
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

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Following the review process it was recommended that the ENP be repealed with relevant controls to be introduced into Council's existing DCP.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



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Since the creation of the policy the ECRTN has been repealed and replaced by the NSW Environmental Protection Authority's Road Noise Policy (RNP 2011).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

- iii. approve the transfer of project savings of \$97,283 back to the Stormwater Management Program reserve as outlined in this report.
- iv. approve the transfer of \$4,467,923 to the revotes reserve, representing the General Fund portion of the revotes and works in progress program.

ORD247/17 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

ORD03 RATES AND CHARGES AND LEVIES WRITTEN OFF 2016/2017

Resolution: Moved Councillor C Cagney, Seconded Councillor Fedeli that Council note and write-off rates, charges and levies outlined in this report totalling \$749,634.41 for the 2016/2017 financial year.

ORD248/17 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

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.

ORD249/17 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.)