



# Camden Council

## Attachments

**Ordinary Council Meeting**  
**8 May 2018**

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**Camden Council**  
**Administration Centre**  
**70 Central Avenue**  
**Oran Park**



# ORDINARY COUNCIL

## ATTACHMENTS - ORDINARY COUNCIL

<b>ORD01</b>	<b>Proposed Amendment No. 16 to Camden LEP 2010 and Camden DCP 2011 - 5 Smalls Road, Grasmere</b>	
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**DRAFT DCP CONTROLS**

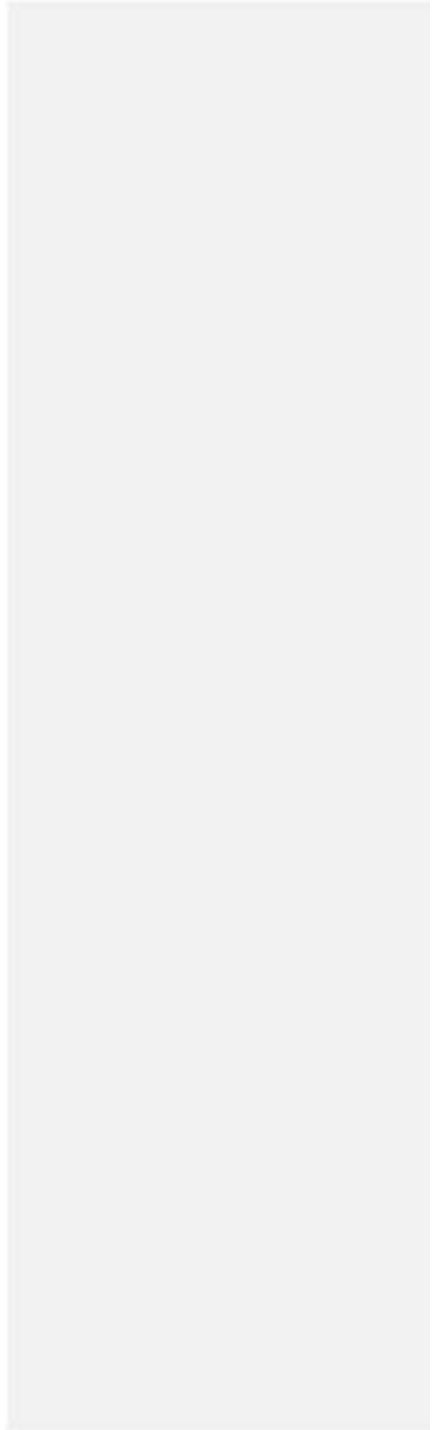
**PART C: RESIDENTIAL SUBDIVISION**

Section C3 Subdivision in Large Lot Residential Areas

**INSERT:** Subsection – C14 Carrington (Smalls Road)

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## C1 Introduction

- Figure C1 – Residential Subdivision Flow Chart to be updated to include 5 Smalls Road, Grasmere under C3.
- Figure C2 Three categories of residential subdivision in Camden LGA to be updated to include 5 Smalls Road, Grasmere under Large Lot Residential areas

## C14 CARRINGTON (SMALLS ROAD)

### C14.1 Introduction

The Carrington Retirement Village - Smalls Road site comprises approximately 27.2ha of land located within the suburb of Grasmere 3km west of the Camden Township. The land is an extension of the Carrington Campus operated by Carrington Centennial Care (CCC). CCC provides aged care facilities in the form of Residential Aged Care Facilities and Lifestyle Living for the ageing population.

### Carrington (Smalls Road) Planning Principles

- Establishment of a Village Hub within the B1 Neighbourhood Centre zone, which will contain a range of community and commercial uses, and may include such as a medical centre, child care centre, local neighbourhood shop and café/restaurant, wellness centre and other facilities which will serve the retirement village and the surrounding neighbourhood. A series of public spaces will be connected by a central access spine for good accessibility for the residents and the local community.
- The residential component of the retirement village may include Independent Living Units (ILUs), duplexes and townhouses
- The creation of a premium residential location which promotes sustainability. Building and site design will respond appropriately to the site context, including the Cumberland Plain Woodland vegetation, an area containing Aboriginal cultural heritage material, the riparian corridor, and topography.  
The provision of a safe and convenient pedestrian and cycle linkages to surrounding areas within the surrounding spaces. Internally, the development pattern will promote accessibility by residents.
- Establishment of a Northern Precinct, providing Independent Living Units (ILUs), including duplexes, townhouses and two storey apartments. This precinct will provide a transition between the higher density Village Hub and the surrounding residential dwellings. The dwellings will be built along the line of contours of the site, utilising the topography by stepping down the slope, ensuring views to the riparian corridor.

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- Establishment of a Southern Precinct, providing lower density ILUs. These will be located on the steepest slope of the site and will step up the slope, maximising solar orientation and views towards the north.
- The preservation of the existing large stand of Cumberland Plain Woodland vegetation in the south west of the site and an area containing Aboriginal cultural heritage material. These components will be conserved through zoning and appropriate location of infrastructure.
- The creation of a premium residential location which promotes sustainability. Building and site design will respond appropriately to the site context, including the Cumberland Plain Woodland vegetation, an area containing Aboriginal cultural heritage material, the riparian corridor, and topography.
- The provision of a safe and convenient pedestrian and cycle linkages to other areas within the surrounding places. Internally, the development pattern will promote accessibility by residents.

#### Design Structure

The Indicative Layout Plan (ILP) is shown in Figure C97. The proposed entry point to the development is off Smalls Road. The entry will provide access to the Neighbourhood Centre, and the Northern and Southern residential precincts via an internal circulation road. The ILP defines the critical components of the site. These include Bushfire Asset Protection Zones, site setbacks, drainage, vegetation and heritage conservation areas, access road and internal circulation road.

#### Related Studies

The Carrington (Smalls Road) Indicative Layout Plan (ILP) is based on the following technical and environmental studies:

- Ecological Australia, May 2016, Flora & Fauna Riparian and Bushfire Study, Offset Strategy.
- Ecological Australia, May 2016, Conservation and Land Use Management Plan.
- Transport and Urban Planning, April 2016, Traffic and Access Assessment.
- Cardno, April 2016, Flood Risk Management Review.
- AHMS, January 2013, Aboriginal Heritage Preliminary Assessment.
- AHMS, April 2016, Historical Archaeological Assessment.
- Geo Enviro Consultancy Pty Ltd, September 2016, Acid Sulphate Soil Assessment.
- Macro Plan Dimasi, June 2014, Retail Impact Assessment.

#### C14.2 Traffic and Access

##### Objectives

1. Provision of a clear entry point to the development providing safe entry and exit from the site.

- 2. Provision of an internal circulation road providing access to the Village Hub, and the ~~Northorn and Southorn~~ residential precincts.
- 3. Provision of a key pedestrian spine providing safe pedestrian access to all parts of the Retirement Village.
- 4. Regular private bus transport for residents to access key destinations and main Carrington Campus.

**Controls**

- 1. The entry point, internal circulation road and key pedestrian spine are to generally be in accordance with Figure C97.
- 2. ~~Prior to the first development application for subdivision or construction being submitted a Pedestrian Mobility Plan must be submitted and approved by Council and should include safe pedestrian access to bus transport.~~
- 3. ~~Prior to the first development application for subdivision or construction being submitted a Pedestrian Mobility Plan must be submitted and approved by Council — should include safe pedestrian access to bus transport.~~

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**Related Study:**

- *Traffic and Access Assessment, prepared by Transport and Urban Planning dated April 2016*

**C14.3 Vegetation Conservation**

**C14.3 Vegetation Conservation**

**Objectives**

- 1. Ensure the protection and enhancement of an existing large stand of Cumberland Plain Woodland vegetation in the south west of the site (Conservation Lands)
- 2. Facilitate the implementation of the Conservation and Land Use Management Plan (CLUMP) for 5 Smalls Road, Grasmere.

**Controls**

- 1. The Conservation Lands should be secured through:
  - Conditions of development consent requiring the implementation of the CLUMP.
  - A detailed Vegetation Management Plan (VMP) must be prepared and submitted with the first Development Application. The VMP is to set out detailed Management Actions and Costs to be delivered, and set out how they are tied to the staging of development.



- A Section 88 instrument must be registered on the title of the lot 404 requiring compliance with the CLUMP and VMP
- Asset Protection Zones (APZs) are to be located outside the E2 Environmental Conservation zone

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**Related Studies:**  
Refer to the following Studies when preparing the Vegetation Management Plan:

- Conservation and Land Use Management Plan, prepared by Ecological Australia dated May 2016,
- Flora & Fauna Riparian and Bushfire Study, Offset Strategy, prepared by Ecological Australia dated May 2016

**Note:**  
For general objectives and controls that apply to the Neighbourhood Centre refer to DCP section D3.5; For specific site objectives and controls refer to D3.10.

**C14.4 Historical Archaeology**

**Objectives**

1. Ensure conservation or recording of historical archaeological items where required.

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**Controls**

1. A report is to be provided with the first development application considering any impact on archaeological remains of the former cottage, and provision of an archival photographic record of the underground cistern.

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**Related Study**  
Refer to the following study when preparing the Historical Archaeological Report – 5 Smalls Road Grasmere:

- Historical Archaeological Assessment, prepared by AHMS dated April 2016,

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**C14.5 Water Management and Riparian Corridor**

**Objectives**

- 1. Ensure appropriate water management on the site.
- 2. Ensure protection of the Aboriginal cultural heritage site.
- 3. Ensure protection of the riparian corridor.

**Controls**

- 1. Detention basins are to be provided generally in accordance with Figure C98.
- 2. The detention basin within the E2 zone is to avoid the location of the Aboriginal cultural heritage item.
- 3. The riparian corridor is to be generally in accordance with Figure C98.

**Related Study**

- Flood Risk Management Review – 5 Smalls Road Grassmere, prepared by Cardno dated April 2016
- Aboriginal Heritage Preliminary Assessment – 5 Smalls Road Grassmere, prepared by AHMS dated January 2013.

**Note:**

For general objectives and controls for Water Management refer to DCP sections B1.4 and B1.11.

**C14.6 Building Setbacks**

**Objectives**

- 1. Ensure setbacks are in keeping with the existing development pattern along Smalls and Werombi Roads.

