

19 October 2021

2200231

Amy Watson
Team Leader – Key Sites Assessment
Department of Planning, Industry and Environment
320 Pitt Street
Sydney NSW 2000

ATTN: David Glasgow, Principal Planning Officer, Key Sites Assessments

Dear David,

**SECTION 4.55(1A) MODIFICATION APPLICATION – SSD 7388
31 WHEAT ROAD, SYDNEY (THE RIBBON) – MOD 14**

This Modification Application (MOD 14) has been prepared by Ethos Urban on behalf of Tianlong Ribbon Pty Ltd (Greateon), pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify Development Consent SSD 7388 relating to 31 Wheat Road, Sydney (the site). The development is better known as The Ribbon.

The modification relates to:

- minor amendments to the ground and first floors of the approved building to rationalise design and improve service access.
- adjustments to the gross floor area (GFA) calculations to become consistent with the standard definition of GFA.
- amendments to superseded conditions of consent.

This application identifies the consent, describes the proposed modifications, and provides an assessment of the relevant matters contained in section 4.55(1A) of the EP&A Act. This application should be read in conjunction with the following appended documentation:

- Revised Architectural Plans prepared by Hassell (**Attachment A**);
- GFA Plans prepared by Ridley (**Attachment B**);
- Fire Statement prepared by Holmes Fire (**Attachment C**); and
- Accessibility Statement prepared by Morris Goding Access Consulting (**Attachment D**).

1.0 Consent proposed to be modified

1.1 SSD 7388

Development consent SSD 7388 was granted by the Planning Assessment Commission on 28 July 2016 for the redevelopment of the IMAX building, including:

- demolition of the existing IMAX building, tourist office and amenities block;
- construction of a new 25 storey building (The Ribbon) and separate 2 storey building (the SHFA building);
- hotel, serviced apartments, retail and entertainment uses;
- car and bicycle parking facilities;
- realignment of Wheat Road; and
- upgrades to the surrounding public domain including a new playground and relocation of heritage items.

Following approval, thirteen Modification Applications to the SSD 7388 consent have been lodged. Three have been withdrawn, and ten have been approved. These are summarised as follows:

- SSD 7388 MODs 1 and 2, which sought to modify the staging of conditions of consent. These applications were withdrawn prior to determination.
- SSD 7388 MOD 3 sought a range of design changes to the podium and internal spaces. This application was approved by DPIE on 2 November 2017.
- SSD 7388 MOD 4 sought the provision of extended construction hours, broadly comprising 6.00am to midnight Monday to Saturday. This application was approved by DPIE on 10 November 2017.
- SSD 7388 MOD 5 sought changes to reflect an updated room number configuration, in addition to changes to the layout between the serviced apartment and hotel components of the development. This application was also approved by DPIE on 10 November 2017.
- SSD 7388 MOD 6 sought amendments to the tower envelope and facades, reconfiguration of the hotel swimming pool facilities, internal floor plan changes, additional signage size and external façade lighting, in addition to extended construction hours. MOD 6 was approved by DPIE on 19 December 2018.
- SSD 7388 MOD 7 sought modifications to facilitate an open roof above the hotel pool facilities at Levels 22 and 23 of The Ribbon building. This application was approved by DPIE on 12 August 2019.
- SSD 7388 MOD 8 sought minor internal changes to the IMAX Cinema portion of the building. This application was approved by DPIE on 18 June 2019.
- SSD 7388 MOD 9 sought amendments to the approved hours of construction for a specified period. This application has since been withdrawn.
- SSD 7388 MOD 10 sought amendments for a redesign of the SHFA building, modifications to the Porte Cochere, modifications to the playground area, an adjustment of public domain levels and an adjustment of the approved. This application was approved by DPIE on 30 April 2020.
- SSD 7388 MOD 11 sought consent for a reduction in the number of the visitor bicycle parking spaces provided by The Ribbon development from 176 to 120 to disperse bicycle parking more holistically across Darling Harbour. This application was approved by DPIE on 28 May 2021.
- SSD 7388 MOD 12 sought consent for the replacement of the previously approved 'City Screen' with a static LED sign. The application was granted consent by DPIE on 14 May 2021.
- SSD 7388 MOD 13 sought a number of amendments to the design of the approved SHFA building. The application was approved by DPIE on 11 June 2021.

