



# CITY OF FREMANTLE

## LOCAL PLANNING POLICY 2.3

### FREMANTLE PORT BUFFER AREA DEVELOPMENT GUIDELINES

**ADOPTION DATE:** 08/03/2007  
**AUTHORITY:** LOCAL PLANNING SCHEME NO.4

#### STATUTORY BACKGROUND

##### **STRATEGY**

The Fremantle Planning Strategy and Fremantle City Plan 2000 - 2005 recognise the contribution of the Port to the Fremantle region. A viable working Port is identified as instrumental to maintaining the economic wellbeing of the area, including the attraction of a range of industries that generate income and employment to the region.

Nevertheless, in the future it will be important to ensure that the Port and its' surrounding area are well integrated, particularly in terms of the management of potential impacts. Potential impacts and risks include, but are not necessarily limited to, public risk, noise and odour. To this end, clause 5.1.4.2 {10.(ii)} of the Fremantle Planning Strategy recommends that the City develop, in conjunction with Fremantle Ports, a policy that provides for appropriate development controls for the area surrounding the Port.

The objectives of the Fremantle Planning Strategy are also consistent with the State Industrial Buffer Policy prepared by state government in 1997. The policy calls for the introduction of planning controls in town planning schemes to manage potential land use conflicts between industrial facilities and adjoining areas.

##### Buffer areas

Fremantle Ports has recently (May 2002) completed the Fremantle Inner Harbour Buffer Definition Study. The study has identified the need for an offsite buffer around the Port. The buffer was determined on the basis of a range of potential amenity impacts and risks including noise, odour and public risk.

Three buffer areas around the Port have been identified: Area 1, Area 2 and Area 3. The policy defines separate land use and built form requirements for each area. The areas are identified in Appendix A.

## **DEFINITIONS**

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

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

**Residential uses** - means "Residence - private", "Residence other", hotel rooms and serviced apartments and backpacker accommodation.

## **PURPOSE**

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.
- Outline clear administrative processes for referral and liaison between the Fremantle Ports and Fremantle City Council.

### Scope

This policy applies to land use and development for the land area identified in Appendix A. The City recognises that this policy is one aspect of the total management requirements that may be required now and in the future for the Port.

## **POLICY**

### **4.1 Area 1**

#### Potential Risk and Amenity Considerations

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.

The following land use and built form requirements are intended to address the above potential impacts in order to maintain compliance with the Environmental Protection Act 1986.

## Land Use

### *Non residential sensitive uses*

The City shall not support the following sensitive uses within Area 1:

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

### *Residential use*

The City may support residential uses within Area 1 subject to compliance with:

- a) Built form requirements outlined below, and
- b) All other relevant Council policies and provisions.

### *Residential density*

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):

*The applicable criteria and guidelines are provided in the following EPA Bulletins.*

- a) *EPA Bulletin 611, February 1992, Criteria for the Assessment of Risk from Industry.*
- b) *EPA Bulletin 627, May 1992, Criteria for the Assessment of Risk from Industry – expanded discussion.*

### Built Form - (all development)

Within Area 1, buildings shall be designed so as to incorporate all of the following design and construction features:

### *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 12 mm or "double glazed" utilising laminated or toughened safety glass of minimum thickness 6 mm.
- 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,
  - 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.

**Note:** 1) The City recognises that this requirement may not be possible to achieve in the case of the proposals involving the adaptation / reuse of buildings of conservation and heritage significance.

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

### Notification and Memorials on Title

- a) All residential development approvals shall be conditioned in order to require a notification to be placed on title advising of the potential amenity impacts associated with living/working in proximity of the Port.
- b) In the case of all residential subdivision, the City and Fremantle Ports shall request the Western Australian Planning Commission to support the placing of memorials on new titles advising of the potential amenity impacts associated with living in proximity of the Port.
- c) Notification and memorial statements shall be as per the standard wording contained in Appendix B.

## **4.2 Area 2**

### Potential Risk and Amenity Considerations

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.

### Built Form Requirements

The following built form requirements shall apply to the following categories of development:

- a) All residential development other than alterations 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.

Within Area 2, buildings shall be designed so as to incorporate all of the 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 6 mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3 mm.
- b) All safety glass shall be manufactured and installed to an appropriate Australian Standard.

#### *Air - conditioning systems*

- c) As per Area 1 (f) above)

### *Construction*

- d) Quiet house design guidelines shall be applied to residential developments.
- e) All developments shall incorporate roof insulation.

**Note:** 1) Council recognises that this requirement may not be possible to achieve in the case of the proposals involving the adaptation / reuse of buildings of conservation and heritage significance.

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

### Notification and Memorials on Title

Where development, including subdivision, incorporates additional sensitive uses notification or a memorial shall be placed on the title as outlined in Area 1 above.

## **4.3 Area 3**

### Potential Risk and Amenity Considerations

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 this area.

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

### Development Controls

There are no general buffer related development controls for Area 3. However, where a specific location within this area is known to be impacted from port operations (eg through a history of formal complaints), the City may, in consultation with Fremantle Ports, apply some or all of the development controls outlined in Section 4.2 above.

### Notification and Memorials on Title

Where development, including subdivision, incorporates additional sensitive uses, notification or a memorial shall be placed on the title as outlined in Area 1 above if the specific location is known to be impacted from port operations as described above.