**Controls**

- 1. Buildings fronting Werombi Road are to be setback 10m.
- 2. Buildings fronting Smalls Road from the point joining Werombi Road for approximately 134m west are to be setback 10m.
- 3. Buildings fronting Smalls Road (apart from the setback requirements in Control 2) are to be setback 20m (length is approximately 157m).

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Figure: C97 Indicative Layout Plan.

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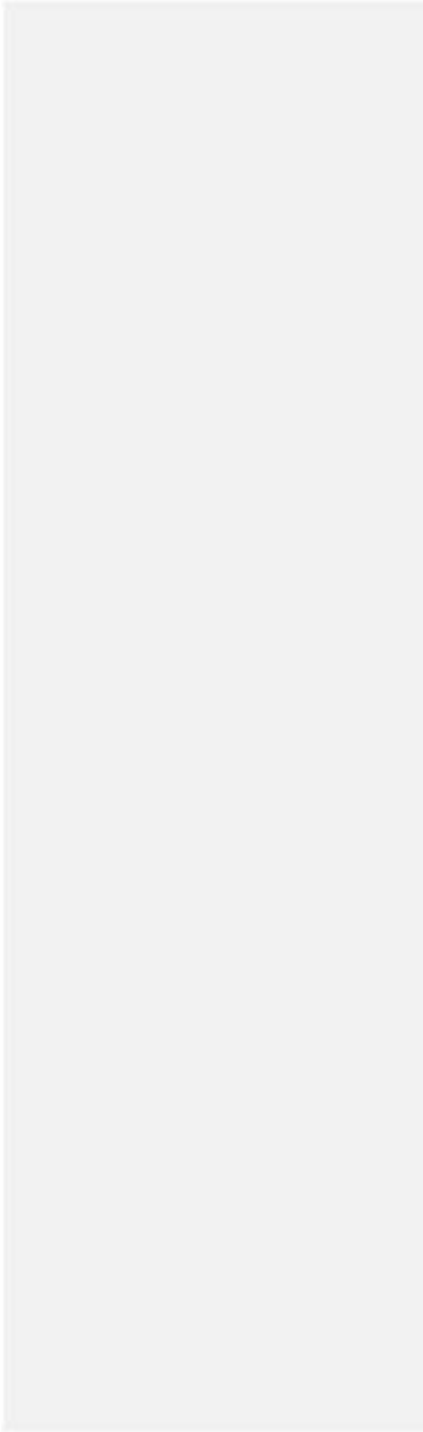




Figure: CBE Water Management Plan

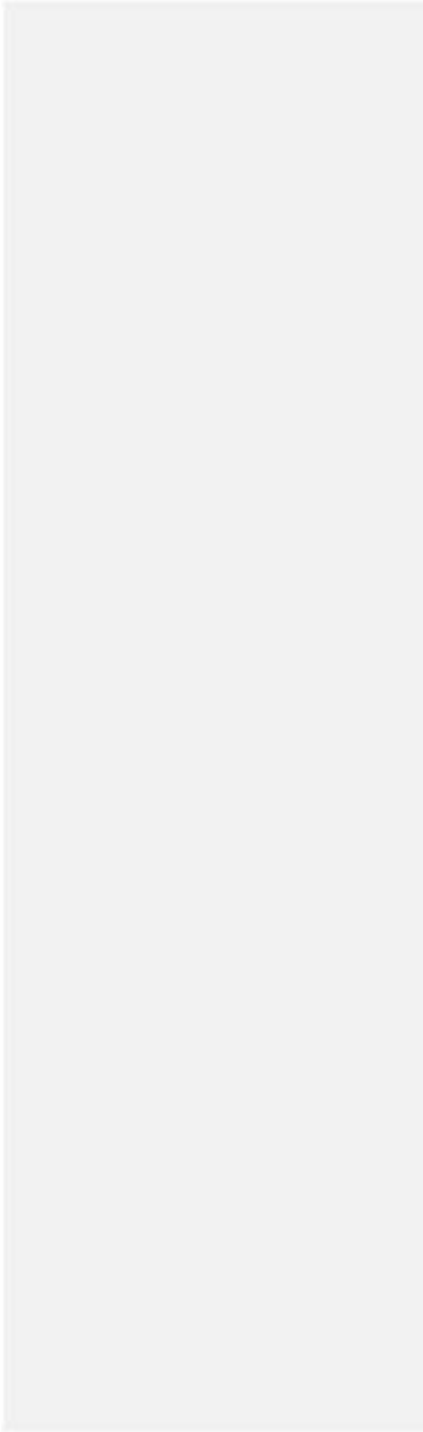
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**DRAFT DCP CONTROLS**

**PART D: Controls Applying to Specific Land Uses/Activities**

Section D3 Commercial and Retail Development

**INSERT:** Subsection – D3.10 Carrington (Smalls Road) – B1 Neighbourhood Centre



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### D3.1 Business Zone and Retail Hierarchy

- Zone B1 Neighbourhood Centre section to be updated to include Carrington (Smalls Road).

### D3.10 CARRINGTON (SMALLS ROAD) – B1 Neighbourhood Centre

#### C3.10.1 Introduction

The Neighbourhood Centre will form part of Carrington (Smalls Road) Seniors Living Village in the B1 Neighbourhood Centre zone. The Neighbourhood Centre will contain a range of community and commercial uses, such as a medical centre, child care centre, [local neighbourhood shop](#) and café/restaurant, [wellness centre](#) and other facilities which will serve the retirement village and the surrounding neighbourhood.

#### C3.10.2 Maximum **Retail** Floor Area

##### Objectives

1. Ensure the retail component of the site is appropriately sized.

##### Controls

1. The combined gross floor area for the neighbourhood shop and café/restaurant will be no greater than 500sq m.

#### C3.10.3 Layout and Design

##### Objectives

1. [EnsureFacilitation of](#) good design and layout of the Neighbourhood Centre.

##### Controls

1. A separate masterplan for the Neighbourhood Centre shall be submitted to Council for approval with the first development application, other than development applications for the purposes of remediation, environmental landscape works and other minor works that, in the opinion of Council, do not predetermine an outcome on the land covered by the B1 Neighbourhood Centre zone boundaries in Camden LEP 2010.

#### **Related Study:**

- *Retail Impact Assessment, prepared by Macro Plan Dimasi dated June 2014*

## Amendment 16 – Carrington (Smalls Road) Exhibition - Submissions Response Table

<b>Table 1 – Submissions</b>		
<b>Submission</b>	<b>Reference</b>	<b>Reference</b>
1.	1.1 - 1.5	
2.	2.1	

<b>Table 2 – Public Agency Submissions</b>		
<b>Submission</b>	<b>Reference</b>	<b>Reference</b>
1. NSW Rural Fire Service (RFS)	1.1	
2. Transport for NSW (TNSW)	2.1	
3. Transport Roads & Maritime Services (RMS)	3.1	
4. Endeavour Energy	4.1	
5. Office of Environment & Heritage (OEH) Environment	5.1-5.2	
6. Office of Environment & Heritage (OEH) Heritage Branch	6.1-6.2	

<b>Table 3 – Proponent Submission</b>		
<b>Submission</b>	<b>Reference</b>	<b>Reference</b>
1.	1.1 - 1.7	



Table 1 - Submissions

Table 1 Submission 1	Issue / Comment	Officer Response	Proposed Action
1.1	<p>Approval in principle.</p> <p>Concern about overdue infrastructure delivery, in respect of Road#603 under DA2011/30 on immediately adjacent land to the south of the Carrington site.</p> <p>Would enable a secondary access road to the Carrington Aged Care and Community Hub for safety purposes – easing dependence on access to Smalls Road and providing good access to the Community Hub for the surrounding residents.</p>	<p>The road identified in Benweirin Estate is not intended to provide an access point into the 5 Smalls Road site. Delivery of the road is subject to the completion of works identified within the DA applying to that land, and is not a relevant matter for this Planning Proposal.</p>	No action required.
1.2	<p>Concern regarding traffic and pedestrian safety near the intersection of Smalls Road and Werombi Road.</p> <p>Exacerbated by only one access into the proposed senior's living village - another argument for an access point from Road#603.</p>	<p>The traffic studies undertaken for the proposal concludes that there is sufficient capacity in the traffic network to support the proposed development with access provided off Smalls Road.</p> <p>The draft DCP requires a pedestrian mobility plan be submitted with the first DA to ensure that pedestrian access to the site is sufficiently planned for.</p> <p>The Traffic Study was updated in 2016 – this was the version exhibited.</p>	No action required.
1.3	<p>The traffic study undertaken for the proposal was commissioned 2011 is outdated and relies on data collected only at the intersection of</p>	<p>The Traffic Study was updated in 2016 – this was the version exhibited.</p>	No action required.

	Issue / Comment	Officer Response	Proposed Action
	Smalls and Werombi roads – proposes significant change from a well-functioning roundabout to traffic lights.	The traffic study undertaken for the proposal shows there will be minimal traffic impacts from the development. No traffic lights are anticipated as a result of this proposal.	
1.4	The study states incorrectly that no commercial buses service Smalls Road and Grasmere – at least 3 school buses which service the community residents also negotiate Smalls Road through Grasmere and exit at the hazardous intersection of Benwerrin Crescent South with the Old Oaks Road.	Transport for NSW (TNSW) advises that no existing public bus services operate via Smalls Road due the varying road widths.	No action required.
1.5	A 10m wide emergency services track will run along Carrington's Asset Protection zone – similar emergency services routes in other developments have been extinguished previously without consultation.	Asset Protection Zones (APZs) will be required as per the draft DCP and will be finalised at the development application stage. These are buffer zones to provide protection from fire and not emergency services tracks. Any concerns regarding APZs not being maintained properly should be referred to the RFS.	No action required.
<b>Submission 2</b>			
2.1	Concern over loss of rate revenue if the proposal is adopted. Request for Council to determine a rating base for the development that is fair and equitable to all rate payers – a zero rate is not fair and equitable.	Seniors living housing can apply for an exemption from the payment of rates. At present no exemption has been applied for the 5 Smalls Road site. Should the property be rezoned the rating category would be amended to reflect the R2, B1 and E2 zones. If the site is developed as a Seniors living village the owner can apply for the site to be non-rateable under S556	No action required.

