

FREMANTLE PORT BUFFER DEVELOPMENT GUIDELINES

Adopted Council Meeting, held 15 June 2004

Preamble

The State Industrial Buffer Policy (1997) recognises the contribution of a viable working port as contributing to the economic wellbeing of the region. It recognises also the need to ensure the area surrounding the port is well integrated, particularly in terms of the management of potential impacts. As such, the State Industrial Buffer Policy calls for the introduction of planning controls in town planning schemes to manage potential land use conflicts between industrial facilities and adjoining areas.

Fremantle Ports – General Objectives

The Fremantle Ports Inner Harbour is Western Australia's dedicated container port resulting in most of container trade being shipped through the port. It is the Fremantle Ports long term plan for the Inner Harbour to continue as a working port and a strategic plan to this end includes the following initiatives:

- *Improved road and rail links into the port;*
- *Construction of a rail terminal within the port boundary (the aim is to have 30% of trade to be moved by rail);*
- *Improving the vehicle booking systems;*
- *Increased back loading of trucks;*
- *Researching container origins and destinations in the metropolitan and wider regions;*
and
- *Investigate new rail technology*
- *Ongoing dialogue with local governments to address any issues of adverse impact on local communities and residents.*

The Fremantle Ports considers the buffer as a continuation of an ongoing process to examine ways in which to improve practices and reduce impacts/risks.

Objectives

1. To provide clear development guidelines that seek to minimise potential impacts that may arise from the Port.
2. Outline clear administrative processes for referral and liaison between the Fremantle Ports and the Town of East Fremantle.

Definitions**Buffer Area**

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 Council considers may be affected by proximity to the inner harbour of the Port of Fremantle.

Residential Uses

Private residences, hotel rooms, serviced apartments and backpacker accommodation.

Policy Statement

Buffer Areas

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

Three buffer areas around the Port have been identified; Area1, Area 2 and Area 3. For the purposes of this policy these areas will be known as Buffer Area 1, Buffer Area 2 and Buffer Area 3 and the policy defines separate land use and built form requirements for each buffer area, as identified in Appendix A. The buffer areas relevant to the Town are Buffer Area 2 and Buffer Area 3.

Buffer Area 2:

Potential Risk and Amenity Considerations

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:

1. All residential development other than alterations and additions to existing dwellings.
2. 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 Buffer Area 2, buildings shall be designed to incorporate all of the design and construction features outlined below:

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

(a) 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 “refrigerative” systems.

Construction

- (a) Adopt the general principles of quiet house design for residential developments.
- (b) All developments shall incorporate roof insulation.

Note:

Council recognises that these requirements may not be possible to achieve in the case of the proposals involving some buildings of conservation and heritage significance.

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

- (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, Council 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.

Buffer Area 3:

Potential Risk and Amenity Considerations

Generally the potential risk and amenity impacts from the Port are considerably less in Buffer 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 Buffer Area 3 is the management, as opposed to the control, of sensitive uses.

Development Controls

There are no general buffer related development controls for Buffer 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), Council may, in consultation with Fremantle Ports, apply some or all of the development controls outlined 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 Buffer Area 2 above if the specific location is known to be impacted from port operations as described above.

Administrative Procedures

Advice to Applicants – Buffer Areas 2 and 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

Buffer 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, Council shall notify Fremantle Ports as soon as practicable prior to initiating the amendment.

Buffer Area 3

Council 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, Council shall notify Fremantle Ports as soon as practicable prior to initiating the amendment.

General

Council 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, Council 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 Town of East Fremantle.

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.