

19 January 2024
 Sean Gartner
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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 prepare a letter outlining why the proposal does not trigger entry into the Biodiversity Offsets Scheme (BOS).

ECA has reviewed the Site Plans prepared by Gartner Trovato Architects dated 23/10/2023.

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 m²) 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.

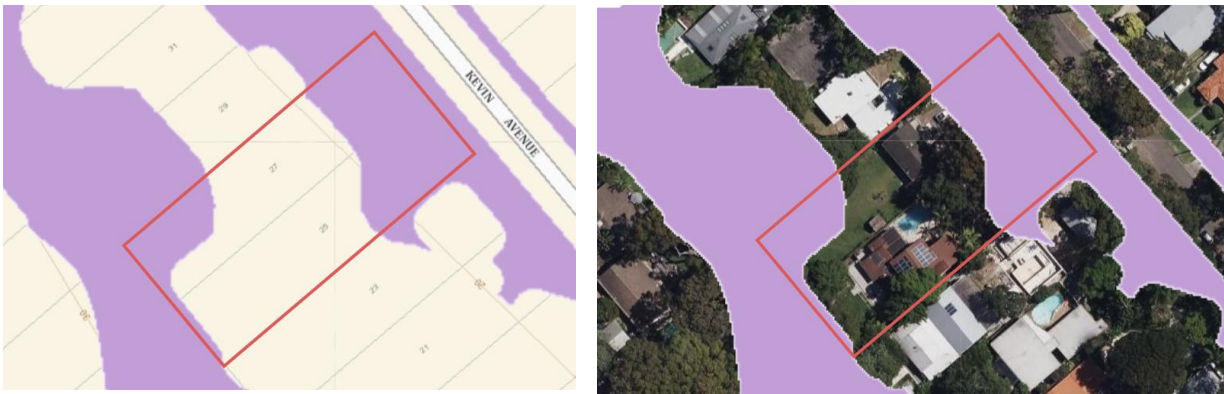


Figure 2. Biodiversity Values Map. Source: Biodiversity Values Map and Threshold Tool <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>

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
Brooke Thompson	Ecologist	19 January 2024
Geraldene Dalby-Ball	Director/Principal Ecologist	19 January 2024

Ecological Consultants Australia Pty Ltd trading as Kingfisher Urban Ecology & Wetlands
Sydney, Melbourne, Brisbane

25 Kevin Avenue, Avalon Beach





27 Kevin Avenue, Avalon Beach



Externally Certified Accreditations: Environmental, WHS and Quality



Kingfisher Urban Ecology and Wetlands PTY LTD

Best Practice Certification Pty Ltd has assessed the above company as complying with the following management system standard requirements at the address shown.

Standard: AS/NZS ISO 14001:2015 - Environmental Management System

Scope of Certification:

Provision of riparian land management, regeneration, rehabilitation and on-ground maintenance of wetlands, landscapes and other natural assets

Address: 30 Palmyra Road, Avalon NSW 2107 Australia

Issue Date:	Expiry Date:	Client Number:
14/02/2017	13/02/2020*	1884

CERTIFICATION APPROVED:

Rob Smart
Chief Executive Officer
Best Practice Certification Pty Ltd

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14/02/2017
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Environmental Certification



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Work Health and Safety Certification



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Standard: AS/NZS ISO 9001:2015 - Quality Management System

Scope of Certification:

Provision of riparian land management, regeneration, rehabilitation and on-ground maintenance of wetlands, landscapes and other natural assets

Exclusions: NE

Address: 30 Palmyra Road, Avalon NSW 2107 Australia

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Quality Management Certification

Licences: Animal Ethics, Scientific Licence and Bio-Bank Assessor

Accreditation holder: Ecological Consultants Australia Pty Ltd
Address: Studio 1/33 Avalon Parade
AVALON NSW 2107



**Department of
Primary Industries**
Biosecurity & Food Safety
Animal Research Establishment

Accreditation No. **53655**
Start date: 15 March 2020
Expiry date: 14 March 2023

TRIM 19/2066 (2) Secretary's ACEC 195 25 MARCH 2019

**ANIMAL CARE AND ETHICS COMMITTEE OF
THE SECRETARY
NSW DEPARTMENT OF INDUSTRY
CERTIFICATE OF APPROVAL**

**Ms Geraldene Dalby-Ball
Ecologist
30 Palmgrove Road
AVALON NSW 2107**

Is approved to conduct the following research

FAUNA SURVEYS NSW WIDE

as approved by and in accordance with the

**ANIMAL CARE AND ETHICS COMMITTEE OF
THE SECRETARY
NSW DEPARTMENT OF INDUSTRY**

Being animal research carried out in accordance with the Code of Practice, for a recognised research purpose and in connection with animals (other than exempt animals) that have been obtained from the holder of an animal suppliers licence

This approval remains in force from **25 March 2019** to **25 March 2022** unless suspended, cancelled or surrendered



**PHILIP WRIGHT
GROUP DIRECTOR SCIENCE, CHIEF SCIENTIST*
CHIEF SCIENTIST BRANCH**

18 July 2019

NSW Department of Primary Industries, an Office of NSW Department of Industry
*Delegate of the Secretary of the Department of Industry



Department of Planning, Industry and Environment
Scientific Licence
Biodiversity Conservation Act 2016

Name and postal address of principal licensee

Nominated premises (where appropriate)

Ms Geraldine Dalby-Ball
Ecological Consultants Australia
30 Palmgrove Rd
AVALON BEACH NSW 2107

Your licence number is: SL101387

This licence is valid from: 01 August 2020

This licence will expire on: 28 February 2022

Additional authorisations:

Project Title: Flora and Fauna Surveys in NSW

This class of biodiversity conservation licence granted under Part 2 of the Biodiversity Conservation Act 2016 authorises the following activities: Pick and deal in (possess) protected and threatened plant species for identification purposes; Harm (by means of capture), possess, and liberate protected and threatened animals for (research) (survey) (identification) purposes; Damage habitat of a threatened species by means of bush regeneration; Pick and deal in (posses) protected plants for propagation and revegetation purposes.

This licence authorises the principal licensee and any associates named in **Attachment A** to conduct those activities authorised above, to those species, communities or materials listed in **Attachment B**, at the locations specified in **Attachment C** of this licence.

This licence also authorises the principal licensee to conduct research on National Park estate under clause 26 of the National Parks and Wildlife Regulation 2019 (NPW Reg), where this forms part of a project approved by a delegated officer of the *Biodiversity Conservation Act 2016*.

This licence is granted subject to the provisions of *Biodiversity Conservation Act 2016*, Biodiversity Conservation Regulation 2017, the general conditions listed below, any special conditions as may be notified in writing to the licensee by the Environment Agency Head of the Department of Planning, Industry and Environment (the Department) or a 'delegated officer' of the *Biodiversity Conservation Act 2016* and the Department's 'Scientific Licensing Policy'.



Signature of Delegated Officer

Date: 12 February 2021

Signature of Principal Licensee*

Date:.....

* This licence is not valid unless it is signed by the principal licensee. By signing this licence, the licensee agrees that they have read, understood and agree to comply with all of the conditions listed on the licence.