Issue / Comment	Officer Response	Proposed Action
	of the Local Government Act. If non-rateable status is granted any loss of rates is distributed across the whole of the Camden LGA.	

Table 2 – Public Agency Submissions

Issue / Comment	Officer Response	Proposed Action
<b>Table 2</b>		
<b>Submission 1 – NSW Rural Fire Service (RFS)</b>		
1.1	No objection to the proposal, subject to a requirement that future subdivision complies with Planning for Bush Fire Protection 2006.	No action required.
<b>Submission 2 – Transport for NSW (TNSW)</b>		
2.1	No objection to the proposal. However, provided some comments on the key pedestrian routes provided in the Indicative Layout Plan, including concerns over poor connectivity and safety issues.	No action required.
<b>Submission 3 – Transport Roads &amp; Maritime Services (RMS)</b>		
3.1	No objection to the proposal.	No action required.
<b>Submission 4 – Endeavour Energy</b>		
4.1	No objection to the proposal, subject to a range of recommendations that are specific to the development stage.	No action required
<b>Submission 5 – Office of Environment &amp; Heritage (OEH) Environment</b>		

Table 2	Issue / Comment	Officer Response	Proposed Action
5.1	<p>Objection to the proposal - concerns about the security and ongoing funding for the management of the E2 land.</p>	<p>Whilst the draft Planning Proposal does not meet bio-certification requirements, the proponent has agreed to the following:</p> <ul style="list-style-type: none"> <li>• the placement of a covenant (88B) on the title of the subject land to ensure that the vegetation within the E2 Environmental Conservation zone is conserved and maintained.</li> <li>• A Vegetation Management Plan (VMP) and Conservation Land Use Management Plan (CLUMP) have been prepared as part of the specialist studies and will be enforced via DA conditions.</li> </ul> <p>Additionally, the following will also be required:</p> <p>The proposed E2 Environmental Conservation zone measures approximately 8.4ha which includes the Asset Protection Zone (APZ). It is proposed to remove the APZ from the E2 Environmental Conservation zone and require it to be placed wholly within the residential land.</p> <p>The APZ is approximately 60m x 300m (18,300m<sup>2</sup>). Moving the APZ to the R2 zoned land will mean that the 1.8ha area previously identified as an APZ will allow this area to remain vegetated. The</p>	<p>if the draft Planning Proposal is endorsed in principle, subject to the resolution by the DPE, of the outstanding objection from the OEH, adopt the draft DCP.</p>



Table 2	Issue / Comment	Officer Response	Proposed Action
5.2	Also note a large portion of E2 land in the western part of the site is to be managed as a bushfire APZ, not for conservation purposes.	<p>Inclusion of the vegetation within this area will increase the protected vegetation within the E2 land to approximately 7.59ha, and increase the vegetation identified for removal to 7.38ha.</p> <p>Whilst this proposed amendment does not remove the concerns of the OEH with regards to the mechanism used to protect the E2 Environmental Conservation zone, it provides an improved environmental outcome.</p> <p>An additional DCP control has been added requiring bushfire APZs to be located outside the E2 Environmental Conservation zone.</p> <p>The final location of APZs will be undertaken at DA stage in accordance with the Planning for Bushfire Protection requirements.</p>	Amend the DCP to insert a control to require bushfire APZs to be located outside the E2 Environmental Conservation zone.
<b>Submission 6 – Office of Environment &amp; Heritage (OEH) Heritage Branch</b>			
6.1	No objection to the proposal, subject to a range of recommendations that are specific to development stage.	An additional DCP control is proposed to be inserted requiring an 'assessment report be provided with the first DA to consider potential impact on archaeological remains of the cottage, and provision of an archival photographic record of the cistern'.	Amend the DCP to insert a control to address archaeological matters.
6.2	Additionally, it is requested that Council be satisfied that the proposal (future uses and	The Planning Proposal seeks to retain the 9.5m height of building controls that currently applies to the subject site.	No action required.

<b>Table 2</b>		<b>Issue / Comment</b>	<b>Officer Response</b>	<b>Proposed Action</b>
		intended built form) will retain the significance to the nearby locally listed heritage items	Therefore, there will no change to the potential impact on adjacent heritage items.	

**Table 3 – Proponent Submission**

<b>Table 3</b>		<b>Issue / Comment</b>	<b>Officer Response</b>	<b>Proposed Action</b>
<b>Submission 1</b>				
1.1		Request to remove the wording 'critically endangered vegetation' when referring to E2 Environmental Conservation zone in various parts of the Planning Proposal (PP). The proponent is concerned it may infer that the vegetation has to be conserved and no vegetation could be removed.	The E2 zone has been proposed to help ensure conservation of the critically endangered Cumberland Plain Woodland (CPW). CPW is designated as critically endangered under the previous NSW Threatened Species Conservation Act (TSC Act), NSW Biodiversity Conservation Act and the Federal Environmental Protection & Biodiversity Conservation Act (EPBC Act). The use of the words 'critically endangered' is in accordance with the legislation.	No action required.
1.2		The PP introduction refers to the proposed B1 Neighbourhood Centre zone permissibility which may include a range of uses including a child care centre and a wellness centre. The proponent has advised these uses may also be located in the R2 Low Density Residential zone and requests these uses be referenced in the R2 zone.	The childcare and wellness centres are permissible in both the B1 and R2 zones.	The Planning Proposal and draft DCP are proposed to be amended to include reference of these uses within the B1 Zone and R2 Zone to ensure consistency with the zone landuse permissibility table.
1.3		Request reference to two storeys is removed from the DCP as there is a height control of	The Planning Proposal does not seek to vary the height across the subject	Amend the Planning Proposal to remove reference to 'two storeys'.

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Table 3		Issue / Comment	Officer Response	Proposed Action
		9.5m within Camden Local Environmental Plan 2010.	site. The Height of Buildings map shows the height control across the subject site is 9.5m. Therefore, reference to two storeys is not required.	
1.4		Request to have the upper limit of the retail area within the draft DCP increased from 500m <sup>2</sup> to 1,000m <sup>2</sup> or exclude the reference to café/restaurant within the retail area in C3.10 of the draft DCP. The proponent outlines that if the retail component is too small it will impact the creation of an active village hub and the ability to attract an operator.	The 500m <sup>2</sup> upper limit for the retail component was a resolution from a previous Council report. While the B1 area is approximately 4000m <sup>2</sup> the retail cap will remain at 500m <sup>2</sup> . The retail component of the B1 area includes shops and a café/restaurant.	No action is required.
1.5		Request to amend the preamble to the Planning Principles C14.1 in the draft DCP as they are too prescriptive, and/or have a clear statement that the Indicative Layout Plan (ILP) may evolve over time and the layout will therefore change as the planning of the site evolves. A flexible approach to the ILP needs to be considered.	The Planning Proposal has been amended to reflect this.	Amend the Planning Proposal.
1.6		Request to adopt a uniform 10m setback on Smalls Road as opposed to a 20m setback. The proponent believes it will constrain the opportunity to optimise development outcomes, particularly as it is likely that dwellings along the Smalls Road frontage (and possibly the child care centre) will have access to the internal road network rather than Smalls Road. The proponent believes the quality of the setback treatment in the integrated landscape and built form treatment is more critical.	The 20m setback shown on the ILP is reflective of the average existing setback of residential dwellings on the northern side of Smalls Road. The intent of this control is to ensure consistency in the urban form outcomes of the site.  The 10m setback closer to the Werombi Road intersection reflects the transition from residential development to the Neighbourhood Centre.	Retain proposed building setbacks. Amend the DCP to transfer building setbacks from the ILP to the DCP.

Table 3	Issue / Comment	Officer Response	Proposed Action
1.7	The proponent suggests the target timeframes in the Project Timeline in S4.7 of the PP is a major concern	<p>It is not proposed to amend the setback requirements. However, it is noted that these will be transferred from the ILP to the DCP which is in line with the format of the Camden DCP 2011.</p> <p>The Project Timeline within the PP is for noting when each component of the rezoning process has occurred.</p>	Amend the Planning Proposal to indicate revised project timeline.

## Camden Development Control Plan 2011 (Draft Amendment No.21) – Acoustic Amenity

### 1. Acoustic Amenity

#### Background

Acoustic amenity in the community can be affected by a range of sources including, transportation (motor vehicles, aircraft, trains), industrial uses of all types and many commercial uses. This can not only be a potential annoyance, but at higher noise levels may also have health consequences.

A variety of mitigation strategies exist to reduce or manage sound levels and preserve the acoustic amenity of an area. This subsection seeks to establish criteria and detail acoustic design measures to minimise noise emissions that may arise from existing or proposed development.

#### Objectives

1. To minimise the impacts of noise from major transport infrastructure and commercial and industrial areas on residential amenity and other noise sensitive uses.
2. To achieve an acceptable noise environment whilst maintaining well designed and attractive streetscapes.
3. To minimise the impacts of noise on sensitive receivers through subdivision layout and building design.

#### Controls

##### Acoustic Amenity (General)

1. Acoustic reports (where required), must be prepared by a suitably qualified consultant. As a minimum an acoustic report must: identify receivers; determine background noise levels (where required); establish noise criteria; provide predicted noise levels (including relevant assumptions); assess potential impacts; and consider reasonable and feasible mitigation measures.  
  
Council may consider a preliminary assessment from a suitably qualified acoustic consultant, justifying why an acoustic report is not required.
2. Where possible bedrooms, main living areas and principal private open spaces are to be located away from noise sources (Refer to Figure B3a).
3. Noise attenuation measures must not adversely impact upon passive surveillance, active street frontages and energy efficiency.
4. ~~No-r~~Residential plant and equipment must not ~~shall~~ generate a noise level greater than 5dBA above background noise level as measured at the boundary of a noise sensitive property during the hours of 7.00am to 10.00pm. Noise from plant and equipment must not be audible in habitable rooms of adjoining noise sensitive properties during the hours of 10.00pm to 7.00am.
5. Physical noise barriers ~~i.e.~~ such as noise walls or solid fencing (other than earth mounds) are not generally supported along sub-arterial, transit boulevards or collector roads. Measures to attenuate noise through subdivision layout, building setbacks, building orientation, building design and materials selection should be implemented to achieve compliant noise levels.
6. The use of physical noise barriers (i.e. noise walls or solid fencing) may be supported on arterial roads where it can be demonstrated that the following mitigation measures, in the listed order, are not able to adequately attenuate the noise source:

Amended sub-clauses from letters to dot points to be consistent with formatting of current DCP

Previously b(e)

- Locating less sensitive land uses between the noise source and the sensitive receivers;
- Using the built form to act as noise barriers;
- Optimising the subdivision layout to maximise shielding of principle private open space;
- Incorporating noise mitigating building façade treatments and locating bedrooms, main living areas and principle private open space areas away from the noise source;
- **Using acoustic mounds and/or barriers where other mitigations measures fail to meet relevant criteria**

7. Where noise barriers are required, they shall be of a neutral recessive colour and design which blends in with the natural environment. In addition, barriers are to be screened from the road by a landscape strip of at least 1m.

