



# Local Planning Policy 2.3

Fremantle Port Buffer  
Area Development  
Guidelines



# Fremantle Port Buffer Area Development Guidelines

## Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This policy may be cited as Local Planning Policy 2.3: Fremantle Port Buffer Area Development Guidelines (LPP 2.3).

## Introduction

The purpose of this policy is to set out built form criteria and procedures for development applications and scheme amendments affecting lots within the Fremantle Port Buffer Zones within Appendix A.

## Objectives

The policy has the following objectives:

- To provide clear development guidelines that seek to minimise potential impacts that may arise from the Port;
- To promote land use compatibility between the Port and surrounding urban area;
- To enable continued urban development around the port whilst maintaining efficient operation of the Port; and
- Outline clear administrative processes for referral and liaison between the Fremantle Ports and the City.

## Application of this Policy

This policy applies to land use and development for the land area identified in Appendix A.

## Policy Provisions

### 1. Area 1

- 1.1 Development applications proposing greater than 50 dwellings shall be supplemented with a formal risk assessment. The assessment shall clearly demonstrate how the development will be designed and constructed in order to ensure that the risk impacts from port operations to the occupants will be maintained to "as low as reasonably practical" (ALARP).
- 1.2 Within Area 1, there is a requirement to control development in order to minimise the following potential impacts:



- a) Ingress of toxic gases in the event of an incident within the Port;
- b) Shattering or flying glass as a consequence of an explosion within the Port;
- c) Noise transmission emanating from the Port (attenuation in the order of 35dB(A) is required); and
- d) Odour.

1.3 The following uses are considered sensitive non-residential land uses and are not to be located within Area 1:

- a) Childcare facilities;
- b) Aged persons facilities;
- c) Prisons;
- d) Schools; and
- e) Hospitals.

1.4 Residential uses within Area 1 may be considered to meet clause 1.1 of this policy subject to adherence to the following built form requirements:

*Windows and openings*

- a) The aggregate area of windows and doorways shall not exceed 40% of the total area of the façade facing the Port Inner Harbour.
- b) Any glass used for windows or other openings shall be laminated safety glass of minimum thickness 12mm or "double glazed" utilising laminated or toughened safety glass of minimum thickness 6mm.
- c) Windows shall be fixed (non-opening). However, where this is not possible, windows shall be of a "hopper" or "awning" style with a maximum opening arc of 12.5 degrees.
- d) All safety glass shall be manufactured and installed to an appropriate Australian Standard.
- e) All doors facing the port shall have automatic closure to a sealed state.

*Balconies*

- f) Balconies shall not be provided to any facades facing the Port Inner Harbour.

*Air-conditioning systems*

- g) All air-conditioning systems shall incorporate the following features:
  - i) multiple systems to have internally centrally located shut down point and associated procedures for emergency use; and
  - ii) preference for split "refrigerate" systems.

*Construction*

- h) All residential development shall incorporate the following minimum standards of construction:
  - i) cavity masonry construction for external walls of residential buildings; and



ii) roof insulation.

- 1.5 The City recognises that requirement 1.4(a) may not be possible to achieve in the case of the proposals involving the adaption / reuse of buildings of conservation and heritage significance.

Alternative built form treatments may be considered subject to the applicant satisfactorily demonstrating fulfilment of the potential risk and amenity considerations outlined above. Alternative treatments shall be justified through submission of professionally prepared and certified reports.

- 1.6 A notification will be required to be placed on the title advising the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24-hour working Port.

This notification will be included as a condition of approval for development applications, and a recommendation to the Western Australian Planning Commission on all subdivisions.

## **2. Area 2**

- 2.1 The potential impacts in Area 2 are not as great as in Area 1. Nevertheless, consideration is given to the following potential impacts:

- a) Ingress of toxic gases in the event of an incident within the Port;
- b) Shattering or flying glass as a consequence of explosion within the Port;
- c) Noise transmission emanating from the Port (attenuation in the order of 30dB(A)) is required; and
- d) Odour.

- 2.2 The built form requirements of clause 2.3 shall apply to the following categories of development:

- a) All residential development other than alternations and additions to existing dwellings.
- b) All non-residential development other than refurbishment / renovations (not involving a nett increase in floor area) to existing buildings and non-residential change of use proposals.

