

From: "Bob Fitzell" <acoustics@fitzell.com>
Sent: 23/12/2020 9:43 AM
To: "SHOALHAVEN CITY COUNCIL" <council@shoalhaven.nsw.gov.au>
Subject: DA20/2172 Objection re Noise and Traffic
Attachments: 20201223 Objection re Noise and Traffic.pdf

Please find attached letter of objection to this application on the basis of noise and traffic impacts on the community.

I advise that I have not made any political donations in decades

Robert Fitzell
24 Coomonderry Ridge
Berry NSW 2535

23 December 2020

Shoalhaven City Council
council@shoalhaven.nsw.gov.au

Attention: Mr Stephen Dunshea, Chief Executive Officer

Dear Sir,

RE: **DA20/2172 Noise and Traffic**

I object to this development application on the basis that the control of impact from both traffic and noise associated with the site is neither justified, justifiable nor reasonable. The application is for approval to operate a Function Centre on the site, which is not an approved use for the subject land zoning of RU1.

In this letter of objection I refer primarily to the Environmental Noise Impact Assessment Proposed Function Venue (The HA Report).

1. An underlying issue of concern is the apparent lack of detailed construction arrangement drawings forming part of this application, on which anyone including the consultant can base noise emission predictions. There appear to be no plans identifying construction components that are the subject of the application and to which any report, especially an acoustic report, can be meaningfully referenced. Calculation assessments require a schedule of construction elements, their areas, locations and orientations, and fabrication materials. None of this appears to be provided. It is unclear how any of the calculated findings implied by the HA Report have been possible.
2. There are at least three dwellings within a distance of 200 metres from the Function Centre, not two, and other locations only marginally further removed.
3. Considering the size of the facility, larger functions of 120 people will involve considerable numbers of the guests being outdoors for much of the function. This is not reflected in the acoustic report. Outdoor activities are largely ignored.
4. Guests are responsible for providing alcohol, catering and entertainment. This places responsibility for patron behaviour entirely in the hands of those same patrons, who will leave the area following the function and have little or no consequences to themselves should unreasonable behaviours occur. If the premises required licensing, more stringent NSW Liquor and Gaming regulations would apply, and failure could lead to the licence being rescinded. Approving any operation of this nature without concurrent and total responsibility for management would be irresponsible.
5. The main sources of noise are identified as amplified music, guest noise and motor vehicle movements. Neglected are function preparation (bump-in using entertainment terms) and breakdown, rubbish removals.
6. It is entirely inappropriate to use guidelines from the EPA Noise Policy for Industry to calculate or assign benchmark background noise levels (HA Report 3.1). The Industry policy applies to locations within or affected by heavy industry, not to rural or suburban situations. The values listed in the report in Table 1 should be removed.
7. The EPA Noise Guide for Local Government is referenced, but hardly used in preparing this report. This is the appropriate reference for assessment criteria, important aspects of which require subjective consideration extending far beyond simple measurement.
8. The location shown in Figure 1 at which ambient noise level conditions were measured is not appropriate. This location will have been exposed to freeway road traffic noise and will not adequately reflect the levels at receiver R2, or at the eastern side of receiver R1, or other properties to the south and east. Table 2 should be deleted.