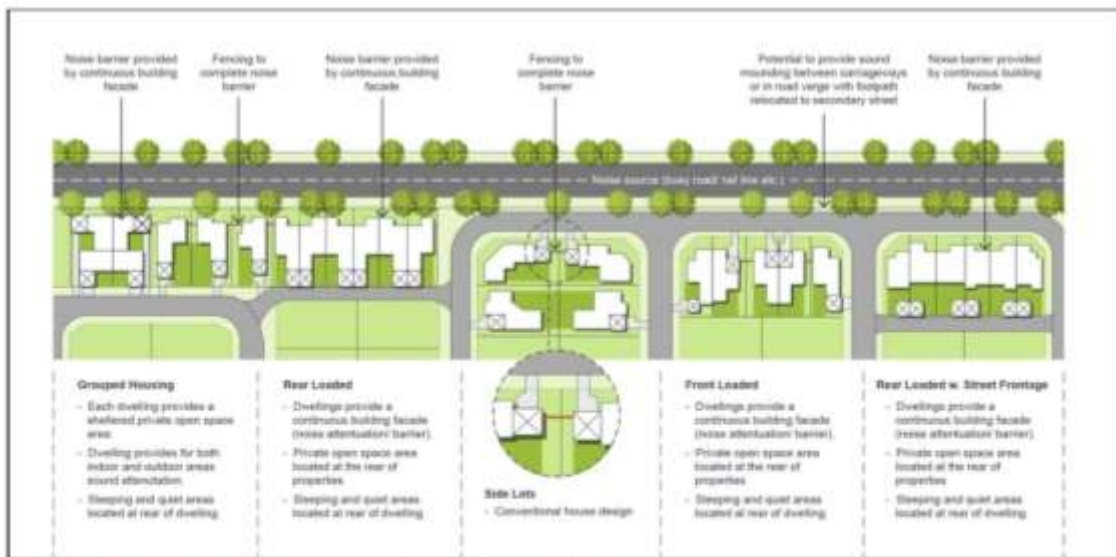


Figure B3a - How to Mitigate Impacts from Road and Rail

**Noise from Road and Rail Traffic Noise** [Road and Rail Noise](#)

1. Development applications for residential development and other noise sensitive uses such as places of public worship, hospitals, child care centres and educational establishments must be accompanied by an acoustic report where the development is:
  - adjacent to **existing (or proposed) a** railwayline, arterial, sub-arterial roads, transit boulevards; or
  - adjacent to a collector road that is within a 100m radius of the centre of the intersection the above roads (Refer to Figure B3b).

**Note:** For all road developments the criteria should apply on the basis of the road traffic volumes projected for 10 years time.



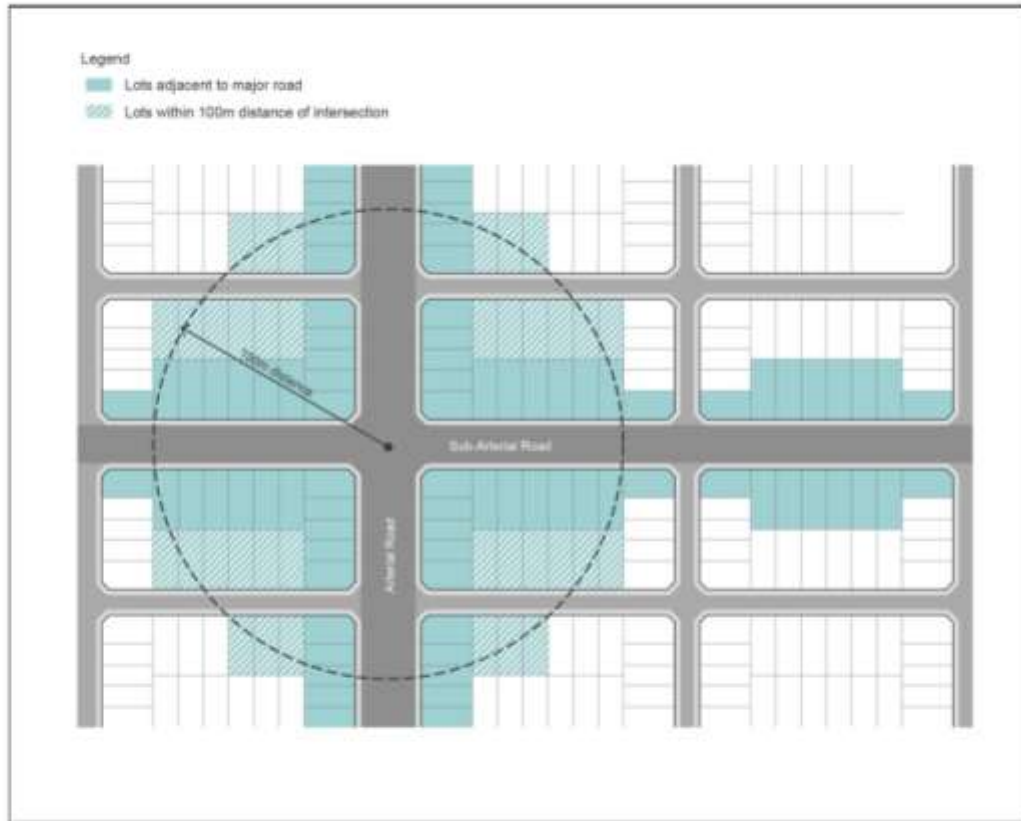


Figure B3b - Noise from Road and Rail Noise

2. Residential dwellings adjacent to an existing (or proposed) railway line, arterial road, sub-arterial road or transit boulevards, or collector roads that are within 100m of the centre of the intersection of those roads, are to be designed to minimise the impact of noise.

Non-residential buildings such as educational institutions, child care centres, places of worship, and hospitals are also required to be designed to minimise the impact of noise.

Both 'residential dwellings' and 'non-residential buildings' must comply with the internal noise criteria in 'Table 3.1' from the 'Department of Planning: Interim Guideline – Development Near Rail Corridors and Busy Roads'

Ventilation Requirements: If internal noise levels with windows or doors open exceed the criteria by more than 10dBA, the design of the ventilation for these rooms should be such that the occupants can leave windows closed, and also to meet the ventilation requirements of the Building Code of Australia.

3. The principle private open space or an equivalent area of useable open space of a dwelling within a new release area is not to exceed 57dBA LAeq (15hr) ~~between 9am and 3pm~~ from 7am to 10pm.

Previously  
Control 2

Note: For clarification purposes, a new release area, includes land mapped as Urban Release Area within the Camden LEP 2010 and includes Growth Area Precincts that have been rezoned.

For dwellings in areas outside of the new release areas, the principle private open space area is to be attenuated to 55dBA LAeq (15hr) from 7am to 10pm.

Council may consider an increased decibel level where it can be demonstrated that the objectives of this policy are met and the above criteria is not able to be reasonably or feasibly achieved.

Note: The residential noise level criterion includes + 2.5 dBA allowance for noise reflected from the façade ('façade correction').

- Previously Control 3
4. Residential flat building developments are to meet the objectives of Part 4J of the *NSW Department of Planning and Environment - Apartment Design Guide* to minimise potential impacts of road and rail noise through appropriate siting and layout of buildings, noise shielding and attenuation.
- Development applications for residential flat buildings are to document the noise mitigation measures that have been incorporated into the design.
- An area of communal open space is to be attenuated to 57dBA LAeq (15hr) ~~between 9am and 3pm~~ from 7am to 10pm.

#### **New and Upgraded Roads / Railway Lines and Traffic Generating Development near Residential and Other Sensitive Land Uses**

1. Where new and upgraded roads or traffic generating developments are proposed near residential and other noise sensitive land uses, acoustic assessments are to be undertaken in accordance with the NSW EPA Road Noise Policy.
2. Where new and upgraded railway lines are proposed near residential and other noise sensitive land uses, acoustic assessments are to be undertaken in accordance with the NSW EPA Road Infrastructure Noise Guideline (2013).

#### **Aircraft Noise**

1. Any noise sensitive development, including but not limited to residential developments and schools, within the ANEF 20 contour (or higher) are considered to be potentially affected by aircraft noise and will require an acoustic assessment to be undertaken to demonstrate compliance with Australian Standard 2021 – 2015 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction.

#### **Noise from Industrial Development or Commercial Development (including Community Facilities and Religious developments)**

1. An acoustic assessment will be required for industrial and commercial development where the development:
  - Has the potential to impact on residences or noise sensitive receivers (defined as a LAeq, 15min level of more than background or more than the recommended **acceptable** amenity criteria within the NSW Environmental Protection Authority's **Noise Policy for Industry (NPfi) NSW Industrial Noise Policy (INP)** minus 10 dB); or
  - Is located within a 100m radius from, or has a direct line of site of a distance of 150m to, residences or noise sensitive receivers; or
  - Proposes to operate anytime between 10pm and 6am.
2. Noise emissions from industrial development must be assessed in accordance with the NSW EPA **Industrial Noise Policy for Industry (NPfi)**.
3. Noise emissions from commercial development must be assessed in accordance with the Noise Guide For Local Government and must be consistent with the methodology within the NSW EPA **NPfi**.
4. Noise from the construction of industrial and commercial developments must be assessed and managed in accordance with the NSW Environmental Protection Authority's Interim Construction Noise Guideline 2009.

#### **Noise from Child Care Centres and Educational Establishments**

1. Development applications for child care centres and educational establishments must be accompanied by an acoustic report.