- 2.3 Within Area 2, buildings shall be designed so as to incorporate all design and construction features outlined as follows:

### *Windows and openings*

- a) Any glass used for windows or other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
- b) All safety glass shall be manufactured and installed to an appropriate Australian Standard.

### *Air-conditioning systems*



- c) All air-conditioning systems shall incorporate the following features:
  - i) multiple systems to have internally centrally located shut down point and associated procedures for emergency use; and
  - ii) preference for split "refrigerate" systems.

#### *Construction*

- d) Residential developments must demonstrate they meet the Quiet House requirements of State Planning Policy 5.4: Road and Rail Noise.
- e) All developments shall incorporate roof insulation.

- 2.4 The City recognises that requirement 2.3(a) may not be possible to achieve in the case of the proposals involving the adaption / reuse of buildings of conservation and heritage significance.

Alternative built form treatments may be considered subject to the applicant satisfactorily demonstrating fulfilment of the potential risk and amenity considerations outlined above. Alternative treatments shall be justified through submission of professionally prepared and certified reports.

- 2.5 Where development, including subdivision, incorporates additional sensitive uses, notification or a memorial shall be placed on the title as outlined in 1.6 above.

### **3. Area 3**

- 3.1 Generally the potential risk and amenity impacts from the Port are considerably less in Area 3. Nevertheless, the Fremantle Inner Harbour Buffer Definition Study has identified the potential for some noise and odour impacts in the area.

The intent of the policy for Area 3 is the management, as opposed to the control, of sensitive uses.

- 3.2 There are no general buffer related development controls for Area 3. However, where a specific location within this area is known to be impacted for port operations (e.g. through a history of formal complaints), the City may, in consultation with Fremantle Ports, apply some or all of the development controls outlined in Area 2 above.

- 3.3 Where development, including subdivision, incorporates additional sensitive uses, notification or a memorial shall be placed on the title, as outlined in 1.6 above, if the specific location is known to be impacted from port operations as described above.

### **4. Administrative Procedures**

- 4.1 Applicants are encouraged to liaise with relevant staff, including those at Fremantle Ports, in order to understand the requirements of this policy.



- 4.2 Within Area 1 all applications for development, including subdivision, shall be referred to Fremantle Ports as soon as possible for comment prior to determination of the application.

In the case of scheme amendments that effect the development potential of land, the City shall notify Fremantle Ports as soon as practicable prior to initiating the amendment.

- 4.3 Within Area 2 the City shall refer a proposal to Fremantle Ports where the proposal seeks a variation to the development controls contained within this policy.

In the case of scheme amendments that would result in an increase or intensification of sensitive uses, the City shall notify Fremantle Ports as soon as practicable prior to initiating the amendment.

- 4.4 Within Area 3 the City shall refer a proposal to Fremantle Ports where the proposal falls within a specific location that has been formally notified to Council as being impacted from port operations.

In the case of scheme amendments that would result in an increase or intensification of sensitive uses, the City shall notify Fremantle Ports as soon as practicable prior to initiating the amendment.

- 4.5 For all areas, the City shall refer a proposal to Fremantle Ports where a proponent seeks any significant variation to the development controls contained within this policy.

- 4.6 Fremantle Port shall, within 14 days of notification, advise the City of Fremantle of its assessment of a development proposal referred as per the requirements outlined above.

- 4.7 The City shall require a building surveyor or suitably qualified structural engineer to certify that the requirements of any conditions imposed as a result of this policy have been fulfilled in accordance with the approved plans.

Where appropriate, certification shall be provided prior to the issue of a building licence, certificate of clearance / classification or strata / subdivision clearance.

