

**Submission  
No 298**

## **INQUIRY INTO KOALA POPULATIONS AND HABITAT IN NEW SOUTH WALES**

**Organisation:** Save Lot 2 Sawtell Road

**Date Received:** 7 August 2019

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Lot 2 Sawtell Road, Toormina, and the fight for  
the survival of local urban koala populations in  
the Coffs Harbour LGA.



Prepared August 2019 for Save Lot 2 Sawtell Rd., by D. Wood,

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scale veg, AREA Ecologists report – Lot 2 Vegetation communities and mapped standing hollows

## The local urban koala population in the Sawtell Road, Toormina, Boambee East area:

Obtaining accurate data relating to local koala populations is difficult given that official records on the ALA (Atlas of Living Australia) database preclude observations and accounts by local residents, and the lack of any systematic official tagging or surveys within the urban landscape. Local WIRES staff would appear to have the most up to date data in terms of local koala trends here.

Campaigning to save Lot 2 Sawtell Road from DA 0818/18 has involved with a large portion of the local community. We have held information tables at the local IGA supermarket and Harbourside weekend markets, doorknocked and interviewed residents, made and received public submissions and interviewed members of local organisations.

Anecdotal evidence provided in these conversations have all revealed both the actual presence of a local koala population, and also a sad tale regarding their decline in numbers. Long term residents of Sawtell Road talk of koalas being a common sight in the local favoured tallowwood trees up to about 15 years ago (mid 2000s). A resident of Marian Grove retirement village who previously lived across from the Public School in Cavanba Road spoke of koalas being a common occurrence in the public school yard tallowwoods in the 1990s and 2000s. While school security fencing erected around 2010 may be one reason for the decline in koala numbers visiting feed trees on school premises; interviews in 2018 – 19 with both current school Principals of Toormina High and Toormina Public confirm that staff interviewed could not recall a single sighting in school time in at least a decade and a half. This is significant as both schools are part of the original 1999 KPOM official designated corridor through Toormina.

It was also evident from our anecdotal surveys that the great majority of people who have witnessed koalas in the local area have not and will most likely continue not to notify any authorities of their encounter. This situation may be exacerbated by the delay experienced if a member of the public attempts to contact an agency such as WIRES. I have personally waited over 15 mins on the phone attempting to report a deceased koala. An online koala register placed on the CHCC website in October 2018 was widely advertised in local media and by ourselves in our distributed literature and yet we still find witnesses who have not used it. (see <https://haveyoursay.coffsharbour.nsw.gov.au/Koala-Register>)

One suspects that the decline in local koala numbers was well underway before the Coffs Harbour Koala Plan of Management (KPOM) was introduced in November 1999 and possibly a response to the massive sub-dividing and urbanisation of the Toormina area in the 1980s and 90s. Expansion of both the Hi Tech Drive industrial estate and independent living residences within Marian Grove retirement village may have also reduced local habitat adjacent to Lot 2, but I suspect only exacerbated an already existing trend.

The impact of the Bonville Bypass and dual lane freeway extension to the west of Toormina in 2008 would also need to be considered as a causative factor, as would the ongoing lack of regulatory control over the destruction of koala habitat on privately owned land in the CH LGA. (see <https://www.smh.com.au/environment/conservation/coffs-harbour-koalas-lose-habitat-to-red-tape-20110103-19dwt.html> )

As to where the local koalas have gone one can only surmise. Records provided by WIRES are possibly the best available data which can give an indication of trends and provide a likely scenario. Have the local koala simply died out for lack of sufficient food, been killed out by dog attack and road-strike, and/or disease; or have they moved away into larger protected areas such as Bongil Bongil NP to the south? Maybe a combination of all these factors is the answer here.

