

**Secretary's Environmental Assessment Requirements**  
**Section 78A(8A) of the *Environmental Planning and Assessment Act 1979***  
**Schedule 2 of the *Environmental Planning and Assessment Regulation 2000***

<b>Application Number</b>	SSD 8665
<b>Proposal Name</b>	Refurbishment works to the Mercantile Hotel and addition of rooftop bar area.
<b>Location</b>	25 George Street, The Rocks
<b>Applicant</b>	HBMS Pty Ltd c/o Urbis
<b>Date of Issue</b>	8 December 2017
<b>General Requirements</b>	<p>The Environmental Impact Statement (EIS) must address the <i>Environmental Planning and Assessment Act 1979</i> and meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>Notwithstanding the issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</p> <p>Where relevant, the assessment of the key issues below, and any other significant issues identified in the assessment, must include:</p> <ul style="list-style-type: none"> <li>• adequate baseline data</li> <li>• consideration of potential cumulative impacts due to other development in the vicinity</li> <li>• measures to avoid, minimise, and if necessary, offset the predicted impacts, including detailed contingency plans for managing significant risks to the environment.</li> </ul> <p>The EIS must be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> <li>• a detailed calculation of the capital investment value (as defined in clause 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>) of the proposal, including details of all assumptions and components from which the CIV calculation is derived</li> <li>• an estimate of the jobs that will be created by the development (construction and operation)</li> <li>• certification that the information provided is accurate at the date of preparation.</li> </ul>
<b>Key Issues</b>	<p>The EIS must address the following specific matters:</p> <p><b>1. Environmental Planning Instruments, Policies &amp; Guidelines</b></p> <ul style="list-style-type: none"> <li>• Address the relevant statutory provisions applying to the site, contained in the relevant EPIs, including: <ul style="list-style-type: none"> <li>▪ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>▪ Sydney Cove Redevelopment Authority Scheme</li> <li>▪ State Environmental Planning Policy 55 - Remediation of Land (SEPP 55)</li> <li>▪ State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64)</li> <li>▪ State Environmental Planning Policy (Infrastructure) 2007</li> <li>▪ Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.</li> </ul> </li> <li>• Any variations to the Sydney Cove Redevelopment Authority Scheme,</li> </ul>

including the *Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999*.

- Address the relevant provisions, goals and objectives in the following:
  - *NSW State Priorities*
  - *A Plan for Growing Sydney*
  - *Towards our Greater Sydney 2056*
  - *Draft Central District Plan*
  - *Sydney 2030*
  - *Sydney City Centre Access Strategy*
  - *Sydney's Cycling Future*
  - *Sydney's Walking Future*
  - *Development Near Rail Corridors and Busy Roads – Interim Guideline*
  - *Sydney Development Control Plan 2012*.

## **2. Built Form and Urban Design**

- Outline the design process leading to the proposal and outline specific design features, including materials and finishes.
- Consider the site and current building's historic character, layout, setbacks, architectural design, massing, materials, articulation and detailing, amenity, views and vistas, streetscape, open spaces and public domain, connectivity and street activation.
- Demonstrate how the proposal is consistent with the desired future character of the area.
- Consider the proposed materials, height, bulk and scale of the proposed rooftop works and lift on the building within the context of the locality and its surrounds.
- Provide details of any proposed acoustic screening at a scale of at least 1:50.
- Provide shadow diagrams.

## **3. Heritage**

- Prepare a statement of heritage impact (in accordance with the guidelines in the NSW Heritage Manual) which identifies:
  - all heritage items (state and local) within and in the vicinity of the site including built heritage, landscapes and archaeology, and detailed mapping of these items, and why the items and site(s) are of heritage significance
  - what impact the proposed works will have on their significance, including any impacts from the works, and any impacts on views to and from heritage items
  - the impacts of the proposal on The Rocks Conservation Area
  - detailed mitigation measures to offset potential impacts on heritage values
  - compliance with the policies of any relevant Conservation Management Plan, including the *Mercantile Hotel Management Plan* dated 2007 prepared by Graham Brooks and Associates Pty Ltd and the *Mercantile Hotel Conservation Management Plan* dated 1999 prepared by Jyoti Somerville
  - provide details of visual impacts of the proposed development on the historic streetscapes of George Street and Gloucester Walk.
- The Statement of Heritage Impact should be prepared by a suitably qualified heritage consultant.
- Prepare an archaeological assessment of the likely impacts of the proposal on any Aboriginal cultural heritage, European cultural heritage and other archaeological items and outline proposed mitigation and conservation measures. The historic archaeological assessment should be in accordance with the Heritage Division, Office of Environment and Heritage Guidelines

including but not limited to 'Assessing Significance for Historical Archaeological Sites and Relics' 2009. The historic archaeological assessment should identify what relics, if any, are likely to be present, assess their significance and consider the impacts from the proposal on this potential resource. Where harm is likely to occur, it is recommended that the significance of the relics be considered in determining an appropriate mitigation strategy. In the event that harm cannot be avoided in whole or in part, an appropriate Research Design and Excavation Methodology should also be prepared to guide any proposed excavations.