1.2 SSD 8838 and SSD 8839

Development consent SSD 8838 was granted by DPIE on 28 February 2019 for the fit out and operation of the hotel and serviced apartment components, ancillary facilities, and common areas of The Ribbon building. Development consent SSD 8839 was also granted by DPIE on 12 September 2019 for the fit out and operation of the IMAX component of the building.

Neither SSD 8838 nor SSD 8839 affect the proposed modification to SSDA 7388 as sought under this application.

2.0 Proposed modifications to the consent

The proposed works subject to this Modification Application relate to minor amendments. Specifically, consent is sought for the following:

- Amendments to the ground floor layout, including:
 - Removal of fire stair R03 and ATM room on the ground floor, with the area to become part of the Retail Tenancy 03;
 - Installation of new operable glazing along the R03 tenancy façade in the area previously occupied by the fire stairs and ATM room;
 - Reconfiguration of a back-of-house corridor to improve service and loading access to the Retail 04 and Retail 05 tenancies;
 - Creation of a new stormwater filter room; and
 - Creation of a new staircase for Ausgrid access to Vault O beneath the Western Distributor.
- Amendments to the first floor layout, including:
 - Removal of aforementioned fire stair R03, with the area on the first floor to become part of the Retail Tenancy 02;
 - Adjustment to the boundary between the Retail Tenancies 02 and 05 through relocation of the intertenancy wall;
- Recalculate GFA to align with the Standard Instrument LEP GFA definition; and
- Updates to and/or deletion of a number of outdated conditions of consent.

The amendments will be undertaken in accordance with the Revised Architectural Plans prepared by Hassell (**Attachment A**). They are further described below.

2.1 Amendments to ground floor layout

2.1.1 Removal of fire stair R03 and ATM room

Fire stair R03 servicing Retail Tenancies 02 and 05 on Level 1 is proposed to be removed. Further review of the approved design has found the stairs and the ATM room to be redundant, providing an opportunity to increase GFA within two retail tenancies. A Fire Statement (**Attachment B**) has been prepared, confirming that the removal of the fire stairs will not implicate fire safety within the building.

The removal of the fire stairs and ATM room at ground level will increase floorspace to Retail Tenancy 03. The frontage of Retail Tenancy 03 has also been increased as a result of the change and will be replaced with additional operable glazing (refer to **Figures 1 – 2** below).