What we can confirm from local observations and records is that there are still a few individuals persisting in the urban landscape, and pleasingly some juveniles are in the mix. (see Local koala sightings - Appendix B)

## The significance of Lot 2 Sawtell Road to the local urban koala population:

Lot 2 Sawtell Road is typical of similar relatively small areas of retained native bushland within the local urban environment throughout much of the Coffs Harbour Local Government Area (LGA). (see satellite image Appendix A.) The origin of these retained corridors probably fall into one or more of three following categories –

- Areas deliberately left due to planning decisions which saw the importance of retained bushland corridors within the urban landscape for public amenity and environmental value. This includes designated Koala corridors which were recognised as critical to the survival of the local species, particularly in respect to genetic diversity, in the 1999 KPoM. ( see KPoM here -

[https://www.coffsharbour.nsw.gov.au/environment/Plants-and-Animals/Documents/KPOM\\_a.pdf](https://www.coffsharbour.nsw.gov.au/environment/Plants-and-Animals/Documents/KPOM_a.pdf) )

Lot 2 has always been recognized as a junction between a regional corridor and local corridors to the south through Marian Grove and the Toormina High and Public schools along Cavanba Road, and to the west across Sawtell Road and down Linden Avenue into the Cordwell Creek area or east behind Kinchela Avenue. Both of these corridors link up into the water and communications tower hill area which further links to the south and Bongil Bongil NP. (see satellite map Appendix B).

Lot 2 also provides significant amenity and a visual and noise barrier between residential areas and the industrial estate.

- Easements for stormwater, sewer and fire access for protection of public assets /public utilities. Lot 2 has a 25m wide E2 protection zone on the eastern boundary, and tracks provide access for the main sewer line through its centre, and fire access to its perimeter including the northern boundary of Marian Grove retirement village and the western boundary of the Hi Tech Drive industrial estate.
- Areas which have lacked commercial viability due to location, low height above water table / actual and predicted flood levels, steep terrain etc. which may have made them potentially inappropriate and costly to build on. This is prone to change as property values and population demand increases, over-riding previous negative factors. The majority of the centre portion of Lot 2 is currently forested wetland and swamp and any attempt to develop the area for urban residential construction poses a significant challenge to both building integrity and effective environmental control of stormwater flows into the nearby Boambee Creek.

## Location and Physical Attributes of Lot 2:

Lot 2 Sawtell Road, Boambee East, DP 811796, is an 'L' shaped block, fronting Sawtell Road opposite the Linden Avenue intersection, and continuing through to the Hogbin Drive Industrial Estate. It contains approximately 9 hectares of undeveloped native bushland and a low central swampy area which sits below an existing housing estate bordered by a ridge running north along Sawtell Road, and east along Lamberts Road and Worland Drive. Marian Grove Catholic Retirement village is to the south and the Industrial Complex on Hi Tech Drive to the East. (See satellite images appendix A)

Lot 2 contains approximately 7ha of prescribed 'Primary Koala Habitat' according to the local CHCC KPoM 2000. (see zoning map and vegetation map in Appendix C) The main koala feed species evident are tallowwood (*E. microcorys*) and swamp mahogany (*E. robusta*) with secondary species including Broad leaved paperbark (*M. quinquenervia*), Scribbly gum (*E. signata*), Forest oak (*Cas. torulosa*).

CHCC fine scale vegetation maps (see Appendix C) show a significant centre portion of Lot 2 as Wetland Forest with the western, southern and northern edges classified dry sclerophyll forest. Important

OCVT (Over Cleared Vegetation Type) communities have also been identified on the site.(see Ecologists report in DA)

It also contains a mapped but currently contested (by the Proponent) EEC, and 11 of the over 30 standing hollow trees are estimated to contain hollows greater than 200mm in diameter. There are also several large on ground hollow trees and logs.

The Ecologist's report ( see DA documents) confirm that Lot 2 contains significant habitat for a variety of present and potentially present native flora and fauna species including Koala and Wallum Froglet (*Crinia tinnula*).

There are many local stories of encounters with its wildlife including, wallabies, koala, bandicoots, echidna, quoll, and many species of birds, bats, frogs and reptiles. Recent local records show over 60 native species of birds observed in the immediate area.

### Historically:

Lot 2 is mostly heavily timbered land and may have been logged or partially logged at some stage in the past, possibly early last century when timber getting was one of the main industries in the area.