2. Child care centres and educational establishments are to be designed to not exceed the following noise levels:
  - LAeq (15 minutes) noise level from children in the outdoor areas of the site must not exceed the background LA90 sound level by more than 10dBA when measured at the boundary of the nearest or most affected residential premises (or if the boundary is more than 30 metres from a residential dwelling, at the most affected point within 30 metres of a residence).
  - LAeq(15 minutes) noise levels from all other operations (i.e. car park, plant) must not exceed the background LA90 sound level by more than 5dB(A) when measured at the boundary of the nearest or most affected residential premises.

Note: If there is an inconsistency between the SEPP (Education Establishment and Child Care Facilities) 2017 (and Child Care Planning Guidelines) and the DCP, the SEPP will take precedence.

#### Noise from Licensed Premises

1. Any music/entertainment and noise of patrons (whilst on-site) from a licensed premises, must be assessed in accordance with the noise emission criteria ~~from Liquor and Gaming NSW, modified~~ as follows:
  - The LA10,15min\* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) by more than 5dB between 7:00am and 12:00 midnight at the boundary of any affected residence.
  - The LA10,15min\* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) between 12:00 midnight and 7:00am at the boundary of any affected residence.
  - The LA10,15min\* noise level emitted from the licensed premises when measured inside a habitable room of a residential premises between 12pm and 7am should not give rise to a measurable increase above the ambient level in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) in the absence of the music.
  - ~~Notwithstanding compliance with the above, the LAeq,1min from the licensed premises shall not be more than the background noise level minus 7dB in any Octave Band Centre Frequency (31.5Hz – 8kHz inclusive) within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am.~~

\* For the purposes of this condition, LA10 can be taken as the average maximum deflection of the noise emission from the licensed premises.
2. A noise management plan must be submitted with the DA that addresses noise associated with patron departure in on site car parks or local streets, particularly after 10.00pm. Alternatively, noise reduction and mitigation measures (where required) shall be addressed in a general plan of management for the premises.
3. ~~Cumulative noise from the licensed premises including patrons, music and mechanical plant and car parks should comply with the requirements for commercial developments.~~

#### Noise Attenuation of Public Open Space

1. Public open space areas are to be designed to sensitively locate passive recreation areas away from noise sources without compromising the overall functionality of the area.  
Physical noise barriers (other than earth mounds) for public open space areas will not be supported.

**Further Information:**

- Department of Planning and Environment - Apartment Design Guide
- NSW EPA Road Noise Policy
- Australian Standard 2021:2015
- NSW EPA Noise [Policy for Industry \(NPI\)](#)
- Interim Construction Noise Guideline
- Liquor and Gaming NSW Noise Emission Criteria




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## ORDINARY COUNCIL

### ORD04

**SUBJECT:** CAMDEN DEVELOPMENT CONTROL PLAN 2011 (DRAFT AMENDMENT NO.21) - REVIEW OF ACOUSTIC AMENITY CONTROLS  
**FROM:** Director Planning & Environment  
**TRIM #:** 17/310324

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### PURPOSE OF REPORT

The purpose of this report is for Council to consider amendments to the Camden Development Control Plan 2011 (Camden DCP) in relation to acoustic amenity requirements. It is recommended that Council place the draft amendments to the Camden DCP on public exhibition.

### BACKGROUND

The Camden DCP came into force on 16 February 2011, and since that time there have been a series of amendments. The proposed amendment, the subject of this report, forms Amendment 21 to the Camden DCP and is included as Attachment 1 to this report.

Council has two separate policies for managing potential noise impacts generated by development within the Camden Local Government Area (LGA), being the Environmental Noise Policy (ENP) and the Camden DCP.

A review of Council's existing ENP and Camden DCP acoustic amenity controls has been undertaken.

In light of the increase in development activity in the LGA and recognised changes to planning policies and noise guidelines it is considered timely that Council review its policies for acoustic amenity.

The ENP was adopted in June 2008 and has not been subject to a comprehensive review since that time.

The existing DCP requires compliance with the ENP.

Following the review process it was recommended that the ENP be repealed with relevant controls to be introduced into Council's existing DCP.

Councillors were briefed on the proposed changes on 10 October 2017.

### MAIN REPORT

#### **Repeal of the Environmental Noise Policy 2008**

The existing ENP was adopted by Council in June 2008 to provide a framework and criteria for the assessment of noise impacts from development upon potentially sensitive receivers.

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This is the report submitted to the Ordinary Council held on 24 October 2017

Page 1



The policy was primarily guided by the NSW Environmental Protection Authority's NSW Industrial Noise Policy (INP) and Environmental Criteria for Road Traffic Noise (ECRTN).

Since the creation of the policy the ECRTN has been repealed and replaced by the NSW Environmental Protection Authority's Road Noise Policy (RNP 2011).

In addition, on 17 October 2008, State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) was gazetted and commenced. The ISEPP introduced acoustic amenity controls which required noise sensitive development along busy roads and rail corridors to comply with set internal noise criteria.

The review revealed that a number of controls in the ENP reflect those already regulated by other policies, plans or guidelines or, are outdated when compared to new policies or guidelines.

The proposed draft amendments to the DCP incorporate the remaining relevant controls of the ENP whilst also reflecting current NSW State Government guidelines.

Further, the amendments acknowledge the increased densities in new release areas and the complexities of attenuating external noise on residential flat buildings affected by traffic noise from trains and busy roads.

The draft DCP seeks to centralise and simplify the acoustic amenity controls and remove the need for a separate ENP.

A DCP has greater statutory weight in the assessment of DAs than a policy. As such by incorporating the relevant controls of the ENP into the DCP this will strengthen Council's ability to enforce and defend those controls.

A copy of the draft DCP, existing DCP and ENP is attached.

#### **Summary of Draft Amendments to Acoustic Amenity Controls**

The proposed changes to the Camden DCP relate to Part B1.16 (Acoustic Amenity) and seek to achieve an acceptable residential noise environment whilst maintaining well designed and attractive residential streetscapes.

It is proposed to insert the following objectives into the DCP:

- a) *To minimise the impacts of noise from major transport infrastructure and commercial and industrial areas on residential amenity and other noise sensitive uses.*
- b) *To achieve an acceptable noise environment whilst maintaining well designed and attractive streetscapes.*
- c) *To minimise the impacts of noise on sensitive receivers through subdivision layout and building design.*

#### **Road and Rail Noise**

The draft amendment proposes to insert a series of controls to protect the acoustic amenity of residential dwellings. Further, the amendments acknowledge the increased

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This is the report submitted to the Ordinary Council held on 24 October 2017 - Page 2





densities in new release areas and the complexities of attenuating external noise on residential flat buildings affected by traffic noise from trains and busy roads.

The existing ENP requires the private open space area (POS) of residential development to be attenuated to 55dBA (averaged over a 15hr period – 7.00am to 10.00pm).

The draft DCP seeks to distinguish the acoustic amenity controls based on different development type as noted below:

- Residential development within established areas – No change to the existing ENP control which requires the POS be attenuated to 55dBA.
- Residential development within new release areas – New control recommended which requires the principal POS or an equivalent area of usable open space to be attenuated to 57dBA (1hr) between 9.00am and 3.00pm).
- Residential flat buildings (RFB) – New controls recommended which requires the communal open space to be attenuated to 57dBA ((1hr) between 9am and 3pm) and for applicants to document the noise mitigation measures that have been incorporated into the design in accordance with the Apartment Design Guidelines (ADG).

The external noise criteria for new release areas is recommended to be modified in response to increased residential densities near major arterial roads such as The Northern Road and Camden Valley Way. Compliance with the 55dBA external noise criteria along these roads cannot be achieved without unreasonably high acoustic barriers which would be a poor urban design outcome.

The ENP was introduced in 2008 and did not contemplate residential flat buildings. Further, the ADG, being a State government guideline, came into force in June 2016 and provides acoustic amenity controls. The recommended external amenity DCP controls for residential flat buildings reflect the inability to protect the PPOS of apartments without significantly compromising the overall design of the building. To balance this, the draft DCP requires the provision of an alternative area of communal open space which is to be attenuated to 57dBA.

It is noted that the application of external noise criteria to residential development is above and beyond that required by the ISEPP.

#### Industrial and Commercial Development (including Community Facilities and Religious Development)

The draft amendment requires industrial and commercial developments that exceed background noise levels at sensitive receivers to be assessed in accordance with the NSW Environmental Protection Authority's NSW Industrial Noise Policy (INP) and / or Noise Guide for Local Government (NGLG).

The draft DCP controls reflects the ENP.

#### Child Care and Educational Establishments

The draft amendment requires child care centres and educational establishments to be designed to minimise noise impacts to surrounding residential properties.

The draft DCP controls reflects the ENP.



### Physical Noise Barriers

An objective of the draft DCP is to achieve acceptable noise environments whilst maintaining well designed and attractive streetscapes.

Physical noise barriers can close off communities and provide poor urban design outcomes if not suitably located and designed.

The draft DCP seeks to introduce new design criteria for noise barriers as noted below:

- Noise barriers are generally not supported on roads other than arterial roads such as The Northern Road, The Camden Bypass and Camden Valley Way.
- Barriers are to be of a neutral recessive colour and design which blends in with the natural environment.
- Barriers are to be screened from the road by a landscape strip of at least 1m.

### FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

### CONCLUSION

A review of the ENP and Camden DCP acoustic amenity controls has been undertaken leading to a recommendation that the ENP be repealed and the DCP be amended.

The draft DCP amendment for acoustic amenity seeks to add new controls and amend existing acoustic controls to facilitate the increase in development activity in the area.

The draft DCP amendment also reflect changes to planning policies and noise guidelines that have occurred since the ENP was adopted in 2008.

It is recommended that the draft DCP amendment be placed on public exhibition. If submissions are received a further report will be brought to Council.

### RECOMMENDED

**That Council:**

- i. endorse the draft Camden Development Control Plan and proceed to exhibition for a period of 28 days in accordance with the provisions of the *Environmental Planning Assessment Act 1979 and Regulations*;
- ii. if no unresolved submissions are received:
  - a. grant delegation to the General Manager to adopt the proposed changes to the Camden Development Control Plan; and
  - b. publicly notify the adoption of the Development Control Plan in accordance with the provisions of the *Environmental Planning Assessment Act 1979 and Regulations*.

