

# MEMORANDUM



**220494 - 28-32 Somerset Street, Kingswood – Response to EMM Review**

**TO:** Mason Armoni **DATE:** 11 January 2023  
**COMPANY:** Boston Global  
**EMAIL:** [mason.armoni@bostonglobal.com.au](mailto:mason.armoni@bostonglobal.com.au)  
**FROM:** Matthew HFurlong  
**SUBJECT:** Response to EMM Review on PWNA Report "220494 - 28-32 Somerset Street, Kingswood - New DA Acoustic Assessment", dated 1 April 2022.

## CONFIDENTIALITY

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We understand that EMM Consulting Pty Limited (EMM) has undertaken a review the Pulse White Noise Acoustics (PWNA) 2022 report titled "220146 - 28-32 Somerset Street, Kingswood - New DA Acoustic Assessment - R1" prepared for Boston Global, dated 1 April 2022.

Since EMM conducted their review, PWNA has prepared a revised assessment which already addresses the items raised in the EMM review. As such majority of the items raised are resolved. The updated review is titled "220146 - 28-32 Somerset Street, Kingswood - New DA Acoustic Assessment - R3", dated 7 October 2022. However, in addressing some minor comments outlined in the EMM review the revised report mentioned afore has being subsequently updated to be Revision 4, dated 11<sup>th</sup> January 2023.

The noise emission impacts from the proposed development on the adjacent receivers are regulated by the Penrith City Council Development Control Plan (DCP) 2014 and the NSW EPA Noise Policy for Industry (NPI) 2017.

The main acoustic related modifications associated with the assessed development are:

- Relocation of the loading dock from the basements level to ground level.
- Relocation of the wellness centre/facilities from the rooftop to ground level.
- Reconfiguration of the basement levels accounting for the relocated loading dock.
- Reconfiguration of ground floor accounting for the relocated loading dock facilities and wellness facilities.
- Reconfiguration of roof level accounting for the relocated wellness centre.
- New acoustic screen for the driveway accounting for the relocated loading dock.

This document nominates the 12 issues raised by ENM and identifies where in our updated report these issues have been clarified and / or addressed. The issues raised by EMM are summarised in Section 6 of their report.

## **Item 1.**

### EMM Comment:

*"The assessment does not consider approved developments in the vicinity of the proposed hotel, including the mixed-use residential building to be located at 26 Somerset Street and 38-40 Orth Street, Kingswood and Stage 2 of the Somerset Private Hospital development. This is significant as it does not consider the amenity of approved development in the vicinity of the proposal."*

### PWNA Response:

Section 1.3 of PWNA report (p8) identifies the following:

*"Information available on Penrith City Council ePlanning development services show a number of Development Applications have been approved for the adjacent properties. In particular:*

- DA16/0999: Demolition of Existing Structures, Construction of a Seven (7) Storey Mixed Use Development including Ground Floor Commercial Tenancy, 121 Residential Apartments, Three (3) Levels of Basement Car Parking & Associated Works. Approved 26th July 2017.*
- DA19/0713: Demolition of Existing Structures & Construction of a Seven (7) Storey Mixed Use Development Including Ground & First Floor Commercial Tenancies, 41 Residential Apartments & Three (3) Levels of Basement Car Parking. Approved 25th March 2020.*

*A map showing the site location and all measurement locations as well as nearest receivers is provided in Figure 3 below....."*

These additional receiver locations of "approved developments" have been taken into consideration in the assessment of environmental noise emissions from the site. As such we believe the EMM review is incorrect.

As such this item is considered addressed and closed.

## **Item 2.**

### EMM Comment:

*"The assessment has adopted incorrect amenity noise targets utilising an urban planning level rather than a suburban planning level. This results in amenity planning levels which are 5dB higher (less stringent) than would be adopted by using the correct characterisation of receivers in the surrounding area."*

### PWNA Response:

EMM are incorrect in their statement for several reasons. Table 2.3 of the NPFI provides guidance for determining the correct amenity type for a residential receiver. The table provides three (3) elements to consider, local LEP planning instruments, measured noise levels and description of the type of environment. Based on our site observations we believe the urban classification in conjunction with the Land Zoning.

As such this item is considered addressed and closed.

### **Item 3.**

#### EMM Comment

*"The daytime project noise trigger level has been established using an RBL of 45dB LA90 rather than the 40dB LA90 as recorded at the site and presented in Table1 of the PWNA report. This has resulted in the daytime PNTL being 5dB higher (less stringent) than required by the NPfl. Accordingly, comparisons with the incorrect PNTL are misleading in determining whether the development meets NPfl noise targets. It is also found that the daytime RBL was derived using a very limited data set inconsistent with the minimum requirements of the NPfl."*

#### PWNA Response:

EMM are correct, the April 2022 report had a typographical error. This is amended in the revised report.

As such this item is considered addressed and closed.

### **Item 4.**

#### EMM Comment

*"Only residential land uses have been considered for noise impacts associated with licensed uses within the development. Therefore, the amenity of the future approved healthcare developments at 34-36 Somerset, 2 Hargrave Street and 39-43 Orth Street, Kingswood has not been considered. This is significant in that the approved healthcare uses incorporate hospital wards which may be impacted by patron and music noise from licensed areas within the hotel."*

#### Response:

As EMM should be aware, the noise requirements applied by the Liquor and Gaming NSW only include requirements for residential receivers. As such the assessment has been conducted to address the requirements. EMM should refer to the Liquor and Gaming NSW website for further guidance.