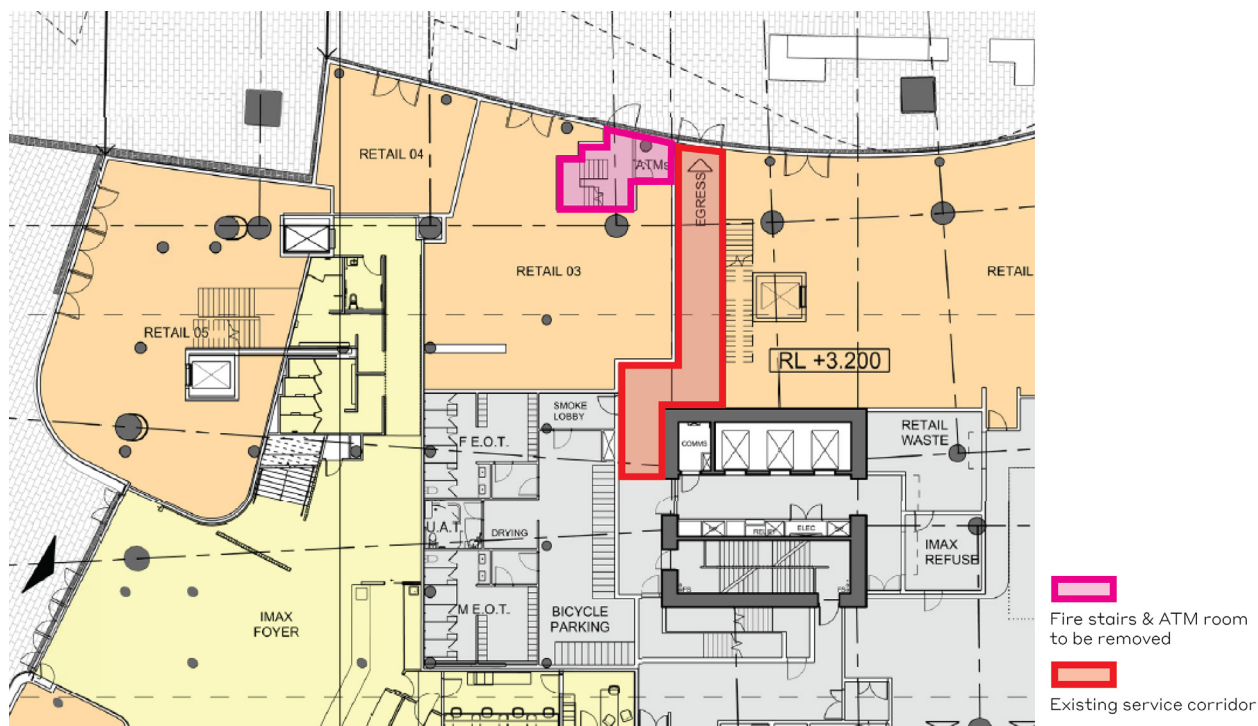


Figure 1 Existing ground floor layout (last modified MOD 10)