In modern times, Lot 2 has been used and appreciated by local residents; as a thoroughfare for people working in the Hogbin Drive Industrial Estate; connecting with the Hogbin Drive bike/pedestrian path; taking a shortcut to Hogbin Drive and Toormina schools or shops, interacting with nature, walking the dog, mountain bike riding, or just enjoying the natural ambience of the tree-scape.

### Ownership of Lot 2:

Chart maps from 1960 show that the land at that time was owned by the Bank of NSW. At some stage since then, ownership was transferred to the Coffs Harbour City Council which held the land until it was traded, along with other parcels of land, with the Coffs Ex Serviceman's Club in the early 1990's.

### Zoning:

Despite the general area of retained native bushland being shown as 'Fauna Protection' on early Parish maps, it appears Lot 2 has had R2 residential zoning as a default. What is certain, is that any existing environmental controls on Lot 2 were strengthened with the introduction of the Koala Plan of Management in 1999. The most recent Council review of zoning in the Coffs LGA (Local Government Area) was in 2013. This potential conflict in zoning was highlighted in a petition signed by over 100 locals and presented to Council in 2015, requesting Council re-acquisition the land for permanent environmental protection. It is important to recognize that in accordance with the NSW EP&A Act, R2 zoning does not in any way override or diminish the CHCC environmental controls on the land. The CHCC Koala Plan of Management 1999 is underwritten by NSW State Environmental Planning Policy 44.

### Sale and Offset Proposal:

In 2015 Lot 2 was advertised for sale by the Coffs Ex Serviceman's Club and the R2 potential was blatantly promoted by the LJ Hooker selling agent. An individual who sought advice from the CHCC Planning staff before the land sold, was told that permission for any purchaser wishing to build on the land would most likely be limited to a maximum of one dwelling, if it met the strict planning guidelines.

Several other parcels of land owned by the CEx along Hogbin Drive were promoted for sale at the same time.

The land was sold in May 2016 along with Lot 21 Hogbin Drive to the current Developer, Regional Ethical Development Coffs Coast. According to online real estate data they paid CEx a reported \$385K for Lot 2, and around \$165K for Lot 21 Hogbin Drive (Between the Rugby fields and Boambee Creek- opposite the Industrial Estate). (see Appendix C)

Lot 21 Hogbin Drive is the subject of one of the Proponent's Bio offset proposals to compensate for the environmental damage proposed for Lot 2. (See Regional Architects website – 'Projects Under Development' – Coffs Coast Eco –Tourism Wildlife Centre, and Wildlife Hospital. <https://www.regionalarchitects.com.au/projects/> ) This area of land also contains primary Koala habitat and according to the large CHCC sign at the back of Rex Hardacre oval is a zoned 'Conservation Area'. (see photo Appendix C)

## Development Application and implications for the local koala population:

The DA 0818/18 proposing a '57 lot residential subdivision' for Lot 2 was submitted to CHCC on 12-04-2018, and appeared on the community funded website planningalerts.com after being lodged on the Planning Exchange in early May 2018 and noticed by local residents soon after. (see Appendix C)

In accord with NSW State planning requirements, 0818/18DA was advertised by CHCC in the Coffs Coast Advocate on 4<sup>th</sup> June 2018.

The DA documents can be accessed here - <https://www.planningalerts.org.au/applications/985224>. Click on 'read more information' and tick the agreement check box.

The Proponent hired the services of two ecologists. The first; Ms. Gabrielle Rose working for BushfireSafe Pty Ltd prepared an assessment which documented the presence of at least one individual during the search period in 2016 and concluded more or less that the area was significant to local koala but with the considerable prior loss of urban habitat and compromised adjacent corridors in the local area this Proposal to destroy the primary koala habitat on Lot 2 would probably not make much difference to the species. She did however note that the corridor would be compromised in the short to medium term if the proposal went ahead and would need significant remediation work to become an effective and viable koala corridor.(see Ecological Assessment in DA)

The Proponent sought a second ecological assessment in early 2018 in order to strengthen their case, and a Mr Phillip Cameron of AREA Pty Ltd used both the SAT technique and the EPBC Act self-assessment tool to determine that there was not a 'resident population' of koalas on Lot 2 and the Proposal would therefore not threaten the survival of the local species; and furthermore; that the importance of Lot 2 was as a corridor. He further argued that the proposed retained and 'enhanced' 50m wide eastern boundary would be sufficient. The western corridor link was ignored in his recommendations, as was the EPBC Act guideline which clearly states that a retained corridor needs to be a minimum of 100m wide to be even moderately effective.

