



Mr Cameron Sargent  
Team Leader, Key Sites Assessments  
Department of Planning, Industry and  
Environment  
GPO Box 39  
SYDNEY NSW 2001

Our ref: DOC19/580446 -1

Your ref: SSD 6471 MOD 1

Dear Mr Sargent

**Subject: Modification application for the Art Gallery of NSW Expansion Project – Sydney Modern (SSD 6471 Mod-1)**

I refer to your email of 27 June 2019 seeking input from the Environment, Energy and Science (EES) Group on the Secretary's environmental assessment requirements (SEARs) for the above State Significant Development project.

EES Group has reviewed the modification application and provides the following comments regarding Aboriginal cultural heritage and biodiversity.

**Aboriginal Cultural Heritage**

EES Group notes the Environmental Impact Statement indicates that the proposed modification is located within the approved excavation footprint and that no further excavation is required to facilitate the proposed modification. Given that the modification will not result in any additional impact, EES Group has no further comment in regard to the Aboriginal cultural heritage matters.

**Biodiversity**

Section 7.17 of the *Biodiversity Conservation Act, 2016* (BC Act) stipulates:

*2 (b) a biodiversity development assessment report is required to be submitted and taken into consideration if this Division applies to the original development as proposed to be modified even if a biodiversity development assessment report was submitted in connection with the application for the original development or even if this Division did not apply to the original development (for example, because the modification results in the development exceeding the biodiversity offsets scheme threshold),*

*(c) however a further biodiversity development assessment report is not required to be submitted 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,*

*(3) The regulations may make further provision with respect to any such applications for modification (including exemptions to the application of this section).*

EES Group notes that the applicant has not addressed the BC Act in its application for the proposed modifications. If the application is not subject to section 7.17(3), EES Group recommends that the applicant be requested to provide an assessment of biodiversity values (sections 1.4 and 6.1 of the *Biodiversity Conservation Regulation 2017* and 1.5 and 6.3 of the BC Act) and the impact of the proposal on the biodiversity values. The provision of this additional



information will assist the Department in determining the appropriate planning pathway for biodiversity assessment required for the modification application.

Should you have any queries regarding this matter, please contact Marnie Stewart, Senior Project Officer Planning on 9995 6868 or [Marnie.Stewart@environment.nsw.gov.au](mailto:Marnie.Stewart@environment.nsw.gov.au).

Yours sincerely,

*S. Harrison 22/07/19*

**Susan Harrison**  
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**Climate Change and Sustainability**  
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