

The Secretary  
NSW Department of Planning, Industry and Environment

17 December 2020

Dear Secretary,

**Submission in Relation to State Significant Development Application – 10384 – 2-60 Cumberland Street, The Rocks – Sirius Site**

We write on behalf of the property operators of The Mercantile Hotel at 25 George Street, The Rocks who wishes to tender a formal submission to the State Significant Development Application 10384 lodged with NSW DPIE for the *Alterations and additions to the Sirius building including restoration and refurbishment with 76 residential apartments, commercial and retail premises, a pedestrian through site link, landscaping and public domain works* on land at 2-60 Cumberland Street, The Rocks.

The owner has concerns relating to the interface of the proposed revitalised apartments and the ongoing use of the Mercantile Hotel. Whilst the owners of the Mercantile do not object in principle to the upgrades proposed to the Sirius Building, they would like to use the opportunity of a submission to ensure an ongoing mutually satisfactory co-existence of both the hotel use and proposed residential use minimises any conflict or complaints in the future from future residents of the Sirius Building.

**Relevant Background**

The Mercantile Hotel has a long tradition as an 'Irish Pub' with live music performances. Of late, the sports bar and poker machine areas have been less commercially successful for the lessee. The service of food has also become an increasingly important part of the hotel's business.

On 4 December 2019 (SSD 8665) was granted consent for the refurbishment of the Mercantile Hotel, including:

- New rooftop bar and restaurant with capacity for 150 patrons, including associated roof structures and new external lift.
- Demolition of non-original ground floor structures and construction of a new ground floor amenities building and new ground floor courtyard space in the south western corner.
- Internal fitout, and upgrade to accommodation, bars and fire egress and services.
- Increase to back of house/office/kitchen/amenities and circulation space.

The approved works have not yet commenced.

It is also relevant that the SSD 8665 has the following approved hours of operation:

The hours of operation are restricted as follows:

Indoor Areas (Rooftop)

(a) 10 am to 12 midnight Monday to Sunday (inclusive).

Outdoor Areas (Rooftop and rear courtyard)

(b) 10 am to 8 pm Monday to Sunday (inclusive).

Notwithstanding the above, the following hours apply for a trial period of three years commencing from the date of the issue of any Occupation Certificate.

Indoor Areas (Rooftop)

(a) 10 pm New Year's Eve to 2 am New Year's Day (inclusive).

The indoor area of the rooftop is to be enclosed from 10 pm onwards Monday to Sunday (inclusive), and from 1.30 am New Year's Day.

Outdoor Areas (Rooftop and rear courtyard)

(b) 8 pm to 10 pm Monday to Sunday (inclusive)

(c) 10 pm New Year's Eve to 1.30 am New Year's Day (inclusive).

Historically when the Sirius Building was occupied there were occasional noise complaints from nearby residents, despite the Mercantile Hotel having for a longstanding period of time played live music and entertaining patrons into the evening.

**Acoustic Impacts to the future Sirius Residents**

The Mercantile Hotel has existed for over 100 years, and has a longstanding reputation for playing live music pre Covid 19. As previously outlined, a recent approval has been granted for a new rooftop bar and restaurant, which are permitted to operate up to 10pm in the evening. The owners of the Mercantile Hotel are concerned that future residents may complain in regards to noise and disturbance, and compromise any future ability to operate within the permitted trial periods for hours of operation as per SSD 8665

We have reviewed the submitted Noise Impact Assessment prepared by Acoustic Logic and do not consider the assessment has made assumptions for noise related to the approved SSD 8665 for the use of the rooftop for a bar and restaurant both indoors and outdoors. We therefore recommend that the Noise Assessment is updated to consider the future development at the Mercantile Hotel and recommend appropriate mitigation measures. Alternatively, should the proposal be approved then at a minimum the DPIE should impose a condition of consent that requires all bedrooms and living rooms within 100m of the Mercantile Hotel to be provided with windows with acoustic seals, and 13.52mm lam/ 24mm airgap, 13.52mm lam glazing. Such levels of glazing are consistent with the proposed levels of glazing at the interface of the Bradfield Highway where significant noise levels will be experienced.

We would also request that external wall construction within 100m of the Mercantile Hotel is consistent with those recommended within the Noise Assessment Report for facades in line with or above the Bradfield Highway.

The above-mentioned mitigation measures in our opinion will ensure a mutually satisfactory co-existence between the ongoing use of the hotel and any future residents, and minimise potential noise complaints whilst improving internal amenity to future residents.

The following images were taken from the rooftop of the Mercantile Hotel which is the subject of SSD 8665. The photos demonstrate the close interface between the Hotel and the Sirius Building which further demonstrates the need for appropriate acoustic mitigation measures to windows and walls of the Sirius building to ensure appropriate amenity for future residents and minimise opportunity for complaints against the Mercantile Hotel use.



**Picture 1** – View to Sirius Building from Mercantile Hotel Rooftop





**Picture 2** - View to Sirius Building from Mercantile Hotel Rooftop

### **Visual Impact and Privacy**

The Mercantile Hotel as part of their SSD application undertook a comprehensive Visual Impact Assessment. We welcome that the proposal has done the same, and that it will not compromise the views to the harbour and iconic landmarks when viewed from the Mercantile Hotel.

We would however recommend that the visual impact assessment provided by the proponent is updated to reflect the scale of the proposed rooftop development to the Mercantile Hotel. It is obvious that some of the lower level apartments of the Sirius building adjacent the Hotel will be impacted by the future rooftop development of the Hotel.

We would also recommend that any external balconies or habitable rooms that overlook the Mercantile Hotel are fitted with appropriate privacy screening to avoid any future complaints from residents in relation to loss of privacy or overlooking from the rooftop of the hotel.

The submitted plans demonstrate that an additional two to three storeys of building bulk and scale is proposed adjacent the Mercantile Hotel. Once again whilst our client is not opposed to the overall proposal, there is concern that the additional provision of apartments adjacent the hotel will result in an increased sense of enclosure and overlooking to the rooftop bar and restaurant. Furthermore, the additional apartments adjacent the hotel will also add to the potential number of residents likely to complain about the use of the hotel, especially the external use of the rooftop.

Should you wish to discuss any matters raised in this submission, or seek to arrange access to the site for a visit to see firsthand the relationship between the Sirius Building and the Mercantile Hotel rooftop, then please contact Matthew O'Donnell on 0417 024997 or [modonnell@modurban.com.au](mailto:modonnell@modurban.com.au).

Yours Sincerely,

A handwritten signature in blue ink that reads 'Modonnell'.

**Matthew O'Donnell**

**Director**

**Mod Urban Pty Ltd**

**For and on behalf of Mercantile Hotel, 25 George Street, The Rocks**