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This is the report submitted to the Ordinary Council held on 24 October 2017 - Page 4





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- iii. if unresolved submissions are received, receive a further report outlining the results of the public exhibition of the draft Camden Development Control Plan for Council's consideration; and
  - iv. if the proposed changes to the Camden Development Control Plan are adopted, rescind the Environmental Noise Policy 2008.

#### ATTACHMENTS

- 1. Draft Acoustic Amenity DCP
- 2. Existing Acoustic Amenity DCP
- 3. Environmental Noise Policy

**ORD04 CAMDEN DEVELOPMENT CONTROL PLAN 2011 (DRAFT AMENDMENT NO.21) - REVIEW OF ACOUSTIC AMENITY CONTROLS**

Resolution: Moved Councillor Fedeli, Seconded Councillor Sidgreaves that Council:

- i. endorse the draft Camden Development Control Plan and proceed to exhibition for a period of 28 days in accordance with the provisions of the *Environmental Planning Assessment Act 1979* and *Regulations*;
- ii. if no unresolved submissions are received:
  - a. grant delegation to the General Manager to adopt the proposed changes to the Camden Development Control Plan; and
  - b. publicly notify the adoption of the Development Control Plan in accordance with the provisions of the *Environmental Planning Assessment Act 1979* and *Regulations*.
- iii. if unresolved submissions are received, receive a further report outlining the results of the public exhibition of the draft Camden Development Control Plan for Council's consideration; and
- iv. if the proposed changes to the Camden Development Control Plan are adopted, rescind the Environmental Noise Policy 2008.

ORD254/17 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. Councillor Campbell voted against the Motion.)

Amendment 21 Camden DCP 2011 – Part B Acoustic Amenity Submissions Response Table

Table 1 –Submissions	
Submission	Reference
1.	1.1 - 1.12
2.	2.1 - 2.13
3.	3.1 - 3.2
4.	4.1- 4.11

Submission 1	Issue / Comment	Officer Response	Proposed Action
1.1	Acoustic Amenity General Control 1- Not all assessments will require background noise levels to be measured.	It is agreed that the measurement of background noise levels is not a requirement for all acoustic assessments.  The need for this level of assessment will be merit based.  The draft DCP has been amended as a result of the comments received.	Amend Control 1 to clarify that the assessment of background noise levels will be determined where required.
1.2	Control 3 - It would be a poor outcome if noise attenuation measures adversely impacted on the energy efficiency of a building or restrict passive surveillance to the street.	Draft Control 3 requires that noise attenuation measures should not adversely impact upon passive surveillance, active street frontages and energy efficiency.	No action required.
1.3	Control 4 - The identification of noise coming from 'plant equipment' could be interpreted as coming from noise sources other than residential premises i.e. commercial or industrial sites. It is suggested	Agreed	Amend Control 4 to clarify that the draft control applies to residential "plant and equipment".

	Issue / Comment	Officer Response	Proposed Action
1.4	<p>that the DCP clarifies where the noise is originating from.</p> <p>Control 6(e) – it was suggested that Control 6 (e) be deleted as it is covered in the opening paragraph of Control 6.</p>	<p>Agreed.</p> <p>The lettered subclauses have been replaced with bullets to be consistent with the Camden DCP 2011 format.</p>	<p>Control 6(e) Deleted.</p>
1.5	<p><u>Road and Rail Noise</u></p> <p>Control 2 - It is difficult to measure the noise impacts (and noise mitigation works) using the criteria of 1 hour between the hours of 9am-3pm. It is recommended that the criteria be amended to a 15-hour time period between 7am-10pm.</p>	<p>Measuring noise impacts over a 1-hour period may not produce a noise reading that reflects the noise that impacts a residence throughout most of the day.</p> <p>When assessing traffic noise impact to determine noise mitigation that may be required to protect external amenity, it is important to capture the peaks and troughs of traffic noise and average these out over a 15-hour time period.</p> <p>Council officers support the draft DCP being amended to specify that a 15-hour measurement period is used to determine noise impacts (and required mitigation measures). A 15-hour measurement period is consistent with the current acoustic measurement period that reflects the 'day period' only. This would produce noise results that better reflect average noise levels.</p>	<p>Amend Control 3 (Previously Control 2) to adopt the noise criteria of 57 dBA (15hr) 7am -10pm (for new release areas).</p>
	<p>In addition, the draft DCP was not clear as to whether "façade reflection" was included in the criteria. <b>(Please note – façade reflection means noise that</b></p>	<p>Façade reflection should be included in the criteria to be consistent with industry standard.</p>	<p>Amend Control 3 (previously Control 2) to clarify that façade reflection is included in the criteria.</p>

Issue / Comment	Officer Response	Proposed Action
<p>rebounds off a surface that cannot absorb the noise)</p> <p>Control 2 - There is no minimum size of noise compliant area stated in the DCP to represent 'Private Open Space. It is suggested that a minimum area is defined for single and multi-unit residential dwellings.</p>	<p>The Camden DCP 2011 sets a minimum land area for Principal Private Open Space (PPOS). This applies to both single and multi-unit dwellings. The PPOS area is to be protected from noise to not exceed 57dBA (15hrs) between 7am and 10pm.</p>	<p>No action required.</p>
<p>1.6</p> <p><u>Road and Rail Noise</u></p> <p>The draft DCP does not contain criteria for 'non - residential receivers'.</p> <p><b>(Please note: non-residential receivers include places of public worship, education establishments, hospitals and child care centres)</b></p> <p>The draft DCP does not include a requirement for ventilation in relation to the opening or closing of windows for residential dwellings.</p> <p>The draft DCP does not contain criteria for ground borne rail noise.</p>	<p>Non-residential receivers have been identified with reference to "Table 3.1" from the <i>Interim Guidelines – Development near Rail Corridors and Busy Roads</i>.</p> <p>Agreed. Criteria has been added to the control to address when additional ventilation may be required to be comply with the Building Code of Australia.</p> <p>Ground borne noise criteria are contained within the '<i>Interim Guideline – Development Near Rail Corridors and Busy Roads</i>' document prepared by the Department of Planning (now Department of Planning and Environment). This document is referenced in the draft DCP and is applicable for assessment where rail noise is expected to occur.</p>	<p>Amend DCP to insert a new Control 2 to include criteria for 'non-residential receivers'.</p> <p>Amend DCP to insert a new Control 2 to now include the requirement for ventilation in relation to the opening or closing of windows for residential dwellings.</p> <p>No action required.</p>

	<b>Issue / Comment</b>	<b>Officer Response</b>	<b>Proposed Action</b>
1.7	<p><u>Noise from Industrial Development or Commercial Development</u></p> <p>Control 1 and 2 - The DCP should be updated to reference the EPA's NSW Noise Policy for Industry 2017 (NPII) which has recently been released and supersedes the old Industrial Noise Policy (INP).</p>	References to the INP will be updated to now refer to the NPII.	Amend Controls 1, 2 and 3 to update references to the EPA's Noise Policy for Industry 2017.
1.8	<p><u>Noise from Industrial Development or Commercial Development</u></p> <p>Control 2 and 3 - The draft DCP mandates compliance with the Noise Policy for Industry (NPII) and EPA's Noise Guide for Local Government (NGLG). These documents contain criteria that is not mandatory.</p>	<p>To guide Council in regulating different scales of industrial development, the NPII and NGLG are referred to in the draft DCP.</p> <p>The NGLG makes references to the INP (which is now NPII) for guidance where the NGLG does not directly apply to the assessment process or provide sufficient direction about suitable criteria.</p> <p>In the absence of non-mandatory criteria, the draft DCP stipulates mandatory controls with references to NPII and NGLG. These are the minimum criteria applicable for assessment and compliance.</p>	Amend Controls 2 and 3 to update references to the EPA's Noise Policy for Industry 2017.
1.9	<u>Noise from Licensed Premises</u>		

Issue / Comment	Officer Response	Proposed Action
<p>Control 1 - It is recommended that changes are made to the wording as follows;</p> <p>"in accordance with the noise emission criteria from Liquor and Gaming NSW",</p> <p>change to</p> <p>"in accordance with the standard noise consent conditions from Liquor and Gaming NSW."</p>	<p>The draft DCP amends the wording and criteria relating to one of the standard noise consent conditions provided by Liquor and Gaming NSW.</p> <p>The draft DCP wording has been suggested by an acoustic consultant to enable Council and other consultants to better regulate noise from licensed premises when assessed inside a residential property after midnight.</p> <p>The changing of this condition means that the draft DCP cannot directly reference all conditions from that Authority as they represent a 'set' of conditions. To address the changed wording and criteria, it is recommended the draft DCP be amended to delete reference to 'Liquor and Gaming NSW'.</p> <p>The information contained within the draft DCP to address noise from licensed premises achieves the objectives and outcomes set by Liquor and Gaming NSW.</p>	<p>Amend Control 1 to delete reference to 'Liquor and Gaming NSW'.</p>
<p>1.10</p> <p><u>Noise from Licensed Premises</u></p> <p>Control 1 - It is recommended that 'dot point 3' is reworded to keep it consistent with the current noise condition of the of Liquor and Gaming NSW.</p>	<p>'Dot point 3' has been amended following further discussion with the submitter.</p> <p>The purpose of the amended wording is to allow noise to be more easily assessed for regulation and compliance purposes. There is no change to the intent of the draft DCP control.</p>	<p>Amend 'dot point 3' to incorporate amended wording.</p>



Issue / Comment	Officer Response	Proposed Action
<p>1.11</p> <p>Noise from Licensed Premises</p> <p>The Draft DCP does not address encroachment of residential development towards licensed premises.</p>	<p>Current State Government guidelines and policies acknowledge the need to consider noise impacts between urban residential development and commercial / industrial and licensed premises. However, specific criteria and assessment frameworks have not been provided due to the significant variables that need to be considered for each situation.</p> <p>The variables to be considered for an application may include; existing use rights, current approved operations, existing consent conditions, compatibility of land use zones, stakeholder participation and cooperation, existence / acceptance of acoustic criteria.</p> <p>The assessment of noise in these circumstances is assessed on a case by case basis to achieve the most acceptable outcome for the applicant and community.</p> <p>Given the above, no changes are proposed to the draft DCP.</p>	<p>No action required.</p>
<p>1.12</p> <p>It is highlighted that there are a number of activities covered in the existing Environmental Noise Policy (ENP) (proposed to be rescinded) which are not covered in the draft DCP including:</p> <ul style="list-style-type: none"> <li>• Community and multipurpose halls</li> <li>• Home business</li> <li>• Learn to swim schools on residential premises</li> </ul>	<p>Council officers are aware of the activities in the ENP that will not be specifically listed in the DCP if the ENP is revoked; however, it is considered there are sufficient safeguards within existing noise policies and guidelines from the NSW Government to adequately assess all of these activities.</p>	<p>No action required.</p>

