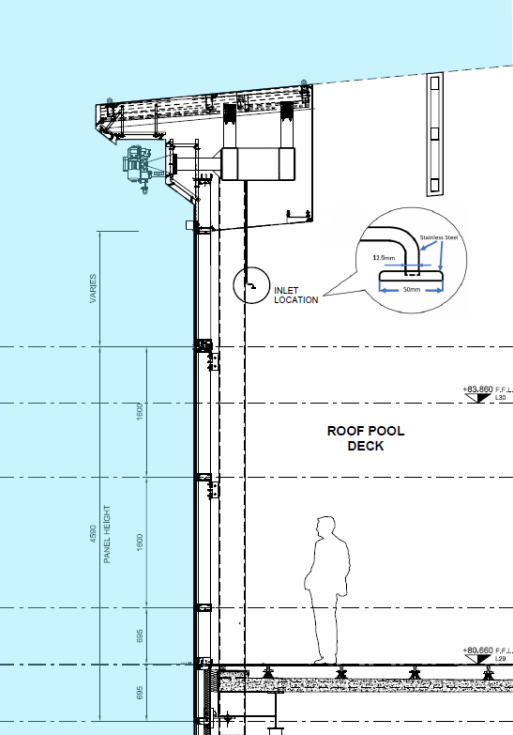


## Attachment A – Response to Submissions Table

**Table 1 Response to Submissions**

Issue	Response
<p><b>Amenity</b>  <i>Provide a plan of management for the pool and bar areas at Level 22 and 23. The plan should detail how the proposed area will be used, including public access, hours of operation, and any mitigation measures to protect neighbouring amenity.</i></p>	<p>An updated Plan of Management (POM) has been prepared by Grocon and is issued as part of this response. The updated POM includes further details on how the proposed area will be used and is located as <b>Attachment D</b> to this submission.</p> <p>The revised POM has included the following additional details:</p> <ul style="list-style-type: none"> <li>• <b>Public access:</b> The rooftop pool area would be operated and managed by the hotel operator with a focus on providing services and facilities for hotel guests and visitors. As with many five star hotel operations in Sydney, this will include some external access by the public.</li> <li>• <b>Hours of operation:</b> The pool area would be expected to operate 24 hours, but for private hotel guests only after midnight.</li> <li>• <b>Mitigation measures:</b> A number of mitigation measures have been proposed to manage the impact of the Level 22 / 23 pool / bar area in the after hours period, including: <ul style="list-style-type: none"> <li>- The pool bar area will be closed to non-hotel guests at midnight.</li> <li>- The updated Noise Impact Assessment (NIA) specifies that a noise level of 80dB(A) until midnight, and 65dB(A) after midnight, as measured three metres from the sound source.</li> <li>- A single operator will manage the entertainment facilities across The Ribbon site, to ensure that the pool area is operated in a manner which both ensures appropriate impacts through the remainder of the building, as well as to surrounding neighbours.</li> <li>- Pool rules will be developed in accordance with the POM, which will include specific requirements for quiet behaviour during out of hours access. These requirements will be developed with the specific intention of ensuring that the impact of pool operations on neighbouring amenity is minimised.</li> <li>- As per the current conditions of consent, a detailed Plan of Management will be submitted to DPE prior to the issue of Occupation Certificate. This will include further mitigation measures necessary for operation of the entertainment facilities at the site.</li> </ul> </li> </ul>
<p><i>Provide an updated noise impact assessment which takes into account of the proposed open roof and the acoustic impacts associated with the operation of the pool, bar and alarm system on sensitive residential receivers.</i></p>	<p>An updated Noise Impact Assessment (NIA) has been prepared by Acoustic Logic and provided at <b>Attachment C</b>. This assessment addresses the acoustic impacts associated with the operation of the pool, bar and alarm system on sensitive residential receivers.</p> <p>The updated NIA suggests that noise emissions from the operation of the rooftop bar will be a combination of patron noise and amplified noise from installed speakers. The NIA provides recommendations to minimise the impact of excessive noise generation to sensitive nearby residential receivers such as installing speakers within a covered area of the bar and regulate the sound pressure levels. Refer to Section 6.2.3 and 6.3.2 of the NIA.</p> <p>The Acoustic Assessment finds that the potential noise levels to residential receivers from the pool bar are acceptable subject to noise controls and operational management of the area including;</p> <ul style="list-style-type: none"> <li>• Any installed speakers are to be installed within a covered area of the bar, such that the building form acts as a screen to nearby residential receivers (to the south).</li> <li>• Noise levels from speakers are to be limited to the following sound pressure levels: <ul style="list-style-type: none"> <li>- Between 7am and 12am: 80dB(A) sound pressure level when measures at 3m distance from speakers.</li> <li>- Between 12am-7am: 65dB(A) sound pressure level when measured at 3m distance from speakers.</li> </ul> </li> </ul>

