



## **CLARENCE ENVIRONMENT CENTRE**

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# **SUBMISSION**

To

**DA SUB2005/5006  
Proposed Subdivision of  
Lot 30 in DP 851051 & Lot 1 DP 1165677  
Moonbiana Drive, Waterview Heights**

**Compiled by John Edwards  
Hon Secretary  
Clarence Environment Centre  
14<sup>th</sup> December 2011**

## Preamble

The Clarence Environment Centre has maintained a shop front in Grafton/South Grafton for 22 years and has a proud record of environmental advocacy, particularly against inappropriate development.

The Waterview development proposal, off Moonbiana Drive, was previously placed on exhibition towards the end of 2010, and the Clarence Environment Centre made a submission opposing the proposal at that time mainly on the grounds that it would impact adversely on the local Koala population. However, of even greater concern is rural residential development generally, which is arguably the most environmentally destructive of all residential categories.

## Summary

While acknowledging concessions to protect native vegetation at the south and west of the proposed Moonbiana development property, we still believe further design changes should be made given the critical importance of forest cover for the local Koala population.

### Recommendation 1.

Specifically, we believe the relatively heavy vegetation cover at the north-eastern corner should be protected, with Lots 15, 16, 17, and 18, possibly condensed down to 2 portions to allow retention of native vegetation. Lots 20, 21, 22, and 23, should likewise be reduce to 2 lots for the same reason.

No flora and fauna assessment was included with the exhibited documents although, from references in the Koala Plan of Management, a flora and fauna assessment was apparently done. We are becoming increasingly critical of Council in this regard.

We also believe the flora survey, that reportedly identified a mere 54 species, including 12 exotics, was clearly deficient. The Clarence Environment Centre, through its Land for Wildlife property assessments, would expect to find double that number.

We also have concerns at differing identifications of Spotted Gums, including one reference in the Koala Plan of Management to *Corymbia maculata*, a Spotted Gum species that occurs south of the Manning River. Likewise a reference to wetland community containing an *Eleocharis* "species". Any failure to fully identify plants would be a concern as there is at least one *Eleocharis* species, *Eleocharis tetraquetra*. that is listed as threatened.

### Recommendation 2.

That a thorough flora and fauna survey be undertaken, including a target survey for threatened species that are known to occur locally. For example *Geodorum terestree*, and *Centranthera cochinchinensis* are just two threatened species that are known to occur in open woodland habitat similar to the project site, having both been recorded at Corymbia State Conservation Area to the north, and at Chambigne to the south.

We believe the Koala Plan of Management greatly understates the value and importance of the local Koala population. It is in fact the healthiest population remaining in the Clarence Valley (details below). One claim we do agree with, is the statement (page 19) that "*some loss of preferred Koala food trees is unavoidable*". Therefore, we strongly believe that the mitigation proposals for Koalas could be further strengthened.

### Recommendation 3.

We strongly disagree with the claim (page 21) that: "*limiting the movement of dogs between dusk and dawn is the single most effective way of ensuring that dogs and Koalas do not come in contact.*" The best way of avoiding dog attack is to ensure that dogs are excluded entirely. **The subdivision should be declared dog and cat free.**

#### **Recommendation 4.**

Suggestions like the placing of rope in swimming pools to allow Koalas the means of escape are totally impractical and impossible to police. Proper Koala-proof pool fencing around swimming pools should be required.

#### **Recommendation 5.**

We question the need for boundary fences. This is not a subdivision that will support livestock, and if dogs are excluded, which they should be, fences would not be necessary. In the event that fences are allowed, **barbed wire should be banned.**

#### **Recommendation 6.**

Supplementary plantings of Koala food trees should be mandatory, with any dead seedlings to be replaced immediately. Suitable species should be planted along all roads and drainage lines, and tree plantings should be required for all sparsely forested areas of retained habitat.

#### **Recommendation 7.**

The aim of “*no net loss of core Koala habitat*” (#8, page 30), should be replaced with an aim to achieve a net gain of core Koala habitat. While the Plan of management claims the estimated loss of core Koala habitat is the maximum loss, Council should ensure that those losses are kept to an absolute minimum.

#### **Recommendation 8.**

The Koala Plan of Management identifies the drainage line through the centre of the proposed subdivision as a Koala movement corridor. This is confirmed by records collected by Clarence Valley WIRES. However, the plans released by the developer shows the extended Moonbiana Drive wandering back and forth, cutting this critical corridor no less than 3 times. We believe the main access should remain on the eastern side of the drainage line, with 2 small crossings to access lots on the western side.

\* \* \*

### **Rural residential development**

The over-supply of land zoned rural residential was a serious concern expressed to the then Planning NSW during consultation for the Regional Strategies some 4 years ago. It was pointed out that Clarence Valley Council in particular had inherited an excessive amount of rural residential zoned land from pre-amalgamation, and strong representations were made to the Minister to wind back that zoning, much of which was on forested land. Those requests were ignored.