## Community Opposition and Education Campaign:

As early as 2015, after the land was first advertised for sale by L.J Hooker on behalf of the Coffs Ex-serviceman's Club, a petition was signed by over 120 local residents and presented to CHCC. This petition opposed any development on the land which would destroy the natural habitat, contravene environmental controls and remove valuable local amenity. It further asked Council to look at re-acquisition of the land as a public space with protected status.

On 21<sup>st</sup> October 2018 after a 'deemed refusal' by the CHCC Planning Authority, and an application by the Proponent, a 'Directions' Hearing at the NSW LEC nominated 30<sup>th</sup> April 2019 for a Section 34 Conciliation Conference to be held on-site.

By the time of the Conciliation conference on 30<sup>th</sup> April 2019 over 65 submissions had been made by the general public on the planningalerts.com website. With the exception of 3 comments all other comments opposed development consent, raise concerns about loss of amenity, and ask that the values of the bushland on Lot 2 and its flora and fauna be protected.

Several other submissions were sent directly to CHCC Town Planners and individual Councillors, including a submission by the Office of Environment and Heritage which reminded the Planning Authority of the environmental value of, and controls on, Lot 2, and several critical issues in this DA which were not in compliance.

Approximately 2800 signatures from an online petition opposing the DA at change.org were presented to CHCC on 30<sup>th</sup> April 2019 (currently over 3000 at <https://www.change.org/p/coffs-harbour-council-save-lot-2-sawtell-road-toormina-for-koalas-community-and-biodiversity>) and a further 230 signatures on a written petition were presented to CHCC on 3<sup>rd</sup> May 2019.

Prime TV ran a brief segment covering the Conciliation Conference on the evening of the 30<sup>th</sup> April 2019. The facebook link is here - <https://www.facebook.com/741947723/videos/10156140855632724/> Alternately it can be accessed via a youtube link here - <https://www.youtube.com/watch?v=pv5yD7rAQg0>

**At the present time** (12<sup>th</sup> August 2019) Conciliation between parties has been 'terminated' and future directions depend on the Proponent.



**Appendix A:** Satellite images of Lot 2 Sawtell Road and location within Coffs Harbour LGA. Note that much of the green area is coastal or heavily sedged forested wetland which does not always suit koala





Figure 2 - Lot 2 Catchment - Sawtell Rd, Lambert's Rd, Worland Dr., Marian Grove Retirement village to the south and Hi Tech Industrial Estate to the east. Red line denotes boundary of Lot 2 and local koala corridors. (Courtesy: Google Earth)

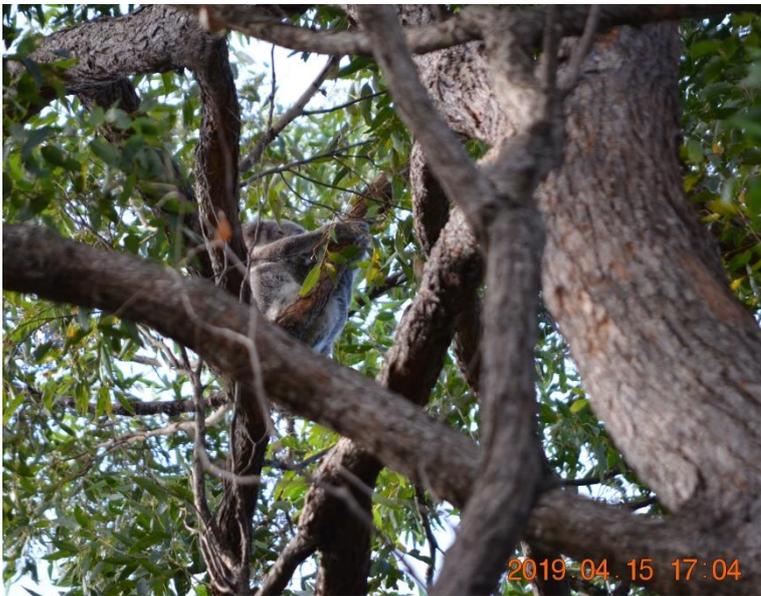
**Appendix B:** Recent Koala sightings in the larger urban area as per anecdotal and CHCC koala register.



