

23 February 2022

2200231

Amy Watson
Team Leader – Key Sites Assessment
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

ATTN: Thomas Piovesan, Senior Planner

Dear Thomas,

**RESPONSE TO SUBMISSIONS LETTER
SSD 7388 MOD 15 – 31 WHEAT ROAD, SYDNEY (THE RIBBON)**

This Response To Submissions (RTS) Letter has been prepared by Ethos Urban on behalf of Tianlong Ribbon Pty Ltd (Greaton), in response to the RTS request from the Department of Planning and Environment (DPE) for SSD 7388 MOD 15 dated 17 February 2022.

MOD 15 is seeking consent for amendments to conditions F9(1), F15 and F16 of the SSD 7388 consent in relation to the operation of the level 22-23 'open roof' swimming pool and bar area to deliver a more enjoyable patron experience. Following lodgement on 13 December 2021, it was publicly exhibited from 27 January to 9 February 2022.

Following exhibition, a total of ten (10) submissions were as follows:

- Three (3) submissions from Government bodies and agencies, including:
 - NSW Environment Protection Authority (EPA);
 - Transport for NSW (TfNSW);
 - City of Sydney Council (Council); and
- Seven (7) submissions from members of the public.

Responses to the submissions are provided below.

1.0 Response to Submissions

1.1 Response to Agency Submissions

Table 1 Response to agency submissions

Submission	Proponent's response
1. NSW Environment Protection Authority	
<p>The NSW Environment Protection Authority (EPA) has advised the proposal does not constitute a Scheduled Activity under Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act).</p> <p>As such, the EPA does not consider that the proposal will require an Environment Protection Licence under the POEO Act. Furthermore, the proposal is not being undertaken by or on behalf of a NSW Public Authority nor are there activities for which the EPA is the appropriate regulatory authority.</p> <p>As a result, the EPA has no further interest in this proposal. City of Sydney Council should be consulted for future enquiries.</p>	Noted.
2. Transport for NSW	
TfNSW has reviewed the submitted material and has raises no objections to the modification application.	Noted.
3. City of Sydney Council	
<p>The City has reviewed the supporting information submitted and generally raises no issues with the proposed modifications. However, in light of the proposed extension of operating hours and increased use of the bar area for non-hotel patrons, the City recommends that the submitted Hotel Plan of Management be revised to include additional information in accordance with the guidelines in Schedule 3.2 – Plan of Management Requirements of Sydney DCP 2012. Specifically, it should include operational details, and actions to be taken to ensure the premises is responsibly managed including crowd control and safety measures.</p>	<p>An amended Plan of Management (PoM) was submitted at Attachment B of the MOD 15 package. The revised PoM includes the amended hours of operation sought by MOD 15.</p> <p>The submitted PoM confirms that a Detailed Plan of Management which will be generally consistent with relevant criteria stipulated in the Sydney DCP 2012 will be submitted to NSW Planning prior to the relevant occupation certificate being issued.</p>
<p>The City also recommends that a condition be imposed to ensure the open roof and bar area is operated and managed in abeyance with the Plan of Management.</p>	<p>Existing condition A2(d) of the SSD 7388 consent requires that the project be carried out in accordance with the Plan of Management. We recommend that the wording of this condition be updated to reflect the revised PoM dated November 2021 (Revision 7), as follows:</p> <p><i>The Applicant shall carry out the project generally in accordance with the:</i> [...] (d) Plan of Management dated 26 April 2016 18 November 2021.</p>

1.2 Response to Public Submissions

A response to each submission raised by members of the public is provided in **Table 2** below.

