



DOC17/443338  
SSD 7388 (MOD4)

Ms Emma Butcher  
Planning Officer  
Department of Planning and Environment  
320 Pitt Street  
SYDNEY NSW 2000

Dear Ms Butcher

**Response to Submissions  
IMAX Redevelopment Option No. 2 (SSD 7388 MOD 4)**

I refer to your email dated 28 August 2017 to the NSW Environment Protection Authority (EPA) regarding the response to submissions in relation to the Section 96(2) Modification Request to modify Condition D1 of the development consent for the redevelopment of the IMAX Theatre at Darling Harbour.

The EPA provided a letter response to the Department of Planning and Environment (DPE) on 23 August 2017 for the original proposal which sought approval for the amended construction hours of 06:00 AM to 12:00 AM, Mondays to Saturdays (excluding public holidays). In the EPA's response, concerns were raised about the justification for the requirements to undertake construction works outside of standard construction hours, and that the supporting Acoustic Assessment Report did not adequately address community views as per the Interim Construction Noise Guideline (EPA, 2009) (ICNG).

The EPA maintains that the proposal does not constitute a Scheduled Activity under Schedule 1 of the *Protection of the Environment Operations Act 1997* (POEO Act). The EPA does not consider that the proposal will require an Environment Protection Licence (EPL) under the POEO Act. EPA understands that the proposal is not being undertaken by or on behalf of a public authority. EPA is therefore not the appropriate regulatory authority for the proposal.

The EPA has reviewed the additional supplementary information and has no further comments. As such, the EPA has no further interest in this proposal.

If you have any further questions regarding our response, please contact Rajesh Mottey on 9995 6563.

Yours sincerely



12 September 2017

**JAMES GOODWIN**  
**Director - Sydney Industry**  
**NSW Environment Protection Authority**

Contact officer: RAJESH MOTTEY  
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