	Issue / Comment	Officer Response	Proposed Action
Submission 2 2.1	<ul style="list-style-type: none"> <li>• Bird scare devices</li> <li>• Trail bikes &amp; vehicles in off road areas</li> <li>• Tennis courts on residential premises</li> <li>• Noise from open air entertainment and outdoor facilities</li> <li>• Noise from Parks on development</li> </ul> <p>Support Council's approach regarding the management of acoustic control.</p>	Noted	No action required.
2.2	<p><u>Acoustic Amenity General</u></p> <p>Control 1- Not all assessments will require background noise levels to be measured.</p>	<p>It is agreed that the measurement of background noise levels is not a requirement for all acoustic assessments.</p> <p>The need for this level of assessment will be merit based.</p> <p>The draft DCP has been amended as a result of the comments received.</p>	Amend Control 1 to clarify that the assessment of background noise levels will be determined where required.
2.3	Control 3 - It would be a poor outcome if noise attenuation measures adversely impacted on the energy efficiency of a building or restrict passive surveillance to the street.	Draft Control 3 requires that noise attenuation measures should not adversely impact upon passive surveillance, active street frontages and energy efficiency.	No action required.
2.4	Control 4 - The identification of noise coming from 'plant equipment' could be interpreted as coming from noise sources other than residential premises i.e. commercial or industrial sites. It is suggested that the DCP clarifies where the noise is originating from.	Agreed	Amend Control 4 to clarify that the draft control applies to residential "plant and equipment".

	Issue / Comment	Officer Response	Proposed Action
2.5	Control 6(e) – It was suggested that Control 6 (e) be deleted as it is covered in the opening paragraph of Control 6.	Agreed.  The lettered subclauses have been replaced with bullets to be consistent with the Camden DCP 2011 format.	Control 6(e) Deleted.
2.6	<p>Road and Rail Noise</p> <p>Control 2 - It is difficult to measure the noise impacts (and noise mitigation works) using the criteria of 1 hour between the hours of 9am-3pm. It is recommended that the criteria be amended to a 15-hour time period between 7am-10pm.</p> <p>In addition, the draft DCP was not clear as to whether "façade reflection" was included in the criteria. <b>(Please note – façade reflection means noise that rebounds off a surface that cannot absorb the noise)</b></p> <p>Control 2 - There is no minimum size of noise compliant area stated in the DCP to represent</p>	<p>Measuring noise impacts over a 1-hour period may not produce a noise reading that reflects the noise that impacts a residence throughout most of the day.</p> <p>When assessing traffic noise impact to determine noise mitigation that may be required to protect external amenity, it is important to capture the peaks and troughs of traffic noise and average these out over a 15-hour time period.</p> <p>Council officers support the draft DCP being amended to specify that a 15-hour measurement period is used to determine noise impacts (and required mitigation measures). A 15-hour measurement period is consistent with the current acoustic measurement period that reflects the 'day period' only. This would produce noise results that better reflect average noise levels.</p> <p>Façade reflection should be included in the criteria to be consistent with industry standard.</p> <p>The Camden DCP 2011 sets a minimum land area for Principal Private Open Space</p>	<p>Amend Control 3 (Previously Control 2) to adopt the noise criteria of 57 dBA (15hr) 7am -10pm (for new release areas)</p> <p>Amend Control 3 (previously control 2) to clarify that façade reflection is included in the criteria.</p> <p>No action required.</p>

Issue / Comment	Officer Response	Proposed Action
<p>Private Open Space. It is suggested that a minimum area is defined for single and multi-unit residential dwellings.</p>	<p>(PPOS). This applies to both single and multi-unit dwellings. The PPOS area is to be protected from noise to not exceed 57dBA (15hrs) between 7am and 10pm.</p>	
<p>2.7 <u>Road and Rail Noise</u>  The draft DCP does not contain criteria for 'non-residential receivers'. <b>(Please note: non-residential receivers include place of public worship, education establishments, hospitals and child care centres)</b>  The draft DCP does not include a requirement for ventilation in relation to the opening or closing of windows for residential dwellings.  The draft DCP does not contain criteria for ground borne rail noise.</p>	<p>Non-residential receivers have been identified with reference to "Table 3.1" from the <i>Interim Guidelines – Development near Rail Corridors and Busy Roads</i>.  Agreed. Criteria has been added to the control to address when additional ventilation may be required to be comply with the Building Code of Australia.  Ground borne noise criteria are contained within the <i>Interim Guideline – Development Near Rail Corridors and Busy Roads</i> document prepared by the Department of Planning (now Department of Planning and Environment). This document is referenced in the draft DCP and is applicable for assessment where rail noise is expected to occur.</p>	<p>Amend DCP to insert a new Control 2 to include criteria for 'non-residential receivers'.  Amend DCP to insert a new Control 2 to now include the requirement for ventilation in relation to the opening or closing of windows for residential dwellings.  No action required.</p>
<p>2.8 <u>Noise from Industrial Development or Commercial Development</u>  Control 1 and 2 - The DCP should be updated to reference the EPA's NSW Noise Policy for Industry 2017 (NPII) which has recently been released and supersedes the old Industrial Noise Policy (INP).</p>	<p>References to the INP will be updated to now refer to the NPII.</p>	<p>Amend Controls 1, 2 and 3 to update references to the EPA's Noise Policy for Industry 2017.</p>

Issue / Comment	Officer Response	Proposed Action
<p>2.9</p> <p>Noise from <u>Industrial Development or Commercial Development</u></p> <p>Control 2 and 3 - The draft DCP mandates compliance with the Noise Policy for Industry (NPI) and EPA's Noise Guide for Local Government (NGLG). These documents contain criteria that is not mandatory.</p>	<p>To guide Council in regulating different scales of industrial development, the NPI and NGLG are referred to in the draft DCP.</p> <p>The NGLG makes references to the INP (which is now NPI) for guidance where the NGLG does not directly apply to the assessment process or provide sufficient direction about suitable criteria.</p> <p>In the absence of non-mandatory criteria, the draft DCP stipulates mandatory controls with references to NPI and NGLG. These are the minimum criteria applicable for assessment and compliance.</p>	<p>Amend Controls 2 and 3 to update references to the EPA's Noise Policy for Industry 2017.</p>
<p>2.10</p> <p><u>Noise from Licensed Premises</u></p> <p>Control 1 - It is recommended that changes are made to the wording as follows:</p> <p>"in accordance with the noise emission criteria from Liquor and Gaming NSW",</p> <p>change to</p> <p>"in accordance with the standard noise consent conditions from Liquor and Gaming NSW."</p>	<p>The draft DCP amends the wording and criteria relating to one of the standard noise consent conditions provided by Liquor and Gaming NSW.</p> <p>The draft DCP wording has been suggested by an acoustic consultant to enable Council and other consultants to better regulate noise from licensed premises when</p>	<p>Amend Control 1 to delete reference to 'Liquor and Gaming NSW'.</p>



Issue / Comment	Officer Response	Proposed Action
	<p>assessed inside a residential property after midnight.</p> <p>The changing of this condition means that the draft DCP cannot directly reference all conditions from that Authority as they represent a 'set' of conditions. To address the changed wording and criteria, it is recommended the draft DCP be amended to delete reference to 'Liquor and Gaming NSW'.</p> <p>The information contained within the draft DCP to address noise from licensed premises achieves the objectives and outcomes set by Liquor and Gaming NSW.</p>	
<p>2.11</p> <p>Noise from Licensed Premises</p> <p>Control 1 - It is recommended that 'dot point 3' is reworded to keep it consistent with the current noise condition of the NSW Office of Liquor and Gaming and Racing.</p>	<p>'Dot point 3' has been amended following further discussion with the submitter.</p> <p>The purpose of the amended wording is to allow noise to be more easily assessed for regulation and compliance purposes. There is no change to the intent of the draft DCP control.</p>	<p>Amend 'dot point 3' to incorporate amended wording.</p>
<p>2.12</p> <p>Noise from Licensed Premises</p> <p>The Draft DCP does not address encroachment of residential development towards licensed premises.</p>	<p>Current State Government guidelines and policies acknowledge the need to consider noise impacts between urban residential development and commercial / industrial and licensed premises. However, specific criteria and assessment frameworks have not been provided due to the significant</p>	<p>No action required.</p>

Issue / Comment	Officer Response	Proposed Action
<p>2.13</p>	<p>It is highlighted that there are a number of activities covered in the existing Environmental Noise Policy (ENP) (proposed to be rescinded) which are not covered in the draft DCP including:</p> <ul style="list-style-type: none"> <li>• Community and multipurpose halls</li> <li>• Home business</li> <li>• Learn to swim schools on residential premises</li> <li>• Bird scare devices</li> <li>• Trail bikes &amp; vehicles in off road areas</li> <li>• Tennis courts on residential premises</li> <li>• Noise from open air entertainment and outdoor facilities</li> <li>• Noise from Parks on development</li> </ul>	<p>The variables to be considered for an application may include: existing use rights, current approved operations, existing consent conditions, compatibility of land use zones, stakeholder participation and cooperation, existence / acceptance of acoustic criteria.</p> <p>The assessment of noise in these circumstances is assessed on a case by case basis to achieve the most acceptable outcome for the applicant and community.</p> <p>Given the above, no changes are proposed to the draft DCP.</p> <p>Council officers are aware of the activities in the ENP that will not be specifically listed in the DCP if the ENP is revoked; however, it is considered there are sufficient safeguards within existing noise policies and guidelines from the NSW Government to adequately assess all of these activities.</p> <p>No action required.</p>

	Issue / Comment	Officer Response	Proposed Action
<b>Submission 3</b> 3.1	Welcome the alignment of the controls to the NSW Environmental Protection Authority (EPA) standard.	Noted	No action required.
3.2	<p>The proposal to regulate noise levels for Principal Private Open Space (PPOS) for new release areas and residential flat buildings is above the requirement of the NSW Infrastructure SEPP.</p> <p>Recommends changes be made to be consistent with the Infrastructure SEPP.</p>	<p>The ISEPP applies acoustic amenity controls to noise sensitive development along busy roads and rail corridors to comply with set internal noise criteria.</p> <p>Council (through the existing ENP) has an adopted position that residents should be able to enjoy their external private open space areas without the intrusion of excessive noise. As a result, the ENP applies noise criteria to protect the external amenity of residential development.</p> <p>Camden's situation is unique in that it has new release areas that will be more densely populated and will experience higher background noise levels compared to its established areas. The draft DCP proposes to continue to require the protection of external acoustic amenity for Camden residents whilst acknowledging the distinction in the noise environments created in new release areas compared to established areas.</p> <p>The draft DCP proposes to apply a new external amenity criteria of 57dBA to new release areas, whilst the existing 55dBA criteria is proposed to continue to apply to established areas.</p>	No action required.