Table 2 Response to public submissions

Name	Submission	Proponent's response
Mick McAuliffe	This development is directly opposite the Millennium Towers building, where almost 200 residential units face directly towards this IMAX redevelopment. Noise carries in the area. To increase the volume & time allowed for that volume to be played will impact adversely on both the quiet enjoyment, and also lead to sleep deprivation for many. Much sleep has already been lost when the building construction was occurring during the overnight hours. There were a number of times that we had complained about the noise even at that time, and had also had issues previously with a disco in the Darling Harbour which was further away than the IMAX, that also had played very loud music to very late at night, where we had the Rangers involved a number of times.	The Noise Impact Assessment submitted with MOD 15 at Attachment A specifically assessed the impacts of the proposed amendments on the Millennium Towers, being the nearest residential building. It was found that predicted noise levels at the Millennium Towers are acceptable and remain at least 10dB(A) L ₁₀ below the noise level threshold for compliance at all times during the day and night. Refer to Section 1.2.1 below.
Tong Lin	The increase to noise levels, as well as the late night opening hours to non-hotel customers will be excessive, affecting our sleep and ability to find peace at home. The swimming pool floor of this development sits directly in front of our building, which is residential. Our building has many apartments facing the aspect of the swimming pool and many families and elderly reside in our building, the majority of our windows are single glazing so the late night noise will be unbearable to many residents in our building.	
Geraldine Campbell	I strongly object to the new operational hours. If this is an outside venue I feel 2 am in the morning will be extremely noisy for the surrounding patrons. If this venue is indoors it should not create a problem	
Suzanne MacAlister	Objection to increased sound power levels of speakers and extended hours at swimming pool and bar on levels 22 and 23. Having endured several years of unavoidable noise during construction of the "Ribbon Building", we now object to proposed increased noise at the development. We are owner occupiers of an apartment immediately facing "The Ribbon" and object strongly to the proposed extended and unnecessary encroachment on our peace.	
<i>Name Withheld 1</i>	This redevelopment would significantly affect the nearby residents' normal life. Noise level and extended hours of operation will interfere the rest and sleeping of nearby residents.	
Suzanne Betro	We object to the increase to sound power levels, as well as the increase to hours of use to non-hotel patrons. The development sits directly in front of our building and the swimming pool level is at the top. Sound will be easy to carry. We are sure the sound will dramatically affect our ability to sleep at night because during this development's construction, whenever they have had late nights, we have always been very disrupted, it has caused major stress for our children studying through their final years of school and university exams also. I myself have a health condition and getting a good night's sleep is crucial. Knowing the construction needs to be temporary we have put up with it, but having a loud venue directly in front of us will make life simply unbearable. Our building has many families and elderly residents also who will be deeply and adversely affected. Please, please do not allow a loud venue to operate so close to our residential building.	
<i>Name Withheld 2</i>	I am concerned that the project will create noise disruption, especially for opening till 2am for our apartment at [redacted] street.	

1.2.1 Impacts on the Millennium Towers Building

The Proponent notes the concerns held by residents in the area and is conscious of the Ribbon’s proximity to nearby residential buildings (particularly the Millenium Towers). The Noise Impact Assessment prepared by Acoustic Logic and submitted at Attachment A of the MOD 15 specifically considered noise impacts to the Millennium Towers as it is the nearest residential building.

The Millennium Towers is not directly adjacent to The Ribbon building, being some 145m to the southeast. Additionally, the ‘open roof’ area is located along only the north eastern side of the building, creating further separation. The Ribbon is within Sydney’s premier entertainment precinct of Darling Harbour and there is a reasonable expectation that noise within acceptable limits will be generated at the site, as is the case for other rooftop bars within the Sydney CBD (such as at The Ivy and Hyatt Regency rooftop bars, which are permitted to operate 24 hours).

Table 11 from the report showing the predicted noise levels at the Millenium Towers between 12am and 2am is provided in **Figure 1** below. Table 11 demonstrates that predicted noise levels at the Millennium Towers comply with the Liquor and Gaming NSW (L&G NSW) criteria for all standard frequencies, with a buffer of at least 10dB(A) L10 or more, between the hours of 12am – 2am (i.e. the extended hours sought under MOD 15).

Table 11 - Predicted Noise Emissions – Millennium Towers – 12am – 2am (External)

Location	31Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-wt
Predicted Noise Levels dB(A) L ₁₀	42	42	48	43	43	41	33	21	19	45
Criteria dB(A) L ₁₀	65	65	63	61	55	51	46	44	37	58
Compliance	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Figure 1 Expected noise impacts onto the Millennium Towers

Source: Acoustic Logic

2.0 Conclusion

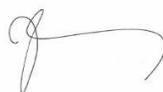
As stated above, the Proponent is conscious of the site’s proximity to nearby residential buildings. This RTS clarifies that the predicted noise impacts of the ‘open roof’ swimming pool and bar area, as proposed under MOD 15, are reasonable and comply with the relevant noise guidelines.

We trust that the above is sufficient to enable determination of SSD 7388 MOD 15. If you have any questions, please do not hesitate to contact the undersigned.

Yours sincerely,



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