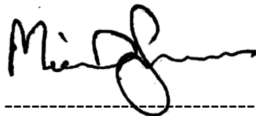


Attachment 1

Determination under clause 7.9(2) of the Biodiversity Conservation Act 2016

I, Michael Saxon, Director South East Branch, of the Department of Climate Change, Energy, the Environment and Water, under clause 7.9(2) of the *Biodiversity Conservation Act 2016*, determine that the proposed development is not likely to have any significant impact on biodiversity values and therefore a Biodiversity Development Assessment Report **is not required**.

Proposed development means the development as described in **Schedule 1**. If the proposed development changes so that it is no longer consistent with this description, a further request to waive the requirement for a BDAR must be lodged or a BDAR prepared.



MICHAEL SAXON
Director South East Branch
Regional Delivery
Biodiversity, Conservation and Science Group

16/08/2024

Date

SCHEDULE 1 – Description of the proposed development

State Significant Development (SSD-69257218) under the *Environmental Planning and Assessment Act 1979* for a proposed mixed-use development; and as detailed in the BDAR waiver application dated 25th July 2024.

The proposed development is within the Shoalhaven local government area. The site is legally described as 25 Moss Vale Road (Lot 1// DP520502, Lot 129// DP 3060 and Lot 110 // DP 131219), Bomaderry, NSW 2540 (as shown on **Figure 1**).

The SSD application for the project consists of approximately 196 dwellings, including attached dwellings, six residential flat buildings and shop top housing, commercial tenancies, a boarding house, a childcare centre, a medical centre, at grade parking, communal open space and public domain works. Figure 1 (below) shows that the site currently consists of exotic grassland with isolated patches of native vegetation (Eco Logical Australia 2021)¹.

Approval has been granted to clear 100% of vegetation within the development footprint (0.13 ha of PCT 1097) under separate development consent (SF10851) for subdivision of the site for which a BDAR was prepared by Eco Logical Australia in 2021. One credit for large-eared pied bat is to be retired to offset impacts to the habitat of this species from clearing for the subdivision.

This BDAR waiver approval is granted on the basis that the development footprint will be 100% cleared in the near future under development consent SF10851 for the subdivision and no biodiversity values will remain.

This BDAR waiver only applies to the description above.

¹ As described by EcoPlanning Request for BDAR Waiver, dated 25th July 2024

Figure 1 below shows an aerial photograph of the site at 25 Moss Vale Road, Bomaderry (Eco Logical Australia 2021: BDAR Proposed Subdivision 25 Moss Vale Rd Bomaderry. Prepared for Southern Cross Community Housing).