Issue	Response
<p><b>Plans</b>                      Clarify the rationale for the proposed number and location of NO<sub>2</sub> sensors. If the sensors are to be located externally, provide appropriately scaled drawings (including elevations) clearly illustrating the proposed sensors, mounting brackets and any weatherproofing or other housing proposed. Consideration should be given to minimising the impact to the external appearance of the building.</p>	<p>The updated architectural drawings provided at <b>Attachment A</b> illustrate that each of the four nitrogen oxide sensor tubes and analysers are strategically located internally near the ceiling perimeter of the open roof. A section demonstrating the location of the sensors has been provided below.</p>  <p>The elevated location of the sensors within the rooftop pool bar will minimise potential interference, whilst ensuring that air quality is reliably measured in the pool area.</p> <p>The proposed sensors will be small in size with a sensor diameter of 50mm that is protected and mounted by a stainless steel frame. Given this small size, the sensors will have a negligible impact on the overall visual appearance of the building, and will be largely invisible to the public eye. Elevations provided at <b>Attachment A</b> demonstrate the small scale of the proposed sensor units.</p>
<p><b>Condition Deletion</b>                      RMS does not support the deletion of condition B30 as it could allow for the provision of balconies, terraces and / or operable windows. Roads and Maritime has previously raised issues regarding balconies and associated structures with such close proximity to the Western Distributor.</p>	<p>In response to the submission from RMS, the wording of Condition B30 is to be amended as follows:</p> <p><i>B30 No balconies, terraces or operable windows shall be incorporated within the building above a height of 60 metres above ground level. <b>This condition does not apply to the open air roof component above the hotel pool area at Levels 22 and 23.</b></i></p> <p>This is considered to resolve the issue of the wording, such that the proposed open air roof component at the pool area will be allowed, but balconies, terraces and operable windows will continue to not be permitted above 60 metres.</p>
<p><b>Pollutant</b>                      Pollutant of concern is NO<sub>2</sub> not NO<sub>x</sub>, as there is no health based criteria for NO<sub>x</sub>.</p>	<p>The use of NO<sub>x</sub> in the documentation was erroneous, with all references intended to be to NO<sub>2</sub>. All references in the documentation to NO<sub>x</sub> have now been updated to NO<sub>2</sub> to reflect this.</p> <p>It is noted that NO<sub>2</sub> was always the intended pollutant of concern, and accordingly no changes to the assessment provided are required in this case. This is noted in the air quality statement provided by ERM at <b>Attachment B</b>.</p>