- The historical archaeological assessment should be prepared by a historical archaeologist suitable to satisfy the Excavation Director Criteria of the Heritage Council of NSW for the proposed activity and significance level.
- Prepare an interpretation strategy that includes the provision for interpretation of any archaeological resources uncovered during the works.

→ *Relevant Policies and Guidelines*

- *NSW Heritage Manual*
- *Operational Policy: Protecting Aboriginal Cultural Heritage (February 2009)*
- *Assessing Significance for Historical Archaeological Sites and Relics 2009*
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*
- *The Rocks Heritage Management Plan, 2010.*

#### **4. Use**

- Detail whether the proposed extension of the premises would be consistent with the liquor licence freeze provisions of the *Liquor Act 2007*.
- Outline operational details including but not limited to:
  - hours of operation (both hotel and roof top area)
  - details of the new kitchen fit out
  - details of the proposed mechanical ventilation system including details of the discharge points
  - current and proposed total patron capacity and proposed patron capacity for the rooftop area, including confirmation of the number of tables and chairs
  - confirmation of whether the number of tables and chairs on the ground floor would be altered
  - confirmation of the proposed number of additional security guards/RSA marshals
  - details of proposed rooftop CCTV cameras that cover all angles
  - use of outdoor areas, confirmation of whether live music is proposed on the rooftop and if so, details regarding timing and frequency, proposed use of outdoor speakers, and any proposal for a dance floor and nightclub.
- Detail waste storage and disposal provisions.
- Discuss potential odour and emissions impacts and potential mitigation measures, including any details of any proposed solid fuel cooking.
- Include a draft Plan of Management consistent with the requirements for High Impact Premises under Schedule 3 of the *Sydney Development Control Plan 2012*.

#### **5. Visual and View Impacts**

- Identify important sight lines and visual connectivity to and from the site.
- A visual impact assessment is to be provided to identify the visual changes and impacts on the site and its surrounds when viewed from key public domain areas and any nearby residences, including but not limited to, Gloucester Walk, the Sydney Harbour Bridge and George Street. This should include photomontages.

## **6. Amenity**

- Outline and address the proposed development's impacts in terms of sunlight, wind and safety and security, including consideration of Crime Prevention through Environmental Design principles.
- Detail any external lighting or illumination of the rooftop area and assess the impacts of this lighting/illumination from surrounding properties and the public domain.

## **7. Infrastructure**

- Detail the existing infrastructure on-site, and identify any possible impacts on infrastructure arising from the construction and operation of the proposal.
- Where the proposed works affect existing infrastructure, the application should detail any mitigation works proposed, including service relocations.

## **8. Traffic and Accessibility (Construction and Operation)**

Provide information on traffic and accessibility that includes:

### Construction

- An assessment of cumulative impacts associated with other construction activities including the construction of the Sydney Light Rail project, other transport projects and private developments.
- Details of construction vehicle routes, peak hour and daily truck movements, hours of operation, access arrangements at all stages of construction, and traffic control measures for all demolition / construction activities.
- An assessment of construction impacts on road safety at key intersections and locations subject to pedestrian / vehicle / bicycle conflicts.
- Details of any required temporary cycling and pedestrian access during Construction.
- Detail access arrangements for workers, emergency services and the provision of safe and efficient access for loading and deliveries.
- An assessment of traffic and transport impacts during construction and how these impacts will be mitigated for any associated traffic, pedestrians, cyclists, taxis and public transport operations, including the preparation of a draft Construction Pedestrian Traffic Management Plan. This Plan needs to include vehicle routes, number of trucks, hours of operation, access arrangements, workzone location, construction program and traffic control measures for all demolition/construction activities.

### Operation

- Details of access and parking on the site.
- Servicing, including loading and unloading.
- An assessment of impacts to the local road network, public transport operation, pedestrians and cyclists during operation.

### → *Relevant Policies and Guidelines:*

- *Guide to Traffic Generating Developments (Roads and Maritime Services);*
- *Sydney City Centre Access Strategy*
- *EIS Guidelines — Road and Related Facilities (DoPI)*
- *NSW Planning Guidelines for Walking and Cycling*
- *Guide to Traffic Management — Part 12: Traffic Impacts of Development (AUSTROADS).*

## **9. Stormwater and Groundwater**

- Provide information on soil and water that includes:
  - details of any soil contamination
  - details of erosion any sediment controls

- an assessment of impacts to surface water and groundwater
- consideration of water sensitive urban design measures.

#### **10. Noise**

- Provide a Noise and Vibration Assessment, including consideration of the proposed plant and mechanical ventilation, and operation of the rooftop bar in accordance with the relevant EPA guidelines. This assessment must detail construction noise impacts and consider any potential operational noise impacts on nearby noise sensitive receivers and outline proposed noise mitigation and monitoring issues.

