

POL	FREIGHT RAIL VIBRATION / NOISE AND ROAD NOISE AREAS	LPP #TBA
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POLICY CODE:	LPP # TBA
DIRECTORATE:	Planning and Development
BUSINESS UNIT:	Planning and Development
SERVICE UNIT:	Strategic Planning
RESPONSIBLE OFFICER:	Manager, Strategic Planning
FILE NO.:	109/118
DATE FIRST ADOPTED:	TBI
DATE LAST REVIEWED:	TBI
ATTACHMENTS:	Acoustic Report (see 4 below)
DELEGATED AUTHORITY REF.:	OLPD 33
VERSION NO.	1

Dates of Amendments / Reviews:	
DAPPS Meeting:	N/A
OCM:	12 October 2017

BACKGROUND:

The City of Cockburn Town Planning Scheme No. 3 (“Scheme”) provides discretionary considerations with regard to the assessment of proposal/(s) for development within the Freight Rail Noise Area (‘FRNA’), and/or the Road Noise Areas (‘RNA1’ or ‘RNA2’), being special control areas under Part 5 of the Scheme.

PURPOSE:

To provide guidance for the exercise of discretion in respect of development applications within:

- the FRNA;
- the RNA’s;
- and in some cases, those properties within both a FRNA and a RNA.

POLICY:

- (1) Development approval requirements regarding the erection or extension of a Single House, Ancillary Dwelling, Grouped Dwelling(s) or Multiple Dwelling(s):

Part 5 of the Scheme requires development approval for the erection or extension of a single house, ancillary dwelling, grouped dwelling and/or multiple dwelling where such development is within the Freight Rail Noise Area or Road Noise Area’s. Application/(s) for development approval in this regard should:

- a. Implement a pre-determined standardised set of ‘deemed to satisfy’ noise and vibration attenuation measures, as provided by the City’s Freight Rail Noise Acoustic Report (for land within the FRNA); and Implement a pre-determined standardised set of ‘deemed to satisfy’

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noise attenuation measures, as provided by the City's Road Noise Acoustic Reports (for land within either RNA1 or RNA2); and

- b. Be conditioned as part of a development approval to comply with a pre-determined standardised set of 'deemed to satisfy' noise and vibration attenuation measures, as provided by the City's Freight Rail Noise Acoustic Report (for land within the FRNA); and be conditioned as part of a development approval to comply with a pre-determined standardised set of 'deemed to satisfy' noise attenuation measures, as provided by the City's Road Noise Acoustic Reports (for land within either RNA1 or RNA2).

Or alternatively;

- c. An application may be accompanied with a site specific assessment. Any site specific assessment and measures that accompany an application for development approval must be prepared by a suitably qualified acoustic consultant. Such must be to the satisfaction of the City of Cockburn, and specifically demonstrate;
 - i. how the noise and vibration considerations as set out in the City's Freight Rail Noise Acoustic Report can be achieved and/or;
 - ii. how the noise considerations as set out in Road Noise Acoustic Reports will be appropriately addressed, depending on the relevant special control area which applies. This is to comply with SPP 5.4 and the associated guidelines; and
- d. Be conditioned as part of a development approval to comply with the requirements of point 'c' above and SPP 5.4.

- (2) The City of Cockburn's discretionary considerations regarding '*minor extensions*':

In some cases, extensions to a Single House, Ancillary Dwelling, Grouped Dwelling/(s) or Multiple Dwelling/(s) may be so minor as to not warrant the requirement of a development application. Note that such minor extensions may still require development approval unrelated to the issue of the Freight Rail Noise or Road Noise Special Control Areas (e.g. land use permissibility or the nature of the physical works).

While there is an expectation that extensions will require compliance with Part 5 of the Scheme, the following types of extensions are considered to be '*minor extensions*' and as such may not require development approval and application of this policy:

- a. Extensions to an existing dwelling that increases the floor area of that dwelling by no more than 20% in total and excludes points 'b' to 'f' below;
- b. Swimming Pool;
- c. Outbuilding;

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- d. Carport;
- e. Garage;
- f. Alfresco or Patio

Note (2): [There is plenty of evidence (World Health Organisation 2009) that sleep is a biological necessity, and disturbed sleep is associated with a number of health problems, particularly with children. Therefore, bedrooms (where people sleep) should be prioritised in the contemplation of discretionary considerations in relation to 'minor extensions'. Noise attenuating bedrooms should be prioritised over noise attenuating areas such as a kitchen, or dining room where residents are generally not sleeping. Consideration is to be given to locating bedrooms away from major roads/ rail transport corridors. Where bedrooms are contemplated on the same side of a building as the major transport corridor consider the following;

- o *Locate windows/doors on the side (perpendicular) of the building or where possible, the opposite side of the building to the transport corridor;*
- o *Keep window/door sizes as small as practicable;*
- o *Select awning/casement style windows over sliding windows;*
- o *Avoid sliding door access from a bedroom to balcony;*
- o *Aim to locate balconies on the same side of the building as the transport corridor.*

It is noted the "20%" extension guide (2(a) above) may unintentionally disadvantage smaller existing dwellings over larger dwellings. Discretion in relation to the nature of the proposed extension (bedroom vs kitchen etc. as discussed above) may be considered by the Local Government as per proper and orderly planning principles.]

(3) Exercising discretion with regard to Freight Rail noise and vibration criteria:

Part 5 of the Scheme recognises in some few instances it may not be reasonable and practicable to meet the full extent of the expected vibration construction standards or criteria, provided by the Freight Rail Noise Acoustic Report. In these instances, the Local Government may exercise some level of discretion taking in to account:

- a. Whether the implementation of the recommended vibration attenuation is demonstrated by the applicant to be a proportionally exorbitant cost in relation to the cost of the proposed structure or addition; and
- b. Whether the applicant has demonstrated a consideration of other design options, in order to potentially reduce cost, which addresses the City's vibration attenuation measures.

Note (3): [The Schemes 'reasonable and practical' discretion is in relation to meeting the full extent of the vibration criteria only, subject to the above Local Planning Policy criteria which is to be to the satisfaction of the City of Cockburn.]

(4) The Freight Rail Noise (and vibration) Acoustic Report to which Part 5 of the Scheme and this Policy refer is identified as the Freight Train Noise and Vibration Assessment which applies to Bibra Lake (North), Bibra Lake

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(North-East) and South Lake (North) prepared by Lloyd George Acoustics and may be updated from time to time.

- (5) The Road Noise Acoustic Reports to which Part 5 of the Scheme and this Policy refer are identified as the Road Traffic Noise Assessments (x 2) for North Lake Road and a separate report for Kwinana Freeway, all three prepared by Lloyd George Acoustics and may be updated, independently or together, from time to time.
- (6) Where development approval is considered for a property within the Scheme's Freight Rail Noise Area ('FRNA') in addition to the Road Noise Areas ('RNA 1' or 'RNA 2') the application of the more stringent Deemed to Satisfy ('DTS') package, and potentially the inclusion of clay roof tiles, is to be conditioned as part of the development approval. This is specifically for those applications which are considered in accordance with a DTS package rather than those determined under a site specific assessment. Development applications considered in accordance with a site specific assessment are to consider both noise/vibration sources (as per the appropriate Acoustic report requirement) and apply an appropriately tailored treatment package.

Note (6): [Please refer to the relevant Acoustic reports for further detail regarding criteria for properties within both the FRNA and RNA special control areas or discuss with City of Cockburn Officers for further clarification.]