



Coastwatchers

Eurobodalla's voice for nature

11 February 2022

Submission re Broulee Train Street DA DA0493/22– Details as Follows
Re Lot 3&4 DP1271181 and Lot 23 DP 127 4371

Application ID	DA0493/22
Description	80 lot Subdivision
Group	Development Application
Category	13 - Subdivision Only
Status	Current
Stage/Decision	With Officer
Estimated Cost	\$0.00
Address	Train Street BROULEE
Land Description	Lot 23 DP 1274371

Name Details

Applicant Name(s)	Conway Burrows + Hancock
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1. I endorse the recommendations of Giovanna Hounsell's submission as at Appendix A. Giovanna is a Coastwatchers' member.
2. In addition, I wish to comment re the 'The land is part of the Broulee Biobanking Agreement Part 7A Division 2 Threatened Species Conservation Act 1995 ID Number: DOC 14/183463-15 under Dealing A1996120.' See Appendix B

I would like to suggest that such an agreement would be rendered null and void when the Biodiversity Conservation Act of 2016 came in which provides strong protection of native vegetation and imposes significant requirements for offsetting wherever the avoid/mitigate principles are not met. Council needs to check if there is a sunset clause (e.g. nullified by change of legislation, or some other end date) in the Biobanking Agreement.

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3. The **Agreement is completely out of step with the current legislation and standards for clearing of native vegetation** and the proponents need to address this. This land is similar to that of Manyana in status as up to 80% of the ESC was burnt in the fires and this forest being unburnt has provided valuable refugia for surviving wildlife.
4. The development must keep every significant tree with a major hollow. Hollows are the home of birds and animals and must be retained. The development does not need to develop every single part of the landscape.
5. All properties to be subject to a cat containment strategy.

(I have not made any donations/gifts to councillors in the last 2 years).

Yours sincerely

Joslyn

Joslyn van der Moolen m 0439472921
Coastwatchers Management Committee and Forest Working Group

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APPENDIX A:

I endorse the recommendations of Giovanna Hounsell's submission.

- By changing the orientation of blocks 773 and 772 from North South to East West alignment, access can be achieved from Saltwater Crescent, which would negate the need for the extension at the eastern end of Ian Fraser Drive and significantly reduce traffic flow in the school zone at the Elizabeth Drive/Frances Street intersection. It would also provide the residents of Ian Fraser Drive, Frances Street and Elizabeth Drive a less busy road. Council would also save money as no work would be needed at the Elizabeth Drive intersection. This would also allow habitat trees to be preserved on the southern side of the entrance to COP.
- Stormwater must be managed within the bounds of the development. The DA is proposing that the southern boundary of Captain Oldrey Park should be cleared to dig in stormwater pits (bioswales). No bioswales should be constructed on Public Lands of Captain Oldrey Park and no new water should be pumped out onto South Broulee beach. This would mean the developer would need to adjust the plans to locate Bioswales in Serenity Place and Saltwater Crescent in order to retain the stormwater collected from these roofs and roads....in locations that have existing, established trees.
- Mature, landscape trees be retained, for shade, cooling, habitat, water absorption and visual pleasure, in order to mitigate the many detrimental effects clear felling would have on this area. * Tree clusters remain, the suitability of which, would be determined by an ecologist, as 'passage trees' for Gang-gangs and other birds and animals, allowing them safe access to other treed areas.
- Before chopping trees down, an ecologist should inspect tree hollows. Any birds or mammals using them would need rescuing and relocating. Hollows can be retained and relocated, rather than destroyed. Central Coast Council have produced, "Guideline for the Relocation of Large tree

Hollows" online. So this technology is available and being utilised by some Councils. (ADDITION: All trees with major hollows to be retained).

- A contractual agreement with property owners that cats have a curfew time and are not permitted to roam at night, when they hunt. Council could make bells and cat bibs compulsory. Alternatively cats could be contained on the owner's property at all time. (ADDITION: All properties be subject to cat containment).

APPENDIX B:

New South Wales Consolidated Regulations

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BIODIVERSITY CONSERVATION (SAVINGS AND TRANSITIONAL) REGULATION 2017 - REG 14

Biobanking agreements under TSC Act--pending or interim applications

14 Biobanking agreements under TSC Act--pending or interim applications

(1) This [clause](#) applies to an application to the Minister to enter into a biobanking agreement--

(a) that was made under Part 7A of the [Threatened Species Conservation Act 1995](#) and that had not been determined on the repeal of that Act, or

(b) that is made under Part 7A of the [Threatened Species Conservation Act 1995](#) within 6 months after the repeal of that Act (as if that Act had not been repealed), but only if the Minister is satisfied that relevant information was collected before that repeal, or

(c) that is made under Part 7A of the [Threatened Species Conservation Act 1995](#) within 3 years after the repeal of that Act (as if that Act had not been repealed) in connection with a requirement of a biodiversity certification under Part 7AA of that Act (being a biodiversity certification conferred before the repeal of that Act or conferred after that repeal in accordance with [clause](#) 36 or 37), or

(d) that is made under Part 7A of the [Threatened Species Conservation Act 1995](#) within 3 years after the repeal of that Act (as if that Act had not been repealed) in connection with the [Upper Hunter Biodiversity Plan](#) (within the meaning of [clause](#) 33 (1)).

(2) The Minister may, within the following time period that applies to the application, determine the application and enter into a biobanking agreement under Part 7A of the [Threatened Species Conservation Act 1995](#) (as if that Act had not been repealed) if satisfied that the application substantially complies with Part 7A of that Act--

(a) in the case of an application made under subclause (1) (a) or (b)--within 21 months after the commencement of the new Act,

(b) in the case of an application made under subclause (1) (c) or (d)--within 4 years after the commencement of the new Act.

(3) If the Minister enters into a biobanking agreement as a result of the determination of the application, it is taken to be a biodiversity stewardship agreement entered into under Division 2 of Part 5 of the new Act.