

25 June 2024

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## RE: BDAR Letter for 25-27 Kevin Avenue, Avalon

Ecological Consultants Australia (ECA) trading as Kingfisher Urban Ecology & Wetlands has been engaged by Gartner Trovato Architects to provide additional information in relation to the RFI from Council pertaining to the proposed development at 25-27 Kevin Avenue, Avalon triggering/or not entry into the Biodiversity Offsets Scheme (BOS).

ECA has reviewed the RFI from Council, the updated plans in particular the Arboricultural Impact Assessment (Treeism March 2024 retaining trees: #50 Spotted Gum (large) and trees #52 and #53 Red Bloodwoods (medium size). Only work required is removing some dead wood. The dead wood has been inspected and is not currently habitat – being too thin with no hollows or other cavities.



Plate 7 – Tree 52 – Remove deadwood as marked red to clear for scaffolding/built form.



Plate 8 – Tree 53 – (and INSET) Red lines note branches requiring removal. Inset notes point of junction back to an upright epicormic branch most likely needing pruning to for clearances.

Source Arborist Report March 2024

Extract from Arborist Report (March 2024)



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3.2.22 **Tree 52** Bloodwood – located on the subject site.

Structural Root Zone impacts:

- All proposed works are located outside the SRZ of this tree.

Tree Protection Zone impacts:

- An encroachment of 10.9% has been estimated for the proposed building footprint, placing it within *major* encroachment under AS4970. This triggers Clause 3.3.4 - TPZ encroachment considerations under AS4970 - 2009.
- The primary consideration most relevant for this tree under Clause 3.3.4 of AS4970-2009 is (b) *The potential loss of root mass resulting from the encroachment: number and size of roots* and (h) *Design factors*.
- In relation to both (b) and (h), Level 1 Floor is proposed to be cantilevered, thus the roots will not be disturbed.

Pruning impacts:

- Removal of dead branches will help allow clearances for the building and scaffolding during works. Scaffolding will need to be built around the upper canopy slightly to ensure this tree can remain viable (see Plate 7 Appendix 5).

3.2.23 **Tree 53** Bloodwood – located on the subject site.

Structural Root Zone impacts:

- All proposed works are located outside the SRZ of this tree.

Tree Protection Zone impacts:

- All works are outside the calculated TPZ of this specimen.

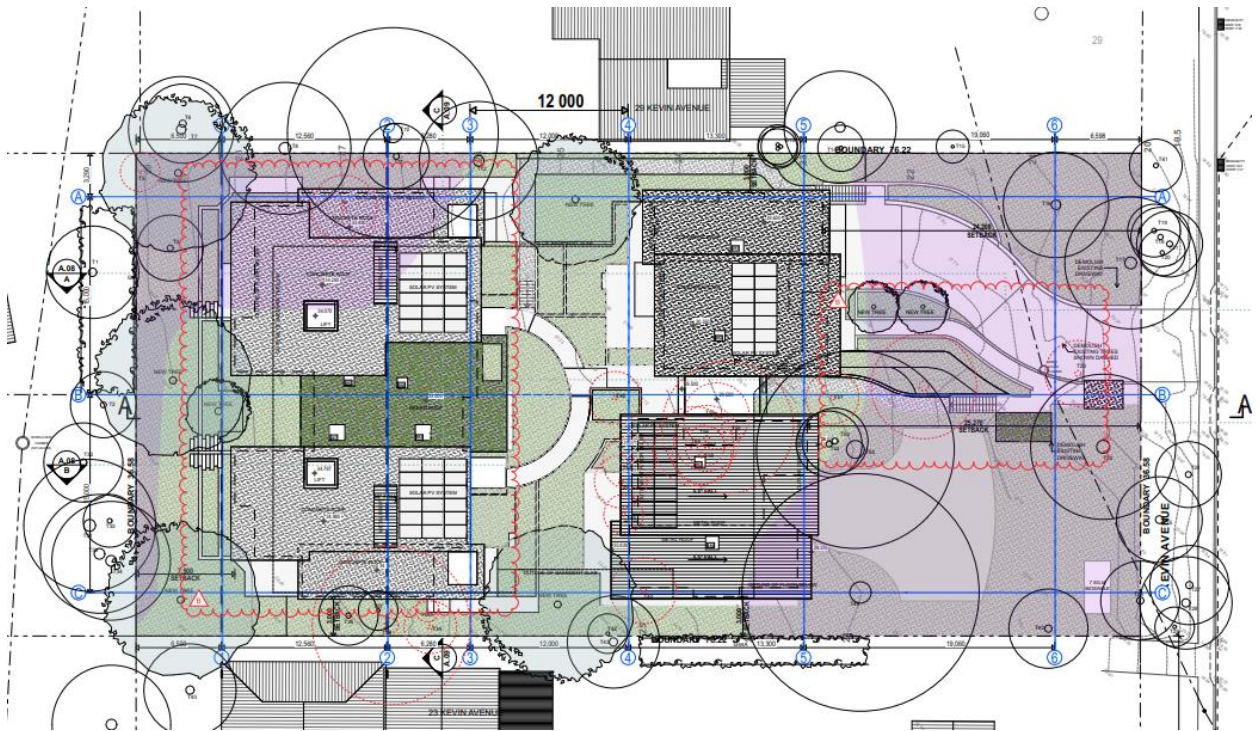
Pruning impacts:

- At minimum, one (1) 70mm diameter limb growing to the south-west will require removal (see Plate 8 Appendix 5). Ideally the remaining canopy to the south-west could be held back during works by carefully strapping around it to the stem of Tree 50. If this is not viable the south-west fork (see Plate 8 INSET) may require pruning to the upright epicormic branch, this would equate to approximately 40% of the total live canopy but it is likely the tree will tolerate this level of pruning.

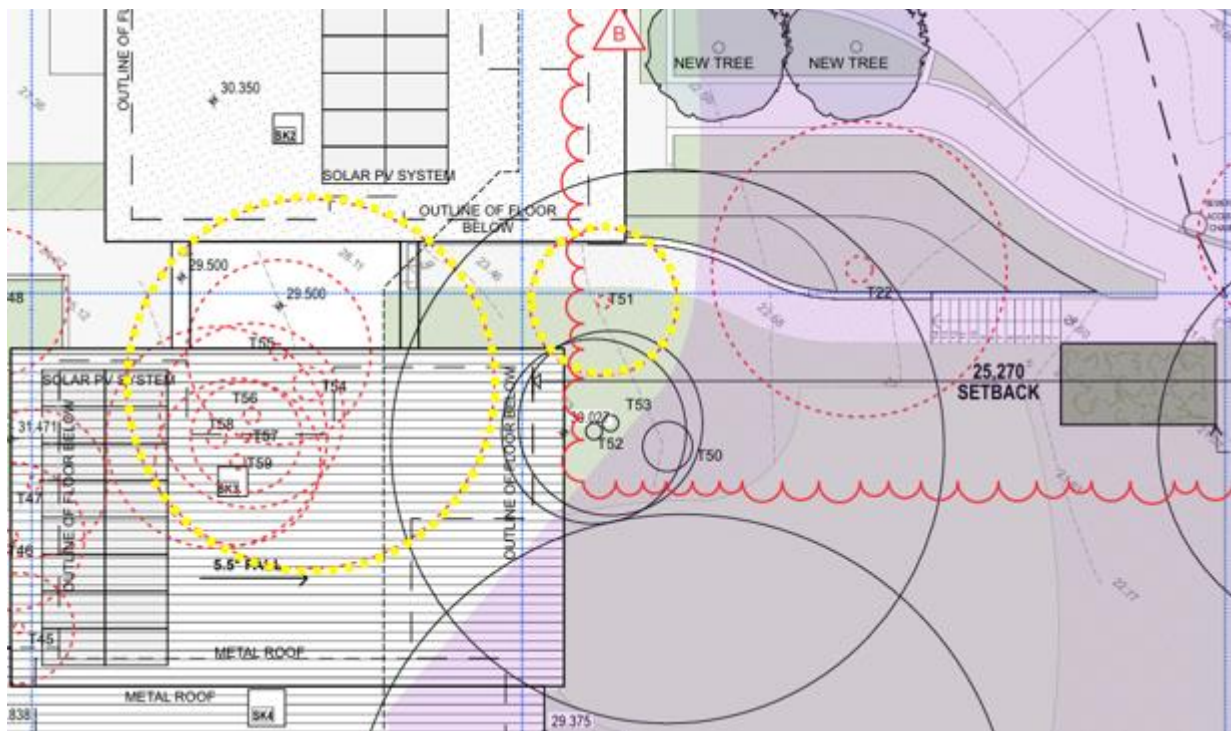
An assessment of the Biodiversity Values Mapping indicate Tree 51, 12m high and 8m spread; *Angophora costata*, and Tree 54 Turpentine, 16m high, has its trunk and canopy outside of the Biodiversity Values Mapped area.

The figure below is the Biodiversity Values Mapping (accessed 2024) superimposed with the proposed development and tree numbers.





Close up location of Tree 51 and 54 are shown on the plan below with both canopies and trunks out of the BV mapped area.



