



Stephen Richardson
Allen Price
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22/05/2025

Re: Letter to address the requirements for a BDAR to support a Modification Application at the Supagas CO2 Plant, 220 Bolong Road Bomaderry, NSW.

Dear Stephen Richardson,

This letter has been prepared in response to a comment received following an initial review of the Modification Application to the Supagas CO2 Plant at 220 Bolong Road, Bomaderry, NSW. The NSW Department of Planning reviewed the Flora and Fauna Assessment (FFA) prepared by Ecoplanning on 13 March 2025. The following review comment was received:

Vegetation Removal

The modification sees some vegetation removal. The modification report should consider clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017, relating to the need of a BDAR.

Clause 30A of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017* states that Division 4 of Part 7 of the Biodiversity Conservation Act [BC Act] (i.e. the Biodiversity Offset Scheme entry threshold) applies to applications for Modification of a planning approval where the planning approval was granted before the commencement of the BC Act.

Clause 30A(2) goes on to state that a Biodiversity Development Assessment Report (BDAR) is required to be submitted with an application for Modification unless the authority determining the application is satisfied that the Modification will not increase the impact on biodiversity values. The BDAR is only required to consider the additional impacts of the Modification and not those associated with the original development.

In addition, section 7.17(2)(c) of the *NSW Biodiversity Conservation Act 2016* (BC Act) states that: *'a further biodiversity development assessment report is not required to be submitted [with the Modification] if the authority or person determining the application for modification (or determining the environmental assessment requirements for the application) is satisfied that the modification will not increase the impact on biodiversity values'*.

The FFA undertaken by Ecoplanning (2025) assessed the biodiversity values present and any potential impacts to biodiversity values that may occur as a result of the proposed Modification. The findings of the FFA (Ecoplanning 2025) included 0.12 ha of planted native vegetation will be removed. This vegetation could not readily be attributed to a Plant Community Type as a review of historic aerial imagery shows that these trees were planted in 1991. The species of trees present are native to New South Wales however no native understorey was present.

Furthermore, this vegetation is within a highly modified landscape within the Manildra Group's Shoalhaven Starches facility and lacks direct connectivity with large expanses of native vegetation.

The planted native vegetation was identified as potential foraging habitat for the Grey-headed Flying-fox. However, a significant impact assessment determined a no significant impact to the species, or the species habitat will be impacted as part of the proposed. An additional 0.09 ha of exotic grassland will be removed. This impact will not result in an increase in impacts on biodiversity values.

It is noted that Section 4 of the FFA includes avoidance and mitigation recommendations to ensure the proposed works do not have unforeseen impacts on the environment and biodiversity values.

The findings of the FFA (Ecoplanning 2025), which have been summarised in this letter, concluded that 0.12 ha of planted native vegetation will be removed and no significant impacts to any threatened species will occur. No additional impacts to biodiversity values have been identified in the FFA. Avoidance and mitigation measures have been included to ensure unforeseen impacts to biodiversity values are avoided. It is therefore recommended that a BDAR is not required to support the Modification Application.

Yours sincerely,



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