



Our ref: doc19/753627

Senders ref: SSD 6471 – MOD 1

Andy Nixey  
Principal Planning Officer  
Key Sites Assessments  
Department of Planning, Industry and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Mr Nixey,

**Subject: Request for Advice: Sydney Modern Art Gallery Mod 1 – Cooling Towers, Lots 1001 and 1002 DP 1249710, located at The Crescent Precinct of the Domain and Sydney Central Business District SSD 6471**

Thank you for your email received on 29 August 2019, requesting input from Environment, Energy and Science Group (EES) in the Department of Planning, Industry and Environment (DPIE) on the proposed modification to the Sydney Modern Art Gallery, located within the Crescent Precinct of the Domain and Sydney Central Business District.

EES previously provided comments dated 22 July 2019 stating that the applicant had not addressed the *Biodiversity Conservation Act 2016* (BC Act) in its application for the proposed modification, and as a result of this advice the applicant has submitted additional information.

As you are aware Planning and Assessment Group is the determining authority for this application and as stipulated in section 7.17 of the BC Act if the determining authority is not satisfied that the modification will not increase the impact on biodiversity values, then the applicant will need to submit a biodiversity assessment report. Planning and Assessment Group needs to be satisfied that the proposed modification will not increase the impact on biodiversity values.

To assist, EES has reviewed the response prepared by WSP Australia dated 9 August 2019 and notes that WSP have concluded "*Given the proposed modification will not result in any additional or increased impact on the current approved footprint in terms of biodiversity, it is deemed reasonable that the application is subject to section 7017 (2)(c) of the Biodiversity Conservation Act 2016 and as such no further biodiversity impact assessment is required.*"

Based on the information submitted EES has formed the view that the proposed modification is unlikely to increase the impact on biodiversity values.

Should you have any queries regarding this matter, please contact Bronwyn Smith, Senior Conservation Planning Officer on 9873 8604 or [Bronwyn.smith@environment.nsw.gov.au](mailto:Bronwyn.smith@environment.nsw.gov.au)

Yours sincerely

*S. Harrison 05/09/19*

**Susan Harrison  
Senior Team Leader Planning  
Greater Sydney Branch  
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