#### → *Relevant Policies and Guidelines:*

- *NSW Industrial Noise Policy 2000 (EPA)*
- *NSW Industrial Noise Policy – application notes 2013 (EPA)*
- *Interim Construction Noise Guideline 2009 (DECC)*
- *Assessing Vibration: A Technical Guideline 2006 (DECC)*

#### **11. Contamination**

- Demonstrate compliance with the requirements of SEPP 55. If remediation works are required, the application must include a Remedial Action Plan.

#### **12. Acid Sulfate Soils**

- Identify the extent of any excavation required and provide confirmation as to whether the proposed works will lower the water table, given that the site is within less than 100m of adjoining Class 2 Acid Sulfate Soil land.

#### **13. Signage**

- Provide detailed plans and drawings of any new proposed signage, and an assessment against the relevant provisions of SEPP 64 and *Sydney Development Control Plan 2012*.

#### **14. Infrastructure Provision**

- Detail any infrastructure proposed to service the development and demonstrate that the site can be suitably serviced.
- Detail the existing infrastructure on-site, and identify any possible impacts on infrastructure arising from the construction of the proposed works.
- Where the proposed works affect existing infrastructure, the application should detail any mitigation works proposed, including service relocations.

#### **15. Building Code of Australia and the *Disability Discrimination Act***

- Prepare a BCA and access report demonstrating compliance with the Building Code of Australia and the *Disability Discrimination Act 1992*.

#### **16. Ecologically Sustainable Development**

- Detail how ESD principles (as defined in clause 7(4) Schedule 2 of the EP&A Regulation 2000) will be incorporated in the design, construction and ongoing phases of the development.

#### **17. Environmental, Construction and Site Management Plan**

- Provide an Environmental and Construction Management Plan for the proposed works, and include:
  - community consultation, notification and complaints handling
  - impacts of construction on adjoining development and proposed measures to mitigate construction impacts
  - noise and vibration impacts on and off site
  - water quality management for the site
  - construction waste classification, transportation and management

	<p>methods in accordance with DECCW's Know Your Responsibilities: Managing Waste from Construction Sites Guideline.</p> <p><b>18. Biodiversity</b></p> <ul style="list-style-type: none"> <li>• Provide an assessment of the proposal's biodiversity impacts in accordance with the requirements of the <i>Biodiversity Conservation Act 2016</i>, including the preparation of a Biodiversity Development Assessment Report where required under the Act.</li> </ul>
<b>Consultation</b>	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular, you must consult with:</p> <ul style="list-style-type: none"> <li>• City of Sydney Council</li> <li>• Office of Environment and Heritage – Heritage Division</li> <li>• Property NSW</li> <li>• NSW Police</li> <li>• Liquor &amp; Gaming NSW</li> <li>• Sydney Coordination Office within Transport for NSW</li> <li>• NSW Environment Protection Authority.</li> </ul> <p>The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
<b>Further consultation after 2 years</b>	<p>If you do not lodge a development application and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EIS.</p>

## Plans & Documents

<b>Plans and Documents</b>	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i>. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include the following:</p> <ol style="list-style-type: none"> <li><b>1. An existing site survey plan</b> drawn at an appropriate scale illustrating: <ul style="list-style-type: none"> <li>• The location of the land, boundary measurements, area (sq.m) and north point.</li> <li>• The existing levels of the land in relation to buildings and roads.</li> <li>• Location and height of existing structures on the site.</li> <li>• Location and height of adjacent buildings.</li> <li>• All levels to be to Australian Height Datum (AHD).</li> </ul> </li> <li><b>2. A locality/context plan</b> drawn at an appropriate scale indicating: <ul style="list-style-type: none"> <li>• Significant local features such as parks, community facilities and open space and heritage items.</li> <li>• The location and uses of existing buildings, shopping and employment areas.</li> <li>• Traffic and road patterns, pedestrian routes and public transport nodes.</li> </ul> </li> <li><b>3. Drawings at an appropriate scale</b> illustrating: <ul style="list-style-type: none"> <li>• Detailed plans, sections and elevations of the development, including all temporary structures and site features and their relation to adjoining sites.</li> <li>• The height (AHD) of the proposed development in relation to the land.</li> <li>• Any changes that will be made to the level of the land by excavation, filling or otherwise.</li> </ul> </li> <li><b>4. Proposed SCRA Variation Details</b> including existing and proposed changes to SCRA Building Site Control Drawing XXX and any other supporting information.</li> <li><b>5. Shadow diagrams</b> showing solar access to the site and surrounding areas at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm.</li> </ol>
<b>Documents to be submitted</b>	<ul style="list-style-type: none"> <li>• 1 hard copy and 1 electronic copy of all the documents and plans for review prior to exhibition.</li> <li>• 6 hard copies and 6 electronic copies of the documents and plans (once the application is considered acceptable). Electronic copies of the documentation must be on a USB with documents in PDF format with file sizes not exceeding 5Mb. The hard copies should include plans printed in A3. One additional A1 set of plans may also be provided.</li> </ul>