9. The sleep disturbance guidelines included in the HA Report reference public documents. Sleep disturbance is a field of ongoing research and remains inconclusive. The existence of these published guidelines should not be considered anything stronger than approximate guidelines. They guarantee nothing.
10. The EPA NSW Road Noise Policy criteria are mis-used regularly, including in this report. The criteria reported in Table 3 of the HA Report relate to responsibilities of developers to recognise road design criteria to ensure the road authority is not inadvertently then obliged to provide road noise mitigation treatment. These are not acceptable vehicle noise emission limits relevant to noise impact from a development. The management of road traffic noise impact associated with this application, implied by Table 3, is entirely misleading.
11. The list of project specific noise goals listed in section 3.5 of the HA Report is not correct and should be ignored.
12. The source noise levels described in section 4 of the HA Report should not be used. The sound levels generated by people are highly variable and the approach of Table 4 in attempting to take account of this variability, conceptually, recognises this fact. However, guests do not "talk" at the type of functions suggested for this facility, but instead tend to shout, sing, scream, laugh and generally use a high voice effort level. Guests at a function do not behave in the manner of guests at a business meeting. A factor, known as the Lombard Effect, ensures that people in groups unconsciously raise their voice to be heard, by themselves and their immediate conversationalists. The statistics of multiple sources does not work in the manner that Table 4 suggests. Instead of voice effort ranging systematically between Casual and Loud as suggested by the table, the mean group effort results in an almost constant high voice effort level anecdotally described as a dull roar. Restaurants are widely known examples. Personal research over many decades confirms that the expected sound power level of a group of 120 people at a function will not be 92dB(A) as shown in Table 4, but at least 103dB(A), and possibly higher. This is an error of more than 10dB.
13. The sound levels in places of entertainment involving live music typically range from 90 upward. A Cabaret function is likely to range from 85 and above. These are sound pressure level values within a space, with corresponding sound power levels – the basis of Table 4 of the HA Report - at least 10-15dB higher than the sound pressure level. The sound level of amplified music suggested as 99 by Table 4 will be more reliably 105dB(A), also possibly higher. The sound power level of an amplified rock band, if ever included, is typically 125-130dB(A).
14. The noise modelling equations presented in Section 5 are unsatisfactory. The environmental attenuation provided by a building envelope does not correlate with the R_w rating of the element while directivity correction accounted in the first equation may or may not apply in the second equation. The formulae do not disclose the fact that the aggregate of the transmitted sound power is strongly biased to the lesser performing elements. None of the parameters essential to valid noise modelling are presented in this report – all input data is concealed.
15. The noise modelling predictions provided in section 5.2 are not justified in any way. The reader of the report is invited to trust the conclusions implicitly, but is given no information at all that might enable the reader to verify the reassuring predicted outcomes.
16. The qualifying sentence above Table 6 renders the ensuing conclusions arbitrary, given that the "recommended" noise controls include options, alternatives and mitigation possibilities. Concise and tight numerical findings are based, apparently, on vague and flexible input controls.
17. It is unclear why a report for this facility, which will cater for guests entirely responsible for the provisioning of their own event, can assume that all guests will be transported to and from the property by minibus. This appears unrealistic and unsubstantiated.

18. The approach taken to quantifying traffic noise impacts is unsatisfactory and is far from being the claimed "worst case" scenario.
19. By inspection, areas where guests appear likely to park include the verges of Homestead Lane, a small section of service road directly opposite the site on the western side of Queen Street and in Pulman Street. Considerable pedestrian and vehicle movement associated with a function is likely. Traffic issues in general arising from routinely occurring functions of 120 patrons appear to be entirely ignored in the application, and glossed over in the Harwood report. There is no provision for parking commensurate with a 120 person capacity function centre and, if there were, the noise generated by that parking area would almost certainly be a noise problem to neighbours.
20. Depending on the loudspeaker arrangement, a music sound pressure level of 91dB(A) at 3 metres can be an effective sound power level of 108dB(A), and the level of 86dB(A) at 3 metres an effective sound power level of 103dB(A). Both values exceed the levels stated in section 7.1 and support the input data concerns expressed earlier.
21. The public address system management principles described in 7.3 are very unwieldy. These "recommendations" do not constitute reliable management plans.
22. Nothing is mentioned in the HA Report that suggests the author is aware that the proposal forms part of other site activities from which noise impact may arise. This report totally ignores the potential for cumulative passive impact.
23. In summary, this report largely ignores noise generated by guests and activity outside buildings and the assessment of impact from traffic noise is both cursory and dismissive. The bases of the implied assessment findings are inappropriate, the input data permitting a professional assessment to be made are not available through this application and no information is provided by the report enabling any verification by surrounding neighbours and others of the stated findings.

I trust the importance of these issues will be recognised and that the application is rejected.

Yours faithfully



Robert Fitzell B.Sc.,M.Phil(arch),M.A.A.S
24 Coomonderry Ridge
Berry NSW 2535