Source: Hassell, edits by Ethos Urban

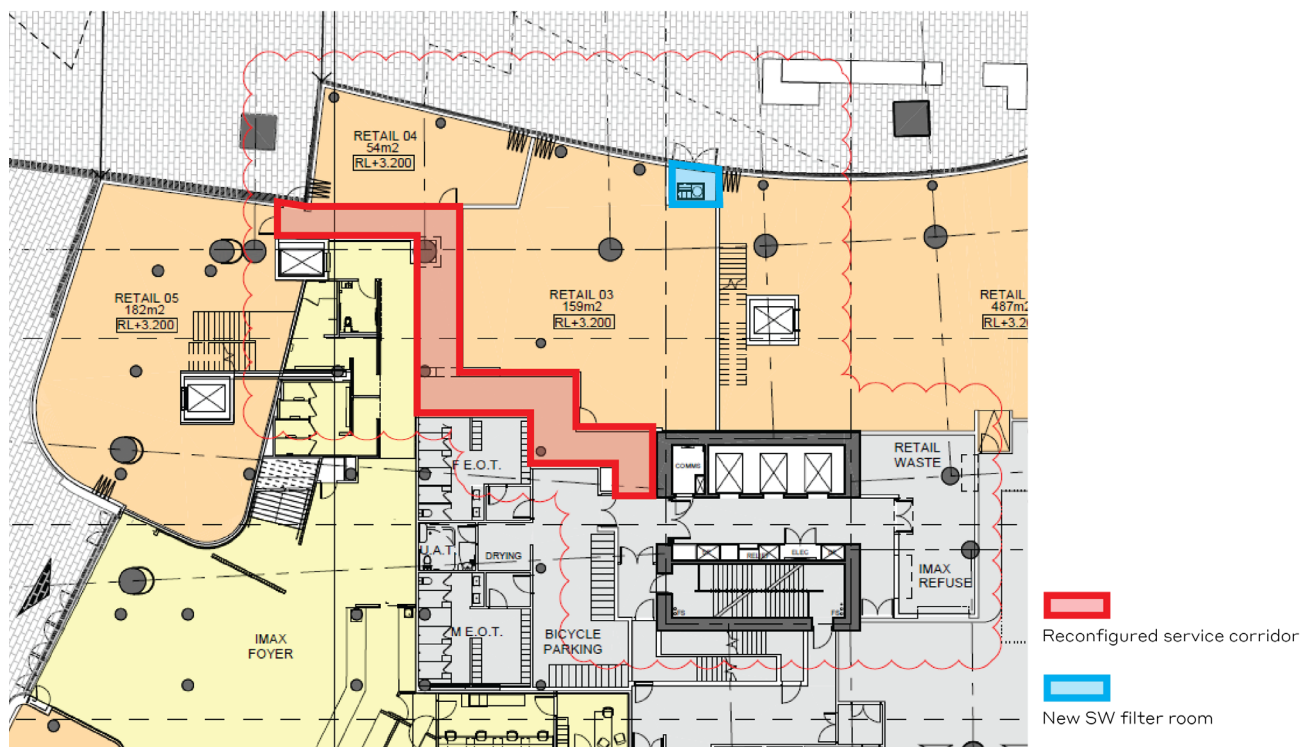


Figure 2 Proposed ground floor layout

Source: Hassell, edits by Ethos Urban

2.1.2 Reconfiguration of servicing corridor

The approved back-of-house service corridor connecting the loading area and the building's northern façade is proposed to be reconfigured (refer **Figures 1 – 2**). The new arrangement will provide direct back-of-access to Retail Tenancies 04 and 05. Under the currently approved arrangement, retail personnel of these Tenancies have to exit the building and re-enter via the corridor's existing entrance on the northern façade.

As a result of the corridor reconfiguration, the installation of new double doors to the retail waste room and deletion of the smoke lobby and revised entry to the bicycle parking room are required. The proposed amendments are to enable delivery of large IMAX specialist equipment from the loading dock area to the IMAX theatre pit, located above the bicycle parking room. The reconfigured service corridor will not be able to facilitate this requirement.

2.1.3 Creation of stormwater filter room

A new stormwater filter room is proposed to be created in the space currently occupied by the existing back-of-house service entry (refer **Figures 1 – 2**). A detailed design review of the development has found this room to be necessary, with equipment in this room required to service the level 1 podium roof.

2.1.4 Creation of Ausgrid access staircase

There is a requirement by Ausgrid in which 24/7 direct access is to be provided to access Vault O beneath the Western Distributor from the eastern side of the building. This has been proposed since there is limited space to access the Vault from the western side of the building as Ausgrid are required to transport materials and machinery into the vault at any given time. To comply with this requirement, a new external staircase is proposed at the site's southern boundary, as shown in **Attachment A** and **Figure 3** below.

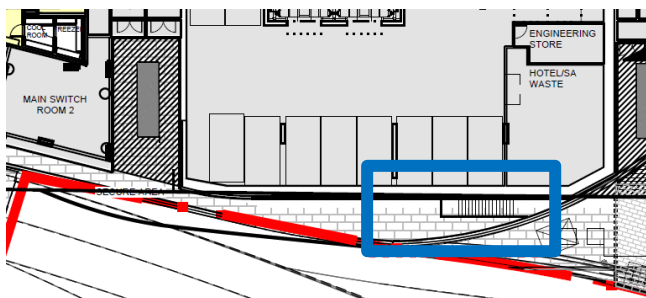


Figure 3 New Ausgrid staircase near southern site boundary (blue rectangle)

Source: Hassell, edits by Ethos Urban

2.2 Amendments to first floor layout

2.2.1 Removal of fire stair R03

As aforementioned in **Section 2.1.1**, fire stair R03 is proposed to be removed. On the first floor, the removal of the fire stairs will increase floorspace to Retail Tenancy 02 (refer to **Figures 4 – 5** below). The Fire Statement (**Attachment B**) confirms that this removal will not implicate fire safety within the building.

2.2.2 Relocation of intertenancy wall

The intertenancy wall between the Retail Tenancies 02 and 05 is proposed to be relocated, increasing the size of Retail 02, and decreasing the size of Retail 05. The relocation will improve and rationalise tenancy layout following the removal of the fire stairs (refer **Figures 4 – 5**). The Fire Statement (**Attachment B**) confirms this intertenancy wall adjustment will not implicate fire safety within the building.

