small-scale clearing in the context of the home ranges occupied by this species makes the proposal unlikely to place a local population at risk of extinction. Moreover, the habitat on site is most likely used as a movement corridor and this feature of the site will remain essentially unchanged.”*

The underlined portion of the above quote is a patent falsehood. With an 18 hole golf club bordering the north-western boundary, and an extensive urban landscape to the south, the green hatching on the map below clearly shows the extent of the gap in the corridor that will result from the development. The red arrow indicating the narrowest point is more than 200m in width.



We note the further claim that: *“The proposed clearing will remove approximately 13.96 hectares of vegetation, most of which is probably unsuitable for this species.”* *“Probably unsuitable”*? This admission of ignorance, about what is or is not suitable Quall habitat, is an inadequate response, therefore we assert the removal of such a large area of the acknowledged movement corridor will have an unacceptable impact on the Quoll, along with the hundreds of other fauna species currently utilising that corridor.

### **3. Grey-headed Flying-fox (Vulnerable EPBC) *Pteropus poliocephalus***

With a flying Fox colony, supporting the Grey-headed species, only a few hundred metres away, the subject site is utilised by this threatened species.

It was surprising therefore to undertake a 'word search' of the DA, and discover that no mention is made of this threatened species whatsoever.

Perhaps we are missing something, but the Grey-headed Flying Fox has been declared a vulnerable species under the EPBC Act, which indicates that if the current declines are not reversed, the species will become extinct.

The identified threats to the species includes “*Loss of roosting and foraging sites*”. With moves currently under way by Clarence Valley Council to “relocate” the nearby Maclean Flying-fox colony, it stands to reason that the Iluka population is likely to increase significantly. Therefore, the proposed removal of some 15 hectares of the species' foraging habitat will have a considerable impact on the species at a local level, and the DA should be rejected.

### **4. Scented Acronychia (Endangered EPBC) *Acronychia littoralis***

A small sub-population of *Acronychia littoralis* consisting of some 30 stems is located on the eastern (Iluka Rd) side of the subject site. A 2012 letter from Royal Botanic Gardens confirms their identity. A Bionet Wildlife Atlas recording from 2006 also correctly shows their position on the subject site.

We make these points because, despite being given precise location details the applicant's consultant (Keystone Ecological Pty Ltd) has to date failed to fully acknowledge their occurrence. Their ecologist originally claimed the plants were the common *Acronychia oblongifolia*, and then suggested (in the second DA) that there was “*tantalizing evidence to suggest that this specimen (the one held at the Sydney Herbarium) may have been collected from the Landcare works area*” across the road, just some of the tactics used to cast doubt on the identification of those trees.

In an attempt to appease the concerns of opponents, Council, and the Office of Environment and Heritage (OEH), the development has now been redesigned to allow a 30m wide forested buffer along Iluka Road to protect them.

The proponent's acceptance that this species 'may' in fact occur on the site, and not some sort of conspiracy, is welcomed. However, we believe the retention of a 30m wide forested strip along Iluka Road is an inadequate response, as the clearing of the large tract of adjacent forest for a large residential subdivision, will have a significant adverse impact on these trees. Not only will it eliminate any chance of the population expanding, but the resultant impacts from 'edge effects' and disturbance will result in the ultimate demise of the species at that location.

The OEH has identified that “*This species requires site-based management in order to secure it from extinction in NSW for 100 years*”. They further recommend that to assist this species to survive, activities should include:

- *Protect areas of known habitat from disturbance*
- *Protect remaining areas of habitat from clearing and development*
- *Control weeds in areas of known habitat*”

It is our belief that none of this can be guaranteed if the development is allowed to proceed, therefore it is our opinion that the DA should be rejected if the species is to survive in the area.