Issue	Response
<p><b>Transurban - Pollutants</b>  <i>The site proposes installing four nitrogen oxide sensor tubes and analysers, which may not prevent compromised air quality and may only trigger after air quality has been compromised.</i></p>	<p>The open roof pool area is provided with air quality emission sensing devices to continuously monitor the NO<sub>2</sub> levels at roof and pool deck levels. Should levels be sensed above pre-set values, system alerts to staff, audible alarms, and visual alarms within the wet deck pool area will be activated.</p> <p>The sensors are designed to react to varying levels of air quality emissions and alert staff to commence the most appropriate action based on the levels identified. The differing levels of air quality triggers are identified below:</p> <ol style="list-style-type: none"> <li>1. Identification of NO<sub>2</sub> concentrations above 246 ug/m<sup>3</sup> for a steady duration of 15 minutes will raise a warning text/email to pool area supervisory management;</li> <li>2. Identification of NO<sub>2</sub> concentrations above 246 ug/m<sup>3</sup> for a steady duration of 30 minutes raise a warning alarm (strobe) and text/email to pool area supervisory management – to advise patrons to be ready to vacate; and</li> <li>3. Identification of NO<sub>2</sub> concentrations above 246 ug/m<sup>3</sup> for a steady duration of 1 hour raise a warning alarm (strobe + audible) advising patrons to evacuate the pool wet deck immediately.</li> </ol> <p>The system of escalated alarms and lighting when triggered by compromised poor air quality will ensure that evacuation procedures occur at the appropriate times. Refer to the revised Plan of Management for additional detail.</p>
<p><b>Transurban – Lights</b>  <i>The proposed installation of strobe flashing lights, with audible alarms, is not an additional safety measure. Rather, these are reliant on the nitrogen oxide sensor tubes and are just a visualisation of the sensors.</i></p>	<p>The alarms will provide a sense of legitimacy in response to the abnormal levels of air quality that the sensors will detect. Staff will be educated about the importance of the alarm system and will be trained (internally) to respond appropriately to differing levels of alarms as activated above. Refer to Section 5 of the updated Plan of Management.</p> <p>In this way, the provision of lights, in addition to the alarm / text warning system and staff practices all work cohesively to ensure a safe operating environment for The Ribbon.</p>
<p><b>Transurban – Protocol</b>  <i>No details have been provided regarding the protocol for the reopening of the roof pool post alarm event. The plan of management should include the protocol post alarm event, detail length of pool closure, and communication strategy with TCCT.</i></p>	<p>Depending on the severity of adverse air quality if detected by the sensors, patrons will either be advised to evacuate the building or will congregate within the bar area, where there will be pressurized air conditioning of the space and doors to the pool area will be sealed until the air quality improves.</p> <p>After the alarm activation and initial evacuation of patrons, staff would re-enter the pool area and undertake a detailed inspection of all contained areas within the pool area to ensure all patrons have been accounted for.</p> <p>The Reoccupation Threshold Level will be set at &lt;200ug/m<sup>3</sup> over a 1 hour rolling average period. Once the area has reached air quality conditions below this level, and the area is assessed and determined as safe to enter by hotel staff, hotel staff can allow patrons to occupy the area again.</p>
<p><b>Transurban – Pool Hours</b>  <i>In regards to the pool hours of operation, the proponent should provide detail as to the proposed pool hours and that detailed pool supervisory personal will be present during all operational hours of pool operation.</i></p>	<p>The anticipated normal pool opening hours are proposed as 8.00am to 12.00am daily, as per the updated Plan of Management. Outside of these hours, unsupervised access to the pool may be available to hotel guests only.</p> <p>In the event of an evacuation due to poor air quality (either in or outside of standard operating hours), staff will be present and undertake inspections of the pool area, to ensure that all patrons have evacuated the pool area before any adverse air quality outcome at the site.</p> <p>Evacuation protocol will be enforced by management staff of the hotel in accordance with the POM.</p>
<p><b>Transurban – General</b>  <i>TCCT maintains that despite the proposed amendments contained in the modification, an open roof pool changes the risk profile of TCCT operations, in particular during an emergency. In such circumstances,</i></p>	<p>This comment is noted. The hotel will manage internal operations dictated by their own protocol to ensure that pool operations are safe and appropriate in the context of an open roof environment at this site.</p> <p>Staff operations and management of protocol procedures in the event of an evacuation or similar emergency will be independent of the TCCT responsibilities.</p>