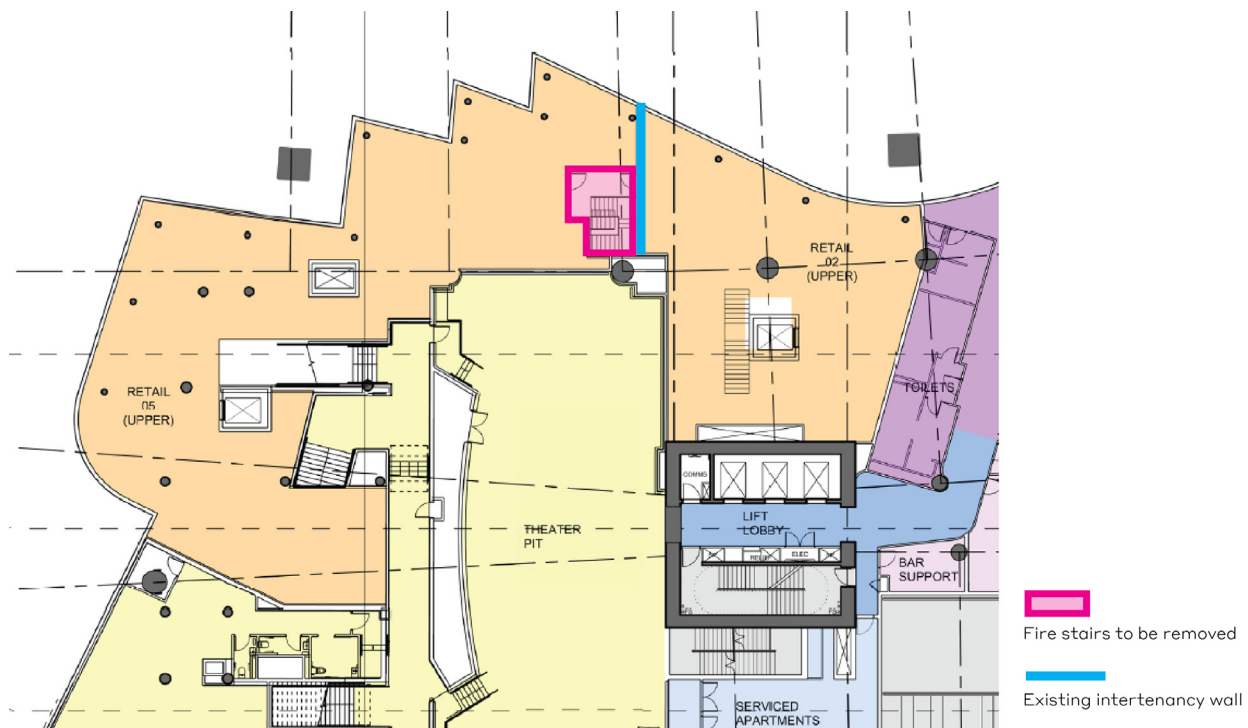


Figure 4 Existing level 1 layout (last modified MOD 10)