Large adult running along fence at Banksia Preschool in Toormina Rd, Bayldon, 4<sup>th</sup> October 2018



Large adult in unknown species (possibly Forest redgum, *E. tereticornis*) on golf course opposite Tindara Drive, Sawtell 3<sup>rd</sup> November 2018.



Large adult in tallowwood in corridor opposite 23 Dunlop Drive, Boambee East. 15<sup>th</sup> April 2019.



Juvenile in white mahogany (*E. acmenoides*) in Mimiwali Dr. North Bonville on 27<sup>th</sup> March 2019



Deceased young male? on Pacific Highway south of Lyons Road overpass 5<sup>th</sup> December 2018



Koala corridors and confirmed Koala sightings within 1.5kms of Lot 2 since October 2018.

# Appendix C: Lot 2 Sale docs, Zoning, DA Plan and Veg maps.

**Lot 2 Sawtell Road**  
Toormina, NSW 2452  
Residential Land  
**\$385,000**  
Sold on 06 May 2016

**LJ Hooker - Coffs Harbour**  
1/22 Moonee Street, Coffs Harbour, NSW 2450

Ask about this property

Figure 1: Online Sale notice for Lot 2. See also Lot 21 Hogbin Drive which sold for \$165K to the same Developer in May 2016.

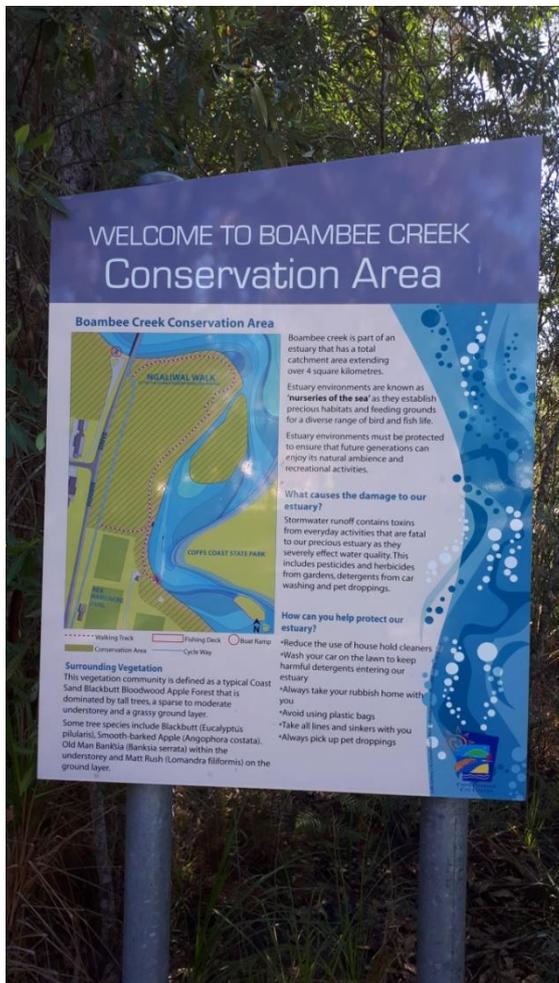


Figure 2: CHCC sign at the back of Rex Hardacre Oval and adjacent to the Ngalialwal Walk and Jew Hole on Boambee Creek indicating Conservation status of Lot 21 Hogbin Drive which the Proponent wants to bulldoze for a resort and wildlife hospital.



Figure 3: Lot 2 DA Masterplan with height contours. Proposed 50m wide 'enhanced wildlife corridor' includes 25m E2 zone on eastern boundary and cuts through wetland and designated EEC which would need to be drained or filled in in order to meet proposed corridor requirements.



