



Ref: SSD 8839

Tim Smith
Ethos Urban
173 Sussex Street
Sydney NSW 2000

Dear Mr Smith,

I refer to your correspondence received on 16 January 2018, seeking to waive the need for a Biodiversity Development Assessment Report (BDAR) for the State Significant Development (SSD) application for the proposed fit out and operation of the IMAX Cinema within the Ribbon building, Darling Harbour (SSD 8839).

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

"Any such application 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 authority of the "Planning Agency Head" to determine whether a proposed development is "not likely to have any significant impact on biodiversity values" has been delegated to Directors within the Planning Services Division on 21 December 2017.


I have reviewed your request having regard to sections 1.5 and 7.3 of the BC Act and clause 1.4 of the *Biodiversity Conservation Regulation 2017*, and agree that there is no need to submit a BDAR as part of the SSD application. Therefore, a waiver under section 7.9(2) of the BC Act is granted for the proposed SSD 8839.

The delegated *Environment Agency Head* in the Office of Environment and Heritage has also granted a waiver in a letter dated 1 February 2018 and a copy of that letter is attached.

This waiver is issued in respect of the proposed development detailed in a request for Secretary's environmental assessment requirements dated 29 November 2017. Amendments to the development may require a further waiver to be sought and issued.

Should you have any further enquiries, please contact Emily Dickson, Planning Services, at the Department on (02) 8275 1032.

Yours sincerely,



13.2.18.

Ben Lusher
Director
Key Sites Assessments
(as nominee of the Secretary)