Source: Hassell, edits by Ethos Urban

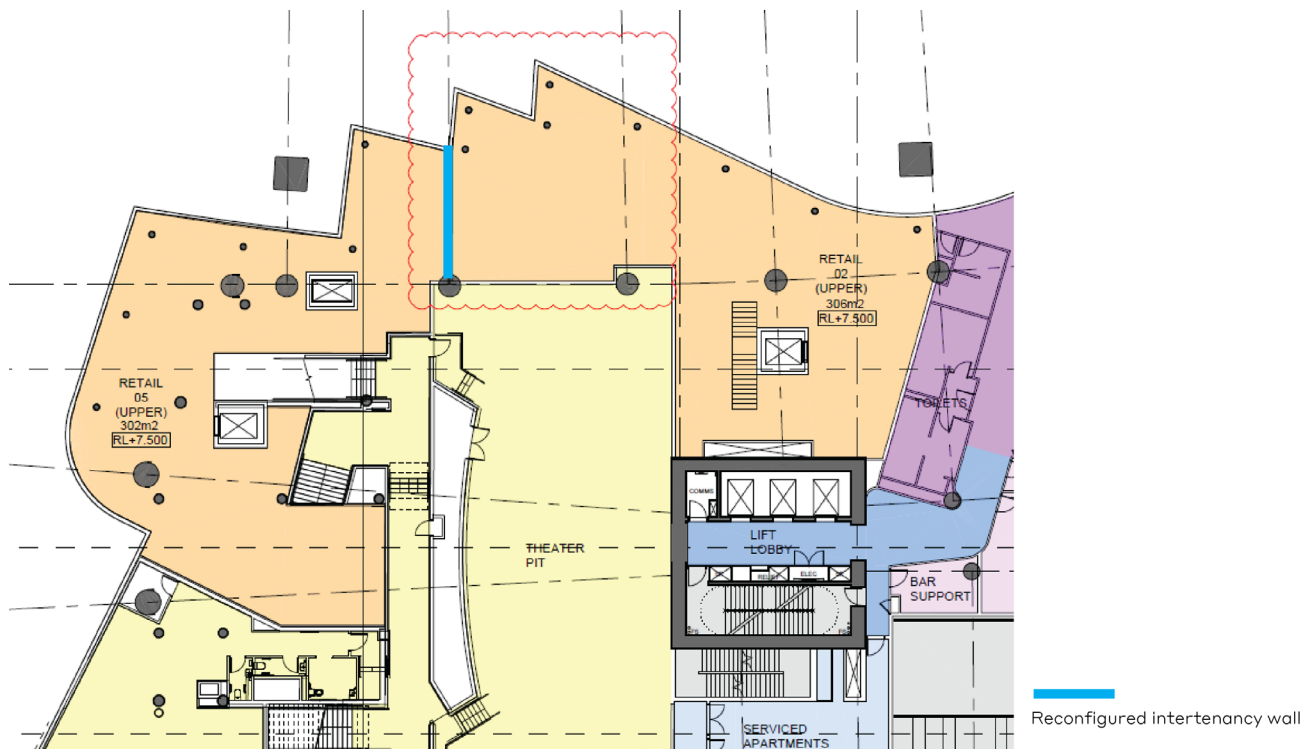


Figure 5 Proposed level 1 layout

Source: Hassell, edits by Ethos Urban

2.3 Changes to GFA

The proposed amendments sought by this Modification Application, along with a holistic review of the development's current GFA calculation has resulted in a minor GFA increase. In total, the GFA of the development will increase by 986m², aligning it with the Standard Instrument Local Environmental Plan definition of GFA. The proposed GFA adjustments are illustrated on the GFA Plans prepared by Ridley at **Attachment B**.

We note that this GFA adjustment has no significant material implications or environmental impacts as:

- No major changes are proposed to the built form.
- There is no GFA limit for the development under the SSD 7388 conditions of consent, or the *Darling Harbour Development Plan No. 1*.

2.4 Modifications to conditions

The proposed modifications necessitate amendments to condition A2 of the approved conditions of consent. Additionally, a number of conditions (B61, E18, E21, C16) have been identified as being outdated and requiring deletion and/or update as a result of modifications to the design that have been made since the original approval of SSD 7388.

Amendments to the conditions are further described in the below sub-sections. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in **bold italics**.

2.4.1 Condition A2

The design amendments described in **Sections 2.1 – 2.2** above require updates to Condition A2, including the schedule of approved Architectural Drawings within the condition.

A2 The Applicant shall carry out the project generally in accordance with the:

(a) Environmental Impact Statement (EIS) prepared by JBA Urban Planning Consultants Pty Ltd, dated December 2015;

(b) Response to Submissions (RtS) and Amendments to Proposed Development prepared by JBA Urban Planning Consultants Pty Ltd, dated March 2016;

(c) Additional information submitted subsequent to the RtS;

(d) Plan of Management dated 26 April 2016;

(e) following drawings as set out in the table below, except for:

i) any modifications which are Exempt' or Complying Development;

ii) otherwise provided by the conditions of this consent.

(f) Section 96(2) modification application (SSD 7388 MOD 3), prepared by JBA Urban Planning and dated 8 June 2016, as amended by Response to Submissions prepared by Ethos Urban and dated 24 August 2017.