Since the Clarence Valley LEP was adopted, retaining all previously zoned rural residential land, the Clarence Environment Centre has unsuccessfully argued the case against proposed rural residential subdivisions at Mountainview, Burrigan Lane (Coutts Crossing), Yamba, Gulmarrad, Clarenza, Lawrence, and now at Waterview Heights. In each case, endangered ecological communities, mapped wildlife corridors, or other high conservation value habitat was lost forever.

In the case of the Moonbiana Drive proposal, the 27 allotments averaging about half a hectare, will ultimately result in the removal of most of the native vegetation that currently covers the site.



The above photograph, taken at Gulmarrad, is a typical example of the reality of rural residential development, where high conservation value forest, with extremely high levels of biodiversity has been reduced to lawn across an entire block.

We acknowledge that the heavier vegetated areas along the southern and western parts of the property have been subdivided into much larger blocks, allowing a greater potential for retention of native vegetation. However, assurances given that trees will be retained on rural residential properties cannot be taken seriously as, inevitably, the stealthy clearing and underscrubbing that always take place will again demolish wildlife habitat.

Therefore we believe the design of the Moonbiana Drive proposal should have greater regard for the remaining patches of relatively heavy vegetation cover at the north-eastern corner.

### **Sewerage treatment**

There is no sewage service at Waterview, and overflowing on-site disposal systems are an ongoing problem resulting from the impervious clay soils of the area. We have been told by rural residential residents elsewhere, that Council insists they remove trees growing near septic absorption trenches.

We do not know if the developer has lodged an effluent treatment plan (certainly if a plan has been lodged, Council has not exhibited it). Figure 5, which shows a map of the proposed development site, is difficult to understand with light red hatching shown as being reserved for home construction. However, many blocks do not have light red hatching.. Native vegetation loss on the large areas allocated for effluent treatment at the Moonbiana Drive site, when added to vegetation loss to construct houses, driveways, sheds, water tanks, power lines, fences, swimming pools, etc. will all combine to have a serious impact on wildlife habitat and movement of arboreal animals such as Koalas.

## **Koala decline, the bigger picture**

### **Cumulative impacts**

Koala numbers are in serious decline across Australia, and none more so than on the NSW north coast. This has led to their being listed internationally as an endangered species, but still only Vulnerable under the NSW Threatened Species Conservation Act. The rapid decline in numbers has led to the Federal Government considering listing the Koala as threatened under the Environmental Protection and Biodiversity Conservation Act, a determination that has been under consideration for more than 2 years while the Federal Environment Minister procrastinates under strong pressure from the development lobby.

The Clarence Valley Koala Plan of Management recognises (page ix) that” “*The Woombah koala population is in imminent danger of extinction and it is highly likely that the Iluka koala population is already extinct*”. Recent sightings of a female Koala with young at Iluka suggests that population may still be hanging in there. However, the Iluka population must be considered to be in a perilous situation.

At Shannon Creek, where a survey for the dam's Plan of Management (Greenloaning Biostudies 2005) estimated as may as 240 Koalas could be present, regular monitoring since the access road construction in 2006 destroyed a critical movement corridor, has failed to find any trace of Koalas.

A viable population persisting in the Ashby area has seen several hectares of core habitat destroyed for rural residential development in the last two years, with much more rural residential development planned in the future in surrounding areas already zoned for that purpose.

Early last year Council approved a rural residential development in bushland east of Coutts Crossing which will see more than 10 hectares of forest removed, despite the area being mapped as a regional wildlife movement corridor, and the ecological assessment identifying the presence of Koalas. In that case, the developer successfully argued that the numbers were too low to constitute a viable population, as defined under the State Environmental Planning Policy, SEPP 44. That State regulation, supposedly in place to protect Koalas and Koala habitat, is now being used by developers to 'write off' Koala populations as unviable as their numbers inevitably drop.

The proposed Pacific Highway upgrade will remove more than 500 hectares of forest in the Clarence Valley alone, with many hundreds more north of the Iluka Road, and south of Wells Crossing, again through areas Koalas are known to inhabit, albeit in low numbers. That project does not have to consider the impact on Koalas at all, despite imposing major impacts on koala habitat in one of the country's last strongholds for the species around Coffs Harbour.

And so the destruction continues, with never any requirement for a developer to consider those cumulative impacts.

It is well known that diseases such as Chlamydia, which have had such devastating impacts on Koala populations, are triggered by stress related to loss of habitat. Fragmentation of habitat has further contributed to the species' demise by forcing Koalas to spend more time on the ground where they become vulnerable to dog attack and vehicle strike.

### **Population size**

We are deeply concerned by the apparent attempt by the consultants to downgrade the value of the Waterview Heights Koala population, firstly by reporting that Koalas and habitat have been recorded in conservation reserves like Ramornie National Park, and Sherwood and Banyabba Nature Reserves, and then suggesting (page 17) that “*Whilst alternative habitat is potentially available in the wider locality, habitat within 10km of the subject is fragmented and sparse.*”

This claim has no substance whatever, the Sherwood Nature Reserve is almost 50km from the subject site, and most of it consists of sandstone communities with no suitable koala habitat. Those records are likely from the Woolgoolga end of the reserve which supports animals from the Coffs Harbour population. Both the Ramornie National Park and Banyabba Nature Reserve are also some 25 and 40km distant respectively, with major river systems separating them from the Waterview population. While it is conceivable that a Koala may swim across those waterways, the attempt to hypothetically link Waterview's Koala population with these others cannot be supported.