Figure 2: Very Large and Large tree hollows mapped in the proposal.

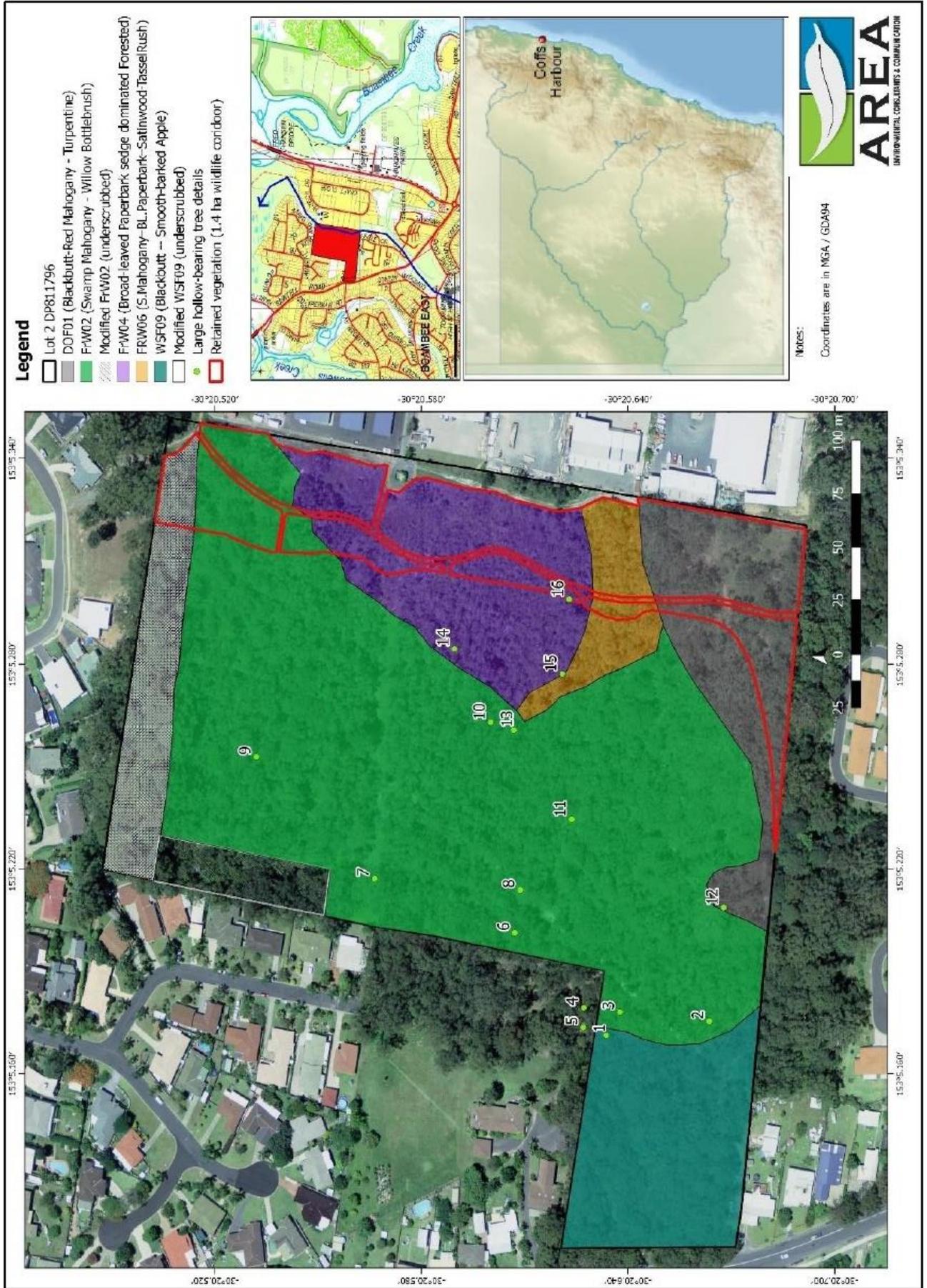


Figure 5: Vegetation communities and mapped standing hollows.