## Definitions

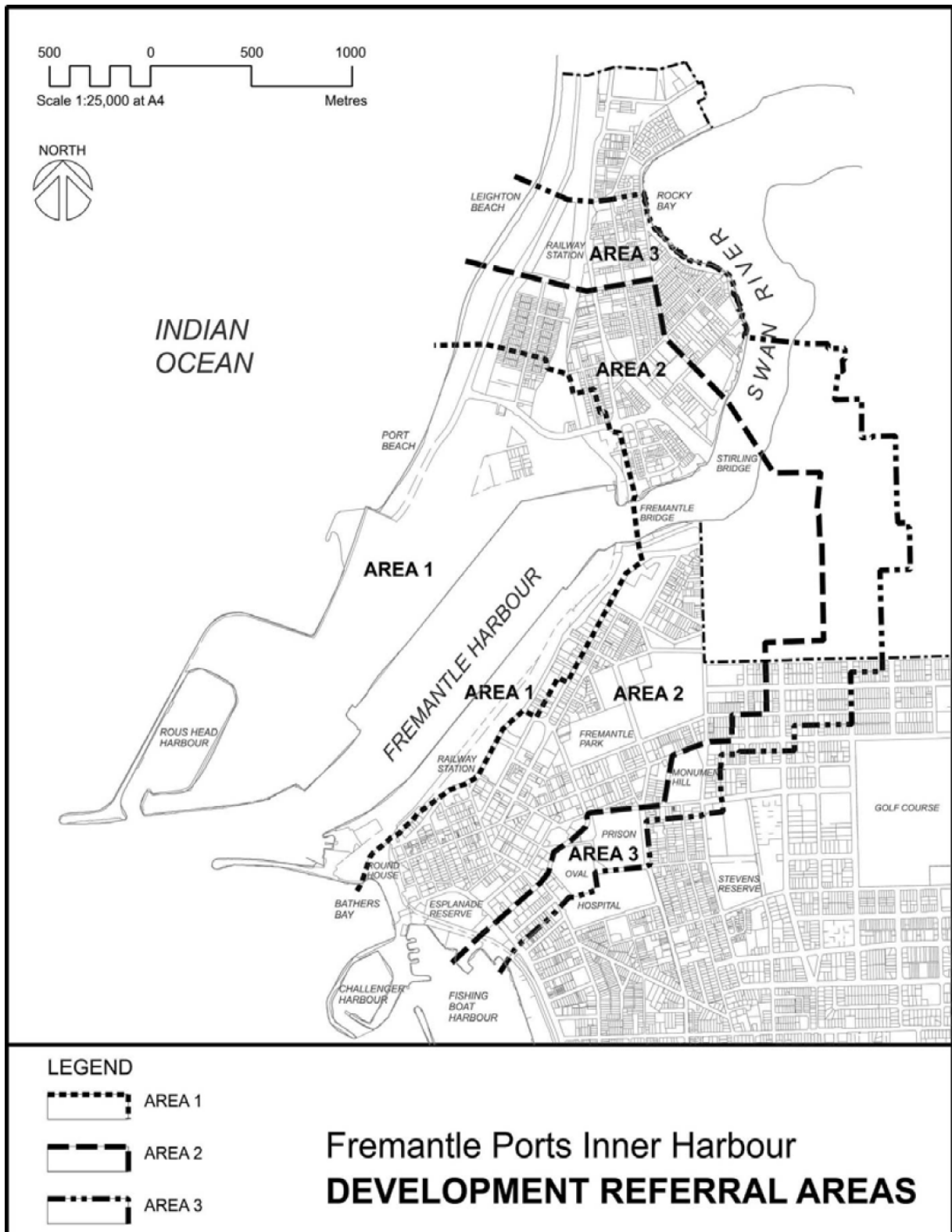
**Buffer Area** means the area within which some land use and development is either restricted or prohibited.

**Sensitive Use** means a use that the City considers may be affected by proximity to the inner harbour of the Port of Fremantle. Uses include residential dwellings, major recreational areas, childcare facilities, aged care facilities, prisons, hospitals, schools and other institutional uses involving accommodation and any other use that the City considers may be affected.



**Residential uses** means single houses, grouped or multiple dwellings and any type of short-stay accommodation including tourist and visitor accommodation.

## Appendix A





<b>Responsibility and review information</b>	
<b>Responsible officer:</b>	Manager Strategic Planning and City Design
<b>Document adoption/approval details</b>	Ordinary Meeting of Council – 8 March 2007
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