(g) Section 96(1A) modification application (SSD 7388 MOD 4), prepared by JBA Urban Planning and dated 28 June 2017, as amended by Response to Submissions prepared by Ethos Urban and dated 28 August 2017 and updated on 21 September 2017.

[...]

n) Section 4.55(1A) modification application (SSD 7388 MOD 11), prepared by Ethos Urban and dated 3 March 2021, and additional information, prepared by Ethos Urban dated 22 April 2022 and by Greateon Development dated 25 May 2021

o) Section 4.55(1A) modification application (SSD 7388 MOD 13), prepared by Ethos Urban and dated 3 March 2021 and additional information, prepared by Ethos Urban dated 30 April 2020

p) Section 4.55(1A) modification application (SSD 7388 MOD 14), prepared by Ethos Urban and dated 8 September 2021.

<i>Drawing No.</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
<i>Architectural (or Design) Drawings prepared by Hassell</i>			
ARC-HSL-DD-1052	U V	GFA Area Schedule	09.12.19 08.09.21
ARC-HSL-DD-1078	N O	Lease Line Relationship Plans – Sheet 1	23.01.20 08.09.21
ARC-HSL-DD-1090	Q R	Lower Site Plan	23.01.20 08.09.21
ARC-HSL-DD-1100	W X	GA Plans – Ground Floor	23.01.20 08.09.21
ARC-HSL-DD-1101	S T	GA Plans – Podium L01	23.01.20 08.09.21
ARC-HSL-DD-1153	Q P	GA Elevations – Sheet 4	19.06.19 08.09.21
ARC-HSL-DD-1204	Q P	GA Sections – Sheet 5	27.03.19 08.09.21
<i>RMS Clearance Diagrams prepared by Hassell</i>			
ARC-HSL-DD-1070	M N	Ground Floor Proposed Clearances to RMS Roadway Structures	23.01.20 08.09.21

2.4.2 Conditions B61, C16, E21

The original SSD 7388 approval required the relocation of the Darling Harbour Carousel. Following the public domain amendments to the project approved under SSD 7388 MOD 10, the relocation and dismantling of the Carousel is no longer required.

As conditions B61 and C16 relate specifically to the relocation of the Carousel, they are now outdated and are proposed to be removed. Condition E21 is to be amended to remove reference to the relocation of the Carousel.

~~B61 A methodology for the disassembly and relocation of the Carousel and Organ in line with the guidelines and policies including in the Conservation Management Plan for the item, shall be prepared and submitted to the Department for approval prior to any below ground works and the issue of a Construction Certificate for Stage 2.~~

[...]

~~C16 Prior to the relocation of the Carousel and Organ, detailed archival recording of the items shall be undertaken. Copies of the archival recording shall be lodged with the Heritage Division and Council.~~

[...]

~~E21 A new enclosure structure (and ancillary structures) shall be provided for the relocated carousel prior to the issue of an Occupation Certificate. The design of the new enclosure and ancillary structures shall be in accordance with the Carousel and Band Organ Conservation Management Plan and undertaken in consultation with an appropriately qualified Heritage Consultant.~~

2.4.3 Condition E18

The provision of bicycle parking in Darling Harbour is governed by Placemaking NSW (PMNSW)'s *Darling Harbour Cycling Strategy*. The approval of SSD 7388 MOD 11 relocated 56 visitor bicycle spaces from the development to the surrounding public domain (out of the project's scope). This change was specifically requested by PMNSW and was found to have planning merit as evidenced by the approval of the MOD. Therefore, monitoring and expanding bicycle parking at the site is considered unnecessary and contrary to the intent of the MOD 11 approval and the PMNSW *Darling Harbour Cycling Strategy*.

~~E18 A Green Travel Plan and transport access guide shall be prepared and submitted to the Certifying Authority prior to the issue of the final Occupation Certificate. The Green Travel Plan shall include a monitoring requirement in relation to the future demand for the expansion of visitor bicycle parking spaces within the public domain.~~

3.0 Substantially the same development

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”*.