Issue	Response
<p><i>TCCT would be focussed on managing any emergency on the motorway and cannot be held responsible or have the ability to manage the hotel operations or impact that compromised air quality may have on the pool and guests. TCCT would not accept any liability for impact to the hotel or hotel customers on managing any emergencies or operation.</i></p>	
<p><b>Consultation</b>  <i>RMS recommends that the proponent work with all parties to address RMS comments and concerns raised by TCCT.</i></p>	<p>This comment is noted. Three meetings have been held between Grocon and RMS on this project, being on:</p> <ul style="list-style-type: none"> <li>• 27 June 2018;</li> <li>• 19 September 2018; and</li> <li>• 26 March 2019.</li> </ul> <p>At the most recent meeting, Grocon and RMS discussed the following issues:</p> <ul style="list-style-type: none"> <li>• updated progress of this subject modification application;</li> <li>• mitigation measures proposed under this modification application to ensure adequate protection of hotel guests from air quality emissions;</li> <li>• ability to manage operations at The Ribbon to ensure that the Cross City Tunnel would not be adversely affected.</li> </ul>
<b>Public Submission</b>	
<p><b>Amenity</b>  <i>The residents of the Millennium Tower do not want the pool area used for parties, loud events or amplified music.</i></p>	<p>The pool and bar area has been designed accommodate a variety of uses and functions. This includes bar operations, which have been factored into the NIA provided at <b>Attachment C</b>.</p> <p>The NIA provides additional controls to mitigate noise in the context of an open roof environment, including that noise emissions must comply with the acoustic requirements imposed by the NSW Department of Industry, Office of Liquor and Gaming which relate to noise generated by patrons and music from a licensed venue. Refer to Section 6.2.3 of the updated NIA included as part of this RFI submission.</p> <p>The pool is expected to be open until midnight (12am), at which point the pool would be used for hotel guests only. As mentioned, the pool area is expected to operate 24 hours a day for private hotel guests only, consistent with the 24 hour operations of facilities at many five star hotels.</p> <p>As detailed in the POM, pool rules will also be developed which encourage quiet behaviour of patrons during out of hours access. This will assist in further ensuring the quiet behaviour of patrons.</p> <p>An acoustic condition requiring a maximum of 80dB(A) from 7.00am to 12.00am, and 65dB(A) after midnight has also been recommended to ensure an appropriate acoustic outcome.</p>
<p><b>Amenity</b>  <i>The residents of the Millennium Tower do not want the pool area to have a liquor license</i></p>	<p>Liquor licensing is a separate process to this application, and is to be expected as part of the Level 22 bar operations.</p>
<p><b>Lighting</b>  <i>The residents of the Millennium Tower are concerned for apartments on Day Street and Bathurst Street being affected by lighting from The Ribbon.</i></p>	<p>An 'open roof' will not have any changed impact on lighting in the pool area compared to that currently approved. This matter is therefore considered to be outside the scope of this modification application.</p>
<p><b>Emergency</b>  <i>The residents of the Millennium Tower are concerned about the noise and lighting issues as a result of the alarm system</i></p>	<p>An event of the alarm sounding will likely be a rare, infrequent occurrence and is a matter of safety. Testing of the alarm system will occur no more than four times per year, and will be prioritised to occur during business hours (when at all possible) to minimise disruption.</p>

Issue	Response
	<p>In a high density mixed use CBD environment such as this, alarms are a usual part of the environment (e.g. ambulance / police vehicles, car alarms, reverse noises, fire alarms, security alarms and public alarm system testing) and are largely unavoidable as they play a safety role for the overall operation of the city. In this way, testing of the proposed air quality system is also to be expected in this environment.</p>
<p><b>Pool Usage Curfew</b>  <i>The residents of the Millennium Tower request a curfew of 10pm for the pool area</i></p>	<p>Pool usage will continue to be 24 hours for the use of hotel guests, managed by Marriot hotel staff. However, this is a relatively low impact use. This is also consistent with the operations of other five star hotels in Sydney. Pool rules will also be developed to ensure that quiet behaviour of patrons during the late night period.</p> <p>In order to ensure an appropriate acoustic outcome, the rooftop pool area would be closed to non-hotel guests at 12.00am (midnight). An acoustic condition requiring a maximum of 80dB(A) from 7.00am to 12.00am, and 65dB(A) after midnight has also been recommended to ensure an appropriate acoustic outcome.</p>

We trust that the above information is sufficient to enable your continued assessment of this application. If you have any further questions, please do not hesitate to contact Tim Smith on [tsmith@ethosurban.com](mailto:tsmith@ethosurban.com) or 9409 4970.

Yours sincerely,



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