## 5. Littoral Rainforest (Critically Endangered Ecological Community EPBC)

Recovering Littoral Rainforest patches have been identified as occurring in the western, northern and eastern sections of the DA site (Dr Mark Fitzgerald, 2005). This is acknowledged in the DA which adds that: *“Based on a further site inspection and review of some of the studies referenced in the submissions, it is believed that at least the north-eastern section of vegetation meets the criteria for littoral rainforest.”*

This latest comment appears to infer that the consultant disagrees with Fitzgerald and others in regard to the community's occurrence elsewhere on the site, thus supporting the proponent's decision to designate some 3 hectares as a park B in the north-eastern corner of the subject site. This brings back memories of the words from the old protest song (Big yellow taxi?) - *“Take all the trees and put them in a tree museum, and charge all the people a dollar and a half just to see them. Pave paradise and put up a parking lot!*). The project is proposing a similar act to offset the destruction of 10 hectares of endangered Coastal Cypress Pine community (TSC Act), by protecting 0.49 hectares of that community in Park C on the southern boundary.

Protecting small patches of threatened communities, or populations is ineffective as it always fails to allow for the natural generation and expansion of those communities.

The Office of Environment and Heritage (OEH), when assessing the occurrence of littoral rainforest at the subject site, made the following comments. ***The OEH observed several small stands of regenerating rainforest vegetation with closed canopy along the western, northern and eastern boundaries of the subject site. It is stated in the Flora and Fauna Impact Assessment (FFIA) that no parts of the vegetation on the subject site had a closed forest structure. However, the OEH considers that the sampling methodology applied in the FFIA may have been too coarse to have accurately assessed the density of canopy cover within the small pockets of regenerating rainforest vegetation. It should be noted that viable stands of littoral rainforest can be as small as 0.1 hectares. Furthermore, the regenerating littoral rainforest patches on the subject site are likely to be viable given that the site is not isolated in terms of genetic exchange with relatively large remnants of littoral rainforest within the nearby Iluka Nature Reserve.”***

therefor we do not agree that the conservation of a small portion of Littoral Rainforest is an adequate response to the proposed destruction of other regenerating patches of that community.

### Migratory species

#### White-throated Needletail *Hirundapus caudacutus*

The FFIA in *“Appendix2: Fauna Details”* notes with regards to this species ***“Suitable potential habitat on site”, “Observed flying overhead during fauna surveys. Low likelihood to use terrestrial habitats of the subject site”*** and ***“Further impact assessment required”***.

We believe the above comment *“Suitable potential habitat on site”* indicates a lack of understanding of this species by the consultant, as these birds seldom roost, eating, drinking, sleeping, and possibly even mating on the wing, and only breaking that routine when nesting during the breeding season in the northern hemisphere.

The very fact that the birds were observed above the site indicates that there is suitable insect-generating habitat below. In fact these birds are known to brush against foliage to force insects to take flight so making it easier to feed off them. Therefore we cannot accept the above assertion that there is a *“low likelihood to use terrestrial habitats”*, as a justification for claiming there will be no significant impact.

### **Rainbow Bee-eater - *Merops ornatus***

The Flora and Fauna Impact Assessment for the DA acknowledges that the Rainbow Bee-eater “*was observed foraging and nesting on site.*” with the assessment that: “**Further impact assessment required.**” However, we could find no such assessment in the current DA.

With the species known to nest on site, it is clear that approval for the project should be sought from the Federal Environment Minister.

### **Superb Fruit-dove - *Ptilinopus superbus***

The DA reports that “*A call of this species was heard during survey of the western end of the subject lot in 2015.* Despite this, the author goes to some length to explain that the habitat to be removed for the development is marginal, and that the bird “*was most likely in the moist forest to be retained in Park A.*”

It is significant that OEH's management stream for this species shown in full in the DA on page 25 of the Addendum Assessment, shows the number one aim in the effort to recover the species is to:

1. “*Liaise with relevant landholders and managers to protect, rehabilitate, enlarge and reconnect habitat*”. Yet here we have a proposal to completely '**disconnect**' prime habitat on either side of the subject site.

Therefore, we strongly believe the impacts of the proposed subdivision on the Superb Fruit Dove should be adequately assessed under both sets of legislation.

The Clarence Environment Centre thanks the Minister for the opportunity to comment on this referral, and urge the Department to recommend the DA be called in as a controlled action.

Yours sincerely

John Edwards  
Honorary Secretary.