Submission 4	Issue / Comment	Officer Response	Proposed Action
4.1	<p><u>Acoustic Amenity (General)</u></p> <p>Control 1 - It is suggested to insert "/ambient" after "background" as this would then allow the control to address the noise impact from proposed industrial and commercial development on residential developments and noise impact from transport infrastructure on proposed residential developments</p>	<p>The Noise Guide for Local Government separately defines "Ambient Noise" and "Background Noise". There is a difference in the meaning and use of these terms when conducting a noise assessment.</p> <p>The use of the word 'background' noise level referenced in the draft DCP control is considered adequate for conducting noise assessments.</p>	No action required.
4.2	<p><u>Acoustic Amenity (General)</u></p> <p>Control 4 – It is recommended that the EPA Noise Policy for Industry (NPI) 2017 be applied to control environmental noise emissions from the operation of industrial and commercial plant equipment.</p>	<p>The intention of this control is to address the noise impact generated from residential plant impacting on neighbouring properties.</p> <p>The draft DCP is proposed to be amended to insert "residential" before "plant equipment" to specifically control the noise generated from residential plant equipment.</p> <p>In addition, noise emissions from industrial and commercial development are regulated in the draft DCP under <i>Control 2 of Noise from Industrial development or Commercial development (including Community Facilities and Religious developments)</i>.</p>	Amend Control 4 to clarify the draft control is referring to "residential plant and equipment".
4.3	<p><u>Acoustic Amenity (General)</u></p>		

	Issue / Comment	Officer Response	Proposed Action
	Control 5- It is suggested that the control is reworded to clarify whether earth mounds are included in the list of suitable options for noise mitigation.	Council officers consider the wording is clear and does not need amending. The adoption of earth mounds is acceptable and supported as a physical noise barrier for the purpose of noise attenuation where it is proposed along the roads nominated in the control.	No action required.
4.4	<p>Acoustic Amenity (General)</p> <p>Control 6 – it is suggested that the control is reworded to clarify the type of mitigation measures by inserting:</p> <p>Control 6: This could be improved by rewording as follows:</p> <ul style="list-style-type: none"> <li>a. <i>Locating less sensitive land uses between the noise source and the sensitive receivers;</i></li> <li>b. <i>Using buildings as noise barriers, i.e. a continuous frontage running parallel to transport infrastructure can reduce noise levels in the rest of the property;</i></li> <li>c. <i>Optimising the subdivision layout to maximise shielding of principal private open space; and</i></li> <li>d. <i>Locating bedrooms, main living areas and principal open space areas away from the noise source and incorporating noise mitigation facade treatments into the building design.</i></li> </ul>	<p>Agreed. It is suggested that the draft DCP is amended to improve the clarity of the control.</p> <p>The lettered subclauses have been replaced with bullets to be consistent with the Camden DCP 2011 format.</p>	Amend Control 6.
4.5	<p>Road and Rail Noise</p> <p>Control 1 - The control should be consistent with state level policy (i.e. ISEPP and Interim Guideline).</p>	The ISEPP applies acoustic amenity controls to noise sensitive development along busy roads and rail corridors to comply with set internal noise criteria.	No action required.



Issue / Comment	Officer Response	Proposed Action
	<p>Council (through the existing ENP) has an adopted position that residents should be able to enjoy their external private open space areas without the intrusion of excessive noise. As a result, the ENP applies noise criteria to protect the external amenity of residential development.</p> <p>Camden's situation is unique in that it has new release areas that will be more densely populated and will experience higher background noise levels compared to its established areas. The draft DCP proposes to continue to require the protection of external acoustic amenity for Camden residents whilst acknowledging the distinction in the noise environments created in new release areas compared to established areas.</p> <p>The draft DCP proposes to apply a new external amenity criteria of 57dBA to new release areas, whilst the existing 55dBA criteria is proposed to continue to apply to established areas.</p> <p>The reference to collector roads is only considered where these roads intersect with other higher order roads. The intersection of these roads for a radius of 100m only is assessed for noise which Council officers consider is a reasonable outcome. No collector roads beyond this are included for assessment.</p>	<p>No action required.</p>
<p>Control 1 - It is noted that the NSW Road Noise Policy includes collector roads in its local road classification with detailed requirements for consideration of 6mm thick glazing for windows. As such, it is recommended that the reference to collector road be deleted in the draft control.</p>	<p>Control 2 - refer to officer response to 'control 1' above.</p>	<p>Control 2 is now Control 3. No action required.</p>
<p>Control 2 - It is not reasonable and feasible to meet the external acoustic amenity control required by the draft DCP, as the NSW EPA's Environment</p>		

	Issue / Comment	Officer Response	Proposed Action
4.6	<p>Criteria for Road Traffic Noise (ECRTN) does not set out such objectives.</p> <p><u>Road and Rail Noise</u></p> <p>Control 3 – It is recommended that the Principal Private Open Space criteria is amended from 57dBA to 55dBA when assessed.</p>	<p>The intent behind the relaxing of external criteria for principal private open space within new release areas is to facilitate development with improved urban design outcomes.</p> <p>Retention of the draft DCP criteria is supported to ensure that there is a reasonable level of external amenity for residents in these new areas.</p>	Control 2 is now Control 3. No action required.
4.7	<p><u>New and Upgraded Roads and Traffic Generating Development near Residential and Other Sensitive Lands Uses</u></p> <p>Control 1 – suggest that a control be added for new and upgraded railway lines with reference to the EPA's 'Rail Infrastructure Noise Guideline (2013)'.</p>	Council officers agree the draft DCP should be amended to address new or upgraded rail in the Camden LGA.	<p>Amend Heading by inserting "Railway Lines" after "Upgraded Roads" in the draft DCP.</p> <p>Insert Control 2 to refer to Railways Lines to reflect reference to the EPA's 'Rail Infrastructure Noise Guideline (2013)'.</p>
4.8	<p><u>Noise from Industrial Development of Commercial Development including Community Facilities and Religious Developments</u></p> <p>Control 1, 2 &amp; 3 – The reference to the Industrial Noise Policy should be updated to new reference</p>	Agreed. The references have been updated.	Amend Control 1 & 2 & 3 by updating references to the EPA's Noise Policy for Industry (NPIf).

Issue / Comment	Officer Response	Proposed Action
<p>4.9</p> <p><u>Noise from Licensed Premises</u></p> <p>Control 1 – 'Dot point 3' should be reworded to keep it consistent with the current noise condition of the NSW Office of Liquor, Gaming and Racing.</p> <p>Control 1 - Suggest that the Note for Control 1 be deleted, as it does not assist.</p>	<p>'Dot point 3' has been further amended following discussion with the submitter. The purpose of the amended wording is to allow noise to be more easily assessed for regulation and compliance purposes. There is no change to the intent of the draft DCP control.</p> <p>The Note is reasonable and is consistent with the Noise Guide for Local Government NGLG in relation to noise emission from a licensed premise.</p>	<p>Amend DCP.</p> <p>No action required.</p>
<p>4.10</p> <p><u>Noise from Licensed Premises</u></p> <p>Control 3: It is recommended that the noise from mechanical plant and car parks should comply with the requirements of the EPA's Noise Policy for Industry.</p>	<p>The criteria from Liquor and Gaming NSW is adequate to assess noise impacts from licensed premises. Control 3 is no longer required and can be deleted.</p>	<p>Delete Control 3.</p>

4.11	Issue / Comment	Officer Response	Proposed Action
	<p><u>Noise Attenuation of Public Open Space</u></p> <p>Control 1: The draft DCP control states that Physical noise barriers (other than earth mounds) for public open space areas will not be supported. Suggest the wording "supported" be replaced with "approved" or "encouraged".</p>	<p>Whilst it is important to protect and maintain the acoustic amenity of public open space, noise barriers (other than earth mounds) are not generally supported due to detrimental impacts on the amenity of public open space and poor urban design outcomes.</p>	<p>No action required.</p>

### YOUTH PLAY SPACE LOCATIONS

Harrington Park Lake, Harrington Park



Sedgewick Reserve, Currans Hill





















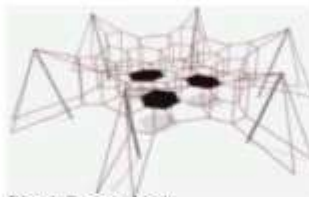


# HARRINGTON RESERVE

Examples of equipment in use



## Equipment included



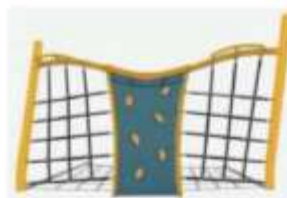
Giant Space Net



Spinning Climber for younger children



Slide for younger children



Ninja Warrior Equipment

ORD03

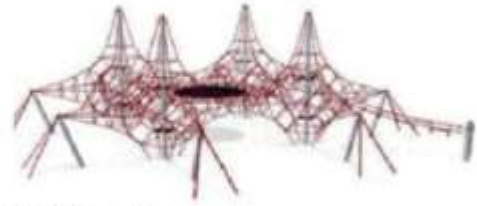
Attachment 4

# SEDGEWICK RESERVE

Examples of equipment in use



## Equipment included



Giant Space Net



Mini Trampoline



Unity Spinner



Basket Swing



Rope Swing



Percussion Instruments