



DOC18/819332  
SSD-9511

Ms Chloe Dunlop  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Ms Dunlop

**CFC large format retail (SSD-9511) Bringelly Road Horningsea Park – proposed Lot 6 – request for determination under Section 7.9(2) of the Biodiversity Conservation Act 2016**

Reference is made to the Department's email of 15 October 2018 requesting comments from the Office of Environment and Heritage (OEH) on the Environmental Impact Statement for the above State Significant Development (SSD) application. As part of the EIS review, OEH has reviewed the waiver request prepared by Sclerophyll (dated 12 September 2018) on behalf of the proponent to not require a Biodiversity Development Assessment Report (BDAR) to be submitted with the above SSD application.

Under section 7.9(2) of the *Biodiversity Conservation (BC) Act 2016*:

*"Any such application [SSD] is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values."*

The power to determine whether an SSD is "*not likely to have any significant impact on biodiversity values*" was delegated to the OEH Senior Executive on 4 December 2017. I note cleared land (exotic pasture) occurs over most of Lot 6 and ELA (2014; 2015) have not identified any native vegetation, threatened species habitat, threatened ecological communities, nor did ELA record any threatened flora and fauna species on Lot 6. I have determined that the proposed development is not likely to have any significant impact on biodiversity values and therefore a BDAR is not required.

Should you have any queries in relation to this matter, please contact Janne Grose on 8837 6017 or by email at [janne.grose@environment.nsw.gov.au](mailto:janne.grose@environment.nsw.gov.au)

Yours sincerely

28/11/2018

**ALEX GRAHAM**  
**Director – Greater Sydney**  
**Communities and Greater Sydney Division**