Additionally, as outlined multiple times in the report the receivers outlined in above are assessed. EMM should refer to the report.

As such this item is considered addressed and closed.

### **Item 5.**

#### EMM Comment:

*"It is unclear whether the patron source noise level adopted for the assessment of licensed areas is a sound pressure level or sound power level. Assuming a sound power level, the adopted patron noise level included in the assessment is considered low for this use. Patron source noise levels are likely to be louder in practice. No consideration has been given to the difference in patron source noise levels for internal areas versus outdoor areas. Changes in the acoustic environment (eg enclosed area, higher background noise) can have a significant impact on patron vocal effort. Based on the PWNA modelling assumptions, EMM believe predictions of patron noise and inherent acoustic impacts on assessed receiver locations to be understated."*

PWNA Response:

The assumed noise level is a Sound Power Level (Lw).

Regarding the assumed noise level, PWNA do not agree with EMM comments. The venue is not a nightclub and or typical recreational type venue. The facilities being provided are for respite and support. Its unclear why EMM would assume excessive noise levels would be created in this type of environment.

As such this item is considered addressed and closed.

**Item 6.**

EMM Comment

*"Regarding licensed areas, there is no justification as to why noise predictions of evening operation are lower (quieter) than those presented for day operation given there is no change in the proposed operation or the adoption of additional noise controls. Assuming the same operation (and equivalent noise produced), predicted noise levels for day and evening periods would be the same. Assuming this is the case, the predicted noise levels will not meet the Liquor & Gaming NSW noise targets for the evening period."*

PWNA Response:

This is a typographical error, amended in the revised report (Revision 4). Compliance is still achieved.

As such this item is considered addressed and closed.

**Item 7.**

EMM Comment

*"During the day and evening periods, doors and windows to licensed areas are permitted to be open as per the recommended PNTW acoustic controls. However, there is no defined open area of these windows and doors (e.g. a single leaf door open or a facade length operable door being open) in the PNTW report. This largely influences the degree of noise breaking out of internal areas and the subsequent noise level at surrounding receiver locations (i.e. larger open areas in the development facade will permit more noise to break out of the internal space). No controls have been recommended in this regard (e.g. the facade should not exceed an open area of X m<sup>2</sup> such that noise targets may be met)."*

PWNA Response:

EMM should refer to the Architectural drawings for reference.

As such this item is considered addressed and closed.

**Item 8.**

EMM Comment

*"Road traffic noise generation on public roads has not been numerically quantified. This would typically be conducted by comparing the future traffic generation from the proposed hotel development against existing road traffic volumes."*

PWNA Response:

As outlined in the report compliance is achieved. No further information is required to be provided.

As such this item is considered addressed and closed.

**Item 9.**

EMM Comment

*"The loading dock is nominated to be used during both the day and evening period. Noise predictions were only assessed for the daytime period. Furthermore, the PNTL for the daytime period was incorrectly established (as discussed previously). Consequently, predicted noise levels associated with the loading dock will exceed the daytime PNTL by 4dB and evening PNTL by 7dB. Assessed noise impacts from the use of the loading dock to Receiver 3 will therefore not meet the requirements of the NSW EPA's NPf."*

PWNA Response:

As mentioned afore EMM are incorrect with their opinion around incorrect criteria establishment. As such compliance is achieved. Additionally, compliance with the evening time is already provided in the report.

As such this item is considered addressed and closed.

**Item 10.**

EMM Comment

*"Noise predictions from the use of the driveway have only been assessed against the daytime PNTL which has been incorrectly established (as discussed previously). It is expected that the driveway could be used during the day, evening or night-time periods and should be addressed as such. Predicted noise levels from the driveway operation as presented in the PWNA report will exceed the project PNTL by 4dB, 7dB and 11dB for the day, evening and night respectively at the worst-case receiver. Noise emissions from the use of the driveway will therefore not meet the requirements of the NPf."*

PWNA Response:

As mentioned afore EMM are incorrect with their opinion around incorrect criteria establishment. As such compliance is achieved. Additionally, compliance with the evening time is already provided in the report.

As such this item is considered addressed and closed.

**Item 11.**

EMM Comment

*"The loading dock and driveway will exceed the project PNTL by significant margins and as such the recommended acoustic treatments and controls would not be acoustically acceptable in protecting the acoustic amenity of surrounding land uses."*

PWNA Response:

As mentioned afore EMM are incorrect with their opinion around incorrect criteria establishment. As such compliance is achieved.

As such this item is considered addressed and closed.

**Item 12.**

EMM Comment

*"No assessment of sleep disturbance has been undertaken for the driveway which is required by the NPfI and Penrith DCP. No controls have been recommended which would limit the use of the driveway to between 7:00am to 10:00pm which would mitigate the potential for sleep disturbance."*

PWNA Response:

Updated report provides an assessment of sleeping disturbance. Compliance is achieved.

As such this item is considered addressed and closed.