Tree 51 and 54 outside the Biodiversity Mapping.

## BOS thresholds

The BOS applies to local development (assessed under Part 4 of the Environmental Planning and Assessment Act 1979) that triggers the Biodiversity Offsets Scheme threshold or is likely to significantly affect threatened species based on the test of significance in section 7.3 of the Biodiversity Conservation Act 2016.

The Biodiversity Conservation Regulation 2017 sets out the threshold level for when the BOS will be triggered. The threshold has two elements:

- whether the amount of native vegetation being cleared exceeds an area threshold
- whether the impacts occur on an area mapped on the Biodiversity Values Map published by the Environment Agency Head

### Area Clearing Threshold

The area threshold varies depending on the minimum lot size associated with the property (700 m<sup>2</sup>) and the threshold for clearing (0.25 ha or more), above which the BAM and offsets scheme apply (Figure 1).

**The proposal would not clear 0.25 ha or more of native vegetation and therefore, does not trigger the area clearing threshold.**

Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply
Less than 1 ha	0.25 ha or more
1 ha to less than 40 ha	0.5 ha or more
40 ha to less than 1000 ha	1 ha or more
1000 ha or more	2 ha or more

Figure 0. Area clearing thresholds as per the BOS entry requirements. Source: <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about-the-biodiversity-offsets-scheme/when-does-bos-apply>

### Biodiversity Values Map

The Biodiversity Values (BV) Map identifies land of high biodiversity value, as defined by clause 7.3(3) of the Biodiversity Conservation Regulation 2017. The Biodiversity Offsets Scheme applies to the clearing of native vegetation and other biodiversity impacts prescribed by clause 6.1 of the Biodiversity Regulation 2017 on land identified on the BV Map (Figure 2).

The proposal does not require the clearing of native vegetation and other biodiversity impacts prescribed by clause 6.1 of the Biodiversity Regulation 2017 on land identified on the BV Map and therefore, does not trigger entry into the BOS.

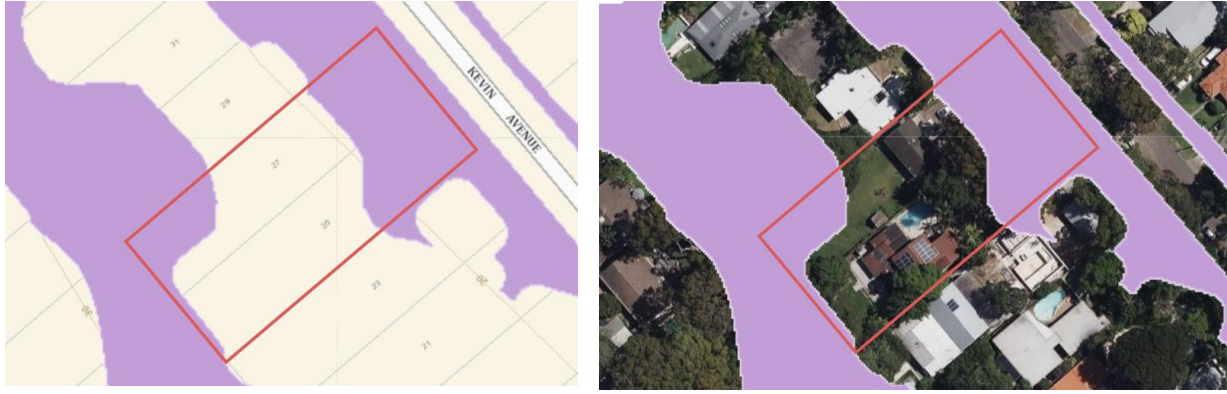


Figure 2. Biodiversity Values Map. Source: Biodiversity Values Map and Threshold Tool  
<https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>

### Conclusion

The proposal does not trigger the area clearing or Biodiversity Values Map threshold as per the BOS entry requirements.

No native trees will be lost. Grasses are 100% exotic.

Ground and shrub plants are exotic except for the shrubs being retained. One Cheese Tree was noted to 'go' by Arborist however it doesn't need to go due to development nor does the applicant plan to remove it, so it does not trigger the requirement for a Biodiversity Development Assessment Report (BDAR).

### Statement of Authorship

*This letter is by Brooke Thompson whose qualifications are BSc Conservation Biology and approved by Geraldene Dalby-Ball who qualifications are BSc Ecology and Botany Hons I with over 25 years' experience in flora and fauna impacts and specialising in projects within Sydney urban areas.*

Name	Position	Date
Geraldene Dalby-Ball	Director/Principal Ecologist	24 <sup>th</sup> June 2024

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