At the same time we dispute the claim that habitat within 10km of the subject is sparse. There are significant areas of Koala habitat within 10km, and the very fact that it has been fragmented, is good reason not to inflict further fragmentation by removing any of that which remains.

The Waterview Koala population is reported in the DA's Plan of Management as covering an enormous area, which includes Clouds Creek, north of Nymboida, and Shannon Creek. However, it is our assertion that including Clouds Creek, which is almost 80km south of Waterview, as part of the population is stretching the limit considerably, with no evidence to show any connection between the two. Also, as already mentioned, targeted monitoring of the Shannon Creek population, which is in all likelihood the same population described as being "north of Nymboida", has not recorded any sightings, not even a scat, for four years.

Based on recent records, we believe that the Koala population, of which Waterview is a part, is confined to an area bounded by the Orara and Clarence Rivers to the north, west and south, and extensive cleared land at South Grafton and Clarenza to the south, and a similat cleared landscape to the southeast at Southampton.

It is disappointing that the Koala Plan of Management reiterates the claim (page 14), made in the 2010 DA, that WIRES' records show only one record from Waterview, repeating a 13 year old comment from one-time member Kerry Cranney, rather than reporting the 2010 WIRES records that were provided in the Clarence Environment Centre's submission to that earlier application.

**That WIRES list reported 36 records to October 2010, all of which have been lodged with the Department of Environment and entered into the NSW Wildlife Atlas. In the 12 months since last October, a further 13 records of injured or sick Koalas have been added reported to the WIRES, which have likewise been added to the Atlas. (Clarence Valley WIRES' full updated records of koalas from the associated Waterview, Eatonsville, Seelands and Hampton population south of the Clarence River, is attached as Appendix 1).**

**This is acknowledged in the Plan of Management, when reporting that the NSW Wildlife Atlas has 50 Koala Records within a 10 kilometre radius of the development site.** So why James Warren and Associates sought to ignore the information provided in our previous submission, and stick with Kerry Cranney's 1999 "pers. com". despite our earlier criticism, and made no attempt to contact WIRES' statistician, or threatened species officer for more up-to-date data, is unclear.

Then there is the statement that: "*Movement of Koalas in the locality is most likely to be to the west and north of the site between rural lands*", followed by a wildly speculative comment, with no supporting evidence provided at all, that: "*It is possible that the Ramornie State Forest and Ramornie National Park, which are approximately 16km to the west of the subject site, may provide 'source populations' for surrounding areas*".

The Ramornie National Park, where there are four (4) Atlas records of Koalas, lies to the west of the Orara River, whose tidal waters offer a significant barrier to Koala movement.

The Plan of Management assesses (page 13) that, based on methodology in the Koala Recovery Plan, that *“the subject site may potentially carry between 2.3 and 17.25 individuals”*, but then claims that *“a realistic estimate of Koala numbers utilising the subject site is likely to be between 2 and 4 individuals.”* This significant reduction is reportedly based on *“the low numbers of Koalas recorded during site assessments, and the immediate locality”*.

*This claim of reports of low numbers in the immediate locality, contradicts another 2004 pers. com. (page 13) attributed to neighbour, Chris McConnell, who reports, frequent Koala activity. However, it appears the consultants chose to prefer the 2004 report from another neighbour of “infrequent activity”.*

As a result of these contradictions that were also reported in the previous 2010 Plan of Management, the Clarence Environment Centre asked a Waterview Heights resident to report all sightings of Koalas. The results of that 12 month study are contained in Appendix B, and show 42 separate visual sightings and vocalisations in the vicinity of their residence during the period.

### **Habitat availability**

The quote under the heading **“Distribution of Koalas in the Clarence LGA”** attributed to “Lee and Martin,1998” that *“Koalas may occur in densities of up to 10 per hectare in some coastal woodlands”*, and Reed *et al*, that in *“several areas of north-eastern NSW higher densities of Koalas have been recorded,”* can only be described as a ridiculous red herring. Nowhere in the Clarence Valley LGA do the animals occur in coastal areas other than Iluka and Woombah, where Koalas are currently battling to avoid extinction. We very much doubt the Lee and Martin or Reed comments were ever made in relation to Koalas in the Clarence Valley, so the comment is irrelevant.

We agree with management actions #3, 6, 7, 8, 9, 10, 13, 15,

We thank you for the opportunity to comment, and hope our comments contribute to a better outcome, not only for Koalas, but also a whole range of threatened fauna and flora that are likely to utilise the site, and may or may not have been addressed by the DA (no flora and fauna assessment was exhibited).

Yours sincerely  
John Edwards  
Honorary secretary.