



CITY OF FREMANTLE

LOCAL PLANNING POLICY 2.18

NEW RESIDENTIAL DEVELOPMENTS IN THE CITY CENTRE ZONE - NOISE FROM AN EXISTING SOURCE

ADOPTION DATE: 12/03/2013

AUTHORITY: LOCAL PLANNING SCHEME NO.4

STATUTORY BACKGROUND

This Local Planning Policy is prepared under the provisions of Part 2 of the City of Fremantle's Local Planning Scheme No. 4 ('LPS4' or 'the Scheme').

The City of Fremantle's Local Planning Scheme No. 4 allows for a variety of uses in the City Centre zone. The objectives of the zone under Clause 4.2.1(b) of LPS4 provide that development within the City Centre zone shall –

- (i) Provide for a full range of shopping, office, administrative, social, recreation, entertainment and community services consistent with the region-servicing role of the centre and including residential uses.

Local Planning Policy 2.3 - Fremantle Port Buffer Area Development Guidelines - Area 2 is also applicable to the City Centre zone. This policy has specific noise attenuation measures for the port which are in addition to the requirements of this policy.

APPLICATION

The provisions of this policy apply to all new residential development in the City Centre zone. In the event that there is a conflict between a provision in this policy, and a provision contained within another Local Area Planning Policy, the most specific policy provision shall prevail.

PURPOSE

The objective of this policy is to address the issue of noise when considering new residential developments in the City Centre zone in close proximity to existing noise producing uses.

POLICY

1. Residential Development in the City Centre zone

- 1.1 New residential development in the City Centre zone that is, in the view of Council, in close proximity to recognised existing non residential land use(s) shall be required to be designed and constructed in such a manner that noise levels from activities associated with the existing non residential land use(s) can be successfully attenuated.

Noise attenuation measures, include internal and external design measures that address sound attenuation and include vibration protection and compliance with the Environmental Protection (Noise) Regulations 1997. The City of Fremantle recommends that any proposed residential development in the City Centre engages an acoustic consultant to consult on effective noise attenuation design measures.



- 1.2 Any proposed development identified in clause 1.1 above, shall demonstrate it meets the design measure requirements of each of the three design measure categories in appendix one of this policy.
- 1.3 Variation to the requirements of clause 1.2 may be considered, at Council's discretion, subject to an acoustic engineer's report being submitted as part of the application that demonstrates alternate noise attenuation design measures that achieve the same, or higher, noise attenuation outcome.

2. Notification on the Title

- 2.1 The developer/owner shall advise purchasers of residential dwellings in proximity to existing recognised non residential land uses by placing a notification under Section 70A of the *Transfer of Land Act 1893* on each dwelling's Certificate of Title prior to occupation. The notification will inform owners and prospective purchasers that the land is located in or adjacent to, an area where non-residential uses exist or can be approved and the land may be affected by activities and noise not normally associated with residential development.

- 2.1.1 The following condition shall be included on all planning approvals for new Residential development in the City Centre:

Prior to occupation a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be prepared to the satisfaction of the City of Fremantle and registered against the Certificate of Title of every residential dwelling, to notify owners and prospective purchasers of any dwelling that the land is located in or adjacent to, an area where non-residential uses may exist or be approved and, as a result, the land may be affected by activities and noise not normally associated with residential development. All costs and incidentals relating to the preparation of and registration of the Section 70A notification, including related City of Fremantle Solicitors' costs, shall be met by the owner of the land.



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APPENDIX 1 - DESIGN MEASURES

1. EXTERNAL OPENINGS (WINDOWS AND DOORS)

- 1.1 In every instance external window and door frames in a development shall contain airtight rubber seals to provide acoustic protection.
- 1.2 A proposed development shall also demonstrate compliance with the following design measures, in regards to windows and glazed doors:
 - Sliding windows shall be substituted with awning windows as they are able to achieve a positive compression seal; and
 - Standard 6mm glass shall be substituted with sealed thickened laminated glass (no less than 10mm); or
 - Standard 6mm glass shall be substituted with acoustic double glazing incorporating a 12mm thick pane of laminated glass set in a sealed metal frame with a 100mm air gap to the other pane of glass.

2. EXTERNAL WALLS

- 2.1 A proposed development shall demonstrate compliance with the following design measure, in regards to external walls:
 - The external walls achieve a sound rating of R_w 45 dB or greater.

3. FLOORS AND CEILINGS

- 3.1 A proposed development shall demonstrate compliance with the following design measures, in regards to floors and ceilings:
 - A 150mm thick concrete slab with either carpet or acoustically installed timber flooring or tiles; or
 - Installing high density insulation batts into the cavity of a lightweight, suspended and floating ceilings or floors to absorb sound; or
 - Building components are isolated using resilient compounds such as rubber, neoprene or silicone for the purpose of reducing the transfer of noise.

Note:

Local Planning Policy 2.18 - New Residential Developments in the City Centre Zone - Noise from an Existing Source replaces the following local planning policy:

- *D.F.5 New Residential Developments – Noise from an Existing Source (adopted 18/07/1994)*

D.F.5 was revoked at Council's Ordinary Meeting of 27 February 2013. The formal revocation notice was published in the Fremantle Gazette 12 and 19 March 2013.