The development, as proposed to be modified, is substantially the same development as that originally approved as:

- The proposed changes to the development do not substantially change any of the fundamental aspects, the approved land uses, or the operation of The Ribbon building;
- The proposed changes to the building are minor within the context of the overall size and scale of The Ribbon project;
- No changes are proposed to The Ribbon building’s overall bulk and scale, or the approved building envelope;
- The proposed changes to conditions of consent do not alter the project’s environmental outcomes; and
- The proposed changes will not generate adverse environmental impacts.

4.0 Environmental assessment

Section 4.55(1A) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the proposed modification is of minimal environmental impact”*. Under section 4.55(3) the consent Authority must also take into consideration the relevant matters to the application referred to in section 4.15(1) of the EP&A Act and the reasons given by the consent authority for the grant of the original consent.

The following assessment considers the relevant matters under section 4.15(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

4.1 Environmental Planning Instruments

As detailed in the Environmental Impact Statement (EIS) submitted with the original SSDA, the following Environmental Planning Instruments are relevant to the approved development:

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and*
- *Darling Harbour Development Plan No. 1.*

This Modification Application relates to minor amendments to the building to rationalise design and improve operational efficiency. The consistency of the development with the above Instruments remain unaltered as a result of the proposed amendments.

4.2 Fire Safety

The Fire Statement prepared by Holmes Fire at **Attachment C** confirms that the proposed works will not compromise the development’s fire safety.

4.3 Accessibility

The Accessibility Statement prepared by Morris Goding Access Consulting at **Attachment D** confirms that the proposed modification is in accordance with normal disability access practice and can achieve the requirements of the Building Code of Australia, and relevant Australian Standards.

4.4 Gross Floor Area

As noted in **Section 2.3** above, a GFA recount of the project has been undertaken to align all calculations with the Standard Instrument LEP definition. The GFA has been increased by 986m². This increase is minor when considering the overall size and scale of the project and will not generate any additional environmental impacts.

We note that no maximum GFA limit applies to the site, either under the SSD 7388 conditions of consent, or the *Darling Harbour Development Plan No. 1*.

4.5 Building operation

The proposed changes will improve the operational efficiency of the building, for both retail tenancy operators, Ausgrid services personnel and members of the public. Specifically:

- The reconfiguration of the service corridor as described in **Section 2.1.2** will enable the staff of Retail Tenancies 04 and 05 to directly access the back-of-house servicing areas (including the staff amenities, retail waste area and loading dock) without having to exit and re-enter the building, thus limiting unsightly views of daily deliveries and waste collections from outside the building.
- The creation of the new Ausgrid services staircase, as described in **Section 2.1.4** above, enables Ausgrid maintenance personnel to directly access Vault O from the east of The Ribbon building, meeting Ausgrid requirements to transport materials and machinery into the vault.

4.6 Reasons given for granting consent

The proposed amendments to the building are minor, and not inconsistent with the reasons given by the Planning Assessment Commission for the approval of SSD 7388 as supporting existing and project future land uses within Darling Harbour.

4.7 Site suitability and public interest

The proposed changes to The Ribbon development have been designed to rationalise design and improve operational efficiency. As established above, they do not alter the site's consistency with environmental planning instruments and will improve the experience of both retail tenancy operators and members of the public. The Ribbon will continue to, upon its completion, operate as a world-class tourist and entertainment mixed-use building. Hence, the changes are considered to be both suitable for the site, and in the public interest.

5.0 Conclusion

The proposed modifications relate to:

- minor amendments to the ground and first floors of the approved building to rationalise design and improve operational efficiency.
- adjustments the development's GFA calculations to become consistent with the standard definition of GFA.
- amendments to superseded conditions of consent.

In accordance with section 4.55(1A) of the EP&A Act, Council may modify the consent as:

- the proposed modification is of minimal environmental impact; and
- substantially the same development as development for which the consent was granted.

We trust that this information is sufficient to enable a prompt assessment of the proposed modification request.

Yours sincerely,



Yousheng Li
Urbanist
9956 6962
yli@ethosurban.com