## **5.0 ADMINISTRATIVE PROCEDURES**

### Advice to Applicants - Areas 1 - 3

Where applicable, applicants should be advised as soon as possible of the requirements of this policy. Ideally, this should be prior to lodging a formal application for development, including proposals for subdivision and scheme amendments.

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

### Referral to Fremantle Ports

#### *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.

#### *Area 2*

All applications for developments having the potential to accommodate 20 or more persons on a full or part-time basis 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 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.

#### *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.

#### *General*

The City shall refer a proposal to Fremantle Ports where a proponent seeks any significant variation to the development controls contained within this policy.

### Receipt of Referral Comments

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.

### Clearance of Conditions of Development Approval

In terms of conditions of development approval that arise from the requirements of this policy, the City shall require a building surveyor or suitably qualified structural engineer to certify that the requirements of the conditions 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.

The applicant shall arrange for certification to be endorsed by Fremantle Ports prior to lodgement of appropriate documentation with the City of Fremantle.

### **6.0 REFERENCES**

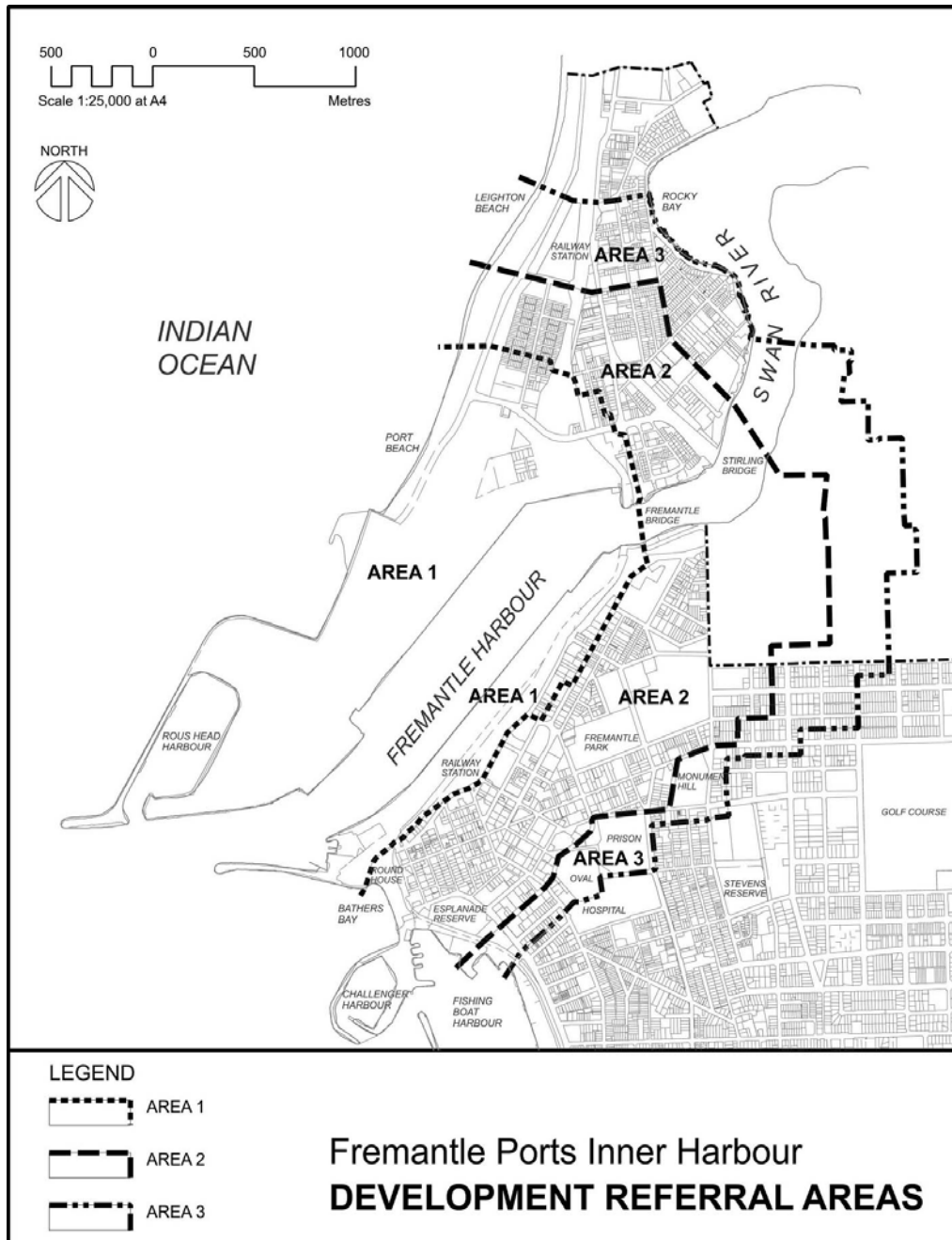
**Draft City Planning Scheme Four – March 2002** - Prepared by City of Fremantle Strategic Planning and Corporate Development Unit

**Fremantle Inner Harbour Buffer Definition Study – May 2002.** Prepared by HGM Maunsell on behalf of Fremantle Port

**Fremantle Planning Strategy - July 2001** - Prepared by City of Fremantle Strategic Planning and Corporate Development Unit



# APPENDIX A



## **APPENDIX B**

### Standard Notification and Memorial Wording

*The subject lot is located within (x) kilometres of Fremantle Port. From time to time the location may experience noise, odour, light spill and other factors that arise from the normal operations of a 24 hour working Port.*