



28 May 2018

Our Reference: SYD15/01513/09
(A22483413) DP&E Ref: SSD 7388 MOD 6

Amy Watson
Team Leader
Key Sites and Assessments
Department of Environment & Planning
320 Pitt Street
SYDNEY NSW 2000

Attention: David Glasgow

Dear Ms Watson

**ADDENDUM NO 1 TO EXHIBITION OF MODIFICATION REQUEST FOR THE RIBBON,
DARLING HARBOUR, DESIGN MODIFICATION AND EXTENSION OF CONSTRUCTION
HOURS (SSD 7388 MOD 6)
31 WHEAT ROAD, DARLING HARBOUR**

Reference is made to Council's correspondence dated 16 April 2018, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime has reviewed the submitted application and was not able to support the proposed modification at this stage. Subsequently, Roads and Maritime received an updated Environmental Air Quality Assessment dated 12 August 2016, addressing Roads and Maritime's previous comments concerning the proposals impact to the Cross City Tunnel (CCT) Vent Stack Plume on the proposed development.

Roads and Maritime has reviewed the updated Environmental Air Quality Assessment and does not support the proposed modification at this stage. The following comments are provided as additional comments to the 9 May 2018 letter.

- Roads and Maritime would be very concerned with any open pool arrangement in vicinity of the stack.
- Condition B23 of the Grocon Development Consent dated 16 June 2014 issued by the Planning and Assessment Commission provides that no operable balconies, terraces or windows shall be incorporated within Grocon's building above a height of 60 metres above ground level. As the pool in question is located above 60 metres it is our submission that this proposed open pool roof design not be approved.

- Clause 7.24 (b)(2) of the Sydney Local Environmental Plan 2012 regarding development provides that development consent must not be granted for developments on the 'Land Affected by the Cross City Tunnel (CCT) Vent Stack' unless the consent authority is satisfied that persons using the proposed development (i.e. the open roof pool) will not be unduly affected by vent stacks emissions. Although the site is within the Sydney Harbour Foreshore Area and assessed under the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, this clause in SLEP2012 remains a valid consideration for this proposal.
- Roads and Maritime is not satisfied that the persons using this development (open pool) will not be unduly affected by the CCT vent stack emissions (taking into account emergency situations such as a car fire, which would result in large amount of emission in the proposed development area in a short space of time, depending on wind and the operational circumstances.)
- Furthermore, we refer to Pacific Environment Limited's Ribbon Development - Refined Assessment of Level 29 Pool Area report dated 12 August 2016 (**2016 Report**). This 2016 Report concludes that the risk of exceedances of the EPA ambient air quality criteria associated with the operation of the open pool design area is minor. However, Pacific Environment Limited's Ribbon Development report date 2 August 2013 (**2013 Report**) provides that concentrations of NO₂ levels above 60 metres pose an increased risk of the CCT stack plume resulting in concentrations of NO₂ being above the applicable air quality goal. The 2013 Report and the 2016 report appear to be somewhat contradictory.
- We also query whether the 2013 and 2016 Reports take into account accurate estimates of traffic flow, traffic composition, traffic speed, vehicle emission factors, ventilation system operating parameters, and the stack exhaust temperature (which influences how buoyant the emissions are). Roads and Maritime believes the 2016 Report does not adequately substantiate this point and an independent modelling report, separate to those reports procured by Grocon, may be required.
- Roads and Maritime views that this proposal changes the risk profile of CCT operations, in particular during an emergency. In such circumstances, Roads and Maritime would be focussed on managing any emergency and cannot be held responsible to manage the hotel operations or impact to the pool and guests. Roads and Maritime would not accept any liability for impact to hotel customers on managing any emergencies or operations.

Suggested actions

Given the potential risk to public health and safety to future occupants of the development, and to maintain the continuing operation of the Cross City Tunnel, Roads and Maritime recommends independent modelling to be undertaken.

Roads and Maritime will be pleased to set up a meeting with the proponent (and contractors), the Department of Planning & Environment following this submission to discuss Roads and Maritimes concerns and agree on a way forward.

Upon receipt of amended plans and information addressing the abovementioned concerns, Roads and Maritime will review and provide a response accordingly.

Should you have any further queries in relation to this development application, Jana Jegathesan would be pleased to take your call on 8849 2313 or e: development.sydney@rms.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Robert Rutledge', written in a cursive style.

Robert Rutledge
ASenior Land Use Planner
Syd2ney Division – South East Precinct