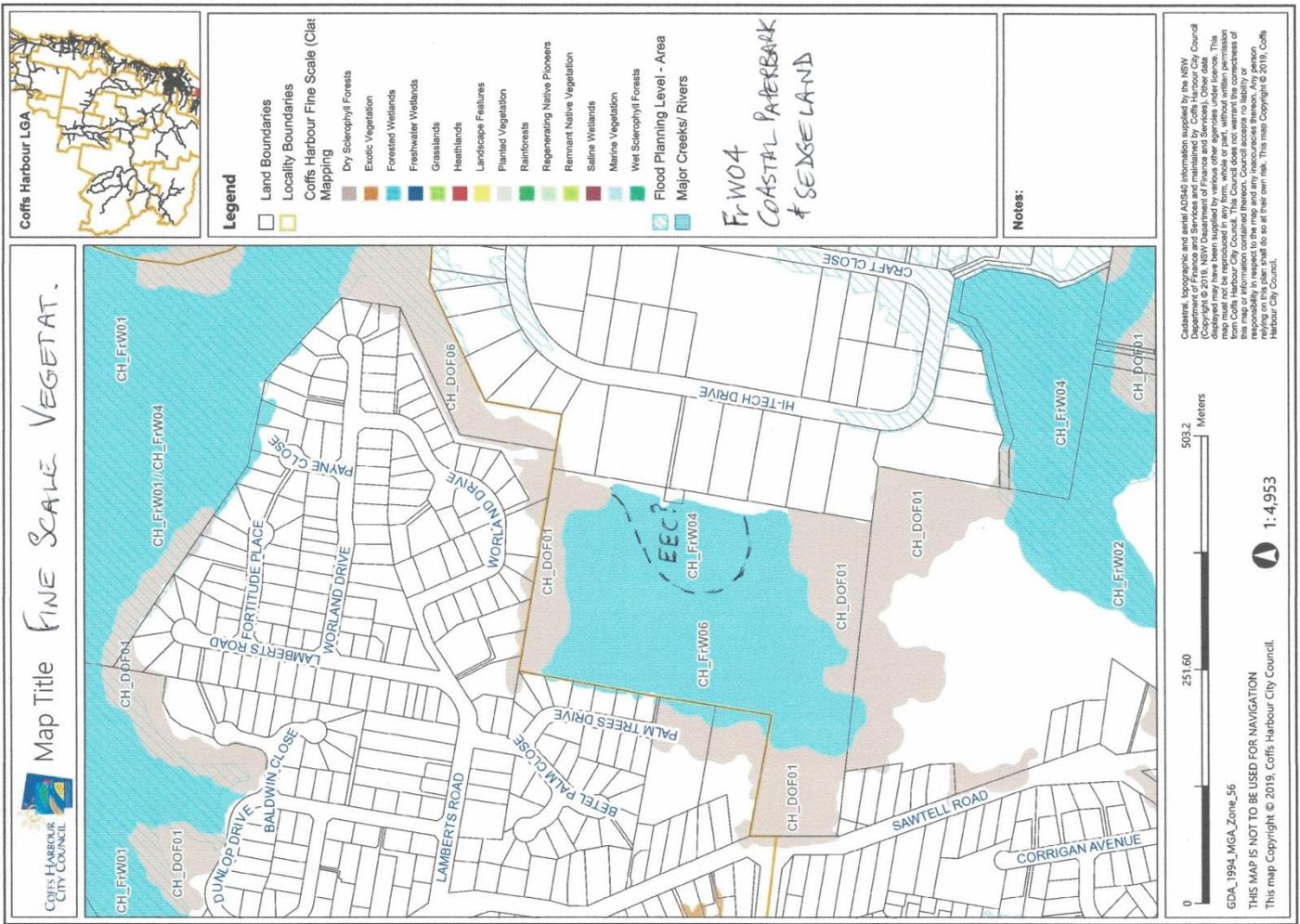


Figure 6: CHCC Fine Scale Vegetation mapping showing majority portion of Lot 2 as 'Forested Wetland'. Approx. EEC area is indicated.



Figure 7: Proposed wildlife corridor on centre eastern boundary - normally inundated.