

I live in the residential apartment building that runs from 8 Hickson Road through to 66-68 George Street at The Rocks. It is almost immediately opposite the Mercantile Hotel. The relative locations are shown in Response to Submissions (RtS), Appendix F, p. 10, Figure 2.4. This photo shows our building, about half way along the other side of George Street, partly hidden by a tree, and with what looks like an awning at the front.

Our second and third bedrooms are at street level in this location. This means that these bedrooms, like those of our neighbours above and below us, are vulnerable to all noise that the hotel generates onto the street, through amplified and live music and/or announcements, as well as through patrons. We are also vulnerable to any odours that might emanate from an inadequate mechanical ventilation system (something all visitors to the area regularly experience as they pass the restaurant on the corner of Hickson Rd and George Street).

Since we moved here nearly twenty years ago, we have experienced problems with noise emissions from music from the Mercantile's ground floor bar. The Proprietor and various managers have always been willing to try and mitigate these problems but their efforts have not been lasting. The Mercantile now wishes to embark on a State Significant Development to refurbish and expand both its premises and its business. It is time for regulation to protect the amenity and concerns of local residents, not only those in our building but also the many new residents who have, at great expense, recently re-furbished housing, purchased from the State Government, in nearby Lower Fort Street. The improvements, resulting from the Government's decision to sell these dwellings and individual owners' commitment to restoring them, are already proving to be something that will hugely enhance and re-vitalise the (somewhat tarnished) heritage value of The Rocks.

Any re-furbishment of the Mercantile, needs to achieve a similar goal and the Applicant seems to respect this. City of Sydney Council's initiatives to encourage inner-city living and forms of night-life which do not undermine these initiatives, also need to be taken into account. While the Applicant's RtS has addressed some of the concerns voiced in my original submission, most, as indicated below, have yet to be fully addressed.

GROUND FLOOR BAR

1. The ground floor bar is open Monday to Friday from 11am to midnight, Saturday from 10 am to 1 am and Sunday from 10 am to midnight. The bar features live music several nights a week and acoustic sessions on its outdoor patio one night a week.
2. Claims that 'The building is effectively soundproofed' (RtS, Appendix B, p. 5) are inaccurate and have not been tested.
3. SLR's Acoustic Letter (Appendix E) does not address noise from the ground floor of the Mercantile, stating that: 'It is understood that the capacity and operations of the ground floor level would not be changing and any management measure in place to control noise emission from that area would be maintained.' These 'measures' are inadequate and upgrading them should be a condition of any approval of SSD 8665.
4. Noise emanating from the ground floor bar area, which has four sets of doors that can open onto George Street and another at the northern end of the building, is of primary concern. The doors are frequently open (the bar is not air-conditioned) and both patron and music noise at night make it very hard for people trying to sleep in the second and third bedrooms of our building.

To prevent this noise impact on residents, entry to the hotel should only be allowed via the set of doors at the southern end – the furthest from our building and from the houses

in Lower Fort Street. All of these hotel doors and the windows above them need to be treated acoustically as does the entire bar area.

The application for SSD 8665 has been submitted on the premise that heritage features of the hotel would prevent such work being approved. Since the submission of the RtS, the owners' representative, Mr Steve Whelan, has engaged an acoustic engineer to explore options for resolving this problem. It would be good to see the Department of Planning facilitate this process via a compromise that retains heritage value, ensures that the hotel can carry out its business and ends noise impacts on nearby residential properties.

ROOF TERRACE AND BAR

5. It is good to see that there is consideration of minimising the reflectivity of the proposed new roof structure when viewed from the Bridge (RtS, Appendix L, p.1). This also needs to be considered in relation to our building, especially its upper levels.
6. The RtS provides no clear indication of what is being proposed for the rooftop mechanical plant and SLR's report (RtS Appendix E) specifically states that this will only be available following the detailed design stage and prior to the commencement of construction - in other words, when the Applicant can argue that it's too late and too costly to amend them if they prove inadequate or poorly located. This needs to be addressed NOW so that potential problems can be addressed and rectified.
7. SLR's Acoustic Letter (RtS, Appendix E) does not clarify what it means by 'background noise level' in this context, so it is hard to judge the accuracy of its claim that noise would comply with 'background + 3dB' criteria. This needs to be clarified and verified before any approval is granted.
8. Given that roof area is intended for use by a total 150 patrons, comprising a maximum 100 outdoors and a maximum 70 in a **partially**-enclosed 'indoor' area, there needs to be mitigation of noise to the street. When the east-facing concertina doors of this 'indoor' area are fully open, as is intended, the noise from its three speakers and a total 150 patrons there and on the terrace, will carry through to George Street and our residential building 30 metres opposite. SLR (Appendix E) has calculated the noise impact on office buildings and now needs to calculate and mitigate the noise impact on the residential building at 66-68 George St. Equating it with its predictions for the 'Sirius' residential building in Cumberland Street ignores the fact that the 'Sirius' will have significant protection from the back wall enclosing the rooftop's 'indoor' area.
9. The constraints outlined for this area should it be open beyond midnight are helpful but, given the area's proximity to residential dwellings, should be applied from 10 pm onwards to 12.00 am at the latest. (RtS Appendix B, p. 8).
10. SLR's comment (RtS Appendix E) that 'It is understood that the venue may apply for exemptions from the noise limits as required' is unacceptable. There needs to be a noise policy that is consistently applied. The only time that exemptions should be allowed is New Year's Eve.

FOOTPATH AREA

11. The RtS contains some references to the footpath area but does not explicitly delineate its intended use. There should be sound reproductive equipment or live music in this area.

HOURS OF OPERATION

12. The Hotel Management have told us there is no intention to change the Mercantile's existing hours of operation – i.e. Monday-Friday 11am to midnight; Saturday 10 am to 1 am and Sunday 10 am to midnight.

13. Any extension of these hours – some of the documents submitted refer to trading until 2 am - would increase the impacts of noise emissions from the premises, especially with regard to patrons leaving the premises late at night and in the early hours of the morning.
14. Any development consent that may issue should limit the hours of operation to the existing actual hours. Any future proposal to extend these hours could then be the subject of a future application and assessed on the basis of the impact at that time.
15. To protect the amenity of local residents, the open section of the roof terrace should be closed at 10 pm; the partially enclosed area should have its concertina doors closed at 10 pm and there should be no use of speakers there after 10 pm.

CUMULATIVE IMPACT OF NOISE-GENERATING ACTIVITIES

Any consideration of additional noise-generating venues within The Rocks needs to take into account the cumulative impact of other sources of noise that can negatively impact on the amenity of local residents. Our residential building is already subjected to considerable noise. The Mercantile Hotel trades until midnight six days a week and until 1 am on Saturdays and on several ‘big days’ (e.g. St Patrick’s Day) during the year. The Rocks Market operates in this section of George St most weekends throughout the year. Set-up of the overhead structure starts at 5 am on Saturdays right outside our bedroom windows. A truck-holding area, servicing the cruise industry, operates from Monday to Thursday between 5 am and 2 pm. The trucks are refrigerated and keep their diesel engines running while queuing hour after hour - right outside our bedroom windows. These activities do not all overlap but approval authorities need to start considering their cumulative impact on the amenity of local residents.

CONCLUSION

I am in favour of the Mercantile’s planned refurbishment but only with the inclusion of mechanisms to contain the related noise. The concerns outlined above should be addressed prior to any consent being granted and incorporated as conditions of approval for SSD 8665. Any approval of SSD 8665 needs to take into account the fact that any development consent will affect future as well as existing (and perhaps less co-operative) owners of the Mercantile.