

<b>POL</b>	<b>FREIGHT RAIL NOISE AREA</b>	<b>LPP 1.17</b>
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<b>POLICY CODE:</b>	LPP 1.17
<b>DIRECTORATE:</b>	Planning and Development
<b>BUSINESS UNIT:</b>	Planning and Development
<b>SERVICE UNIT:</b>	Strategic Planning
<b>RESPONSIBLE OFFICER:</b>	Manager, Strategic Planning
<b>FILE NO.:</b>	109/118
<b>DATE FIRST ADOPTED:</b>	TBI
<b>DATE LAST REVIEWED:</b>	TBI
<b>ATTACHMENTS:</b>	Acoustic Report (see 4 below)
<b>DELEGATED AUTHORITY REF.:</b>	OLPD 33
<b>VERSION NO.</b>	1

<b>Dates of Amendments / Reviews:</b>	
DAPPS Meeting:	N/A
OCM:	9 February 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’) under Part 5 of the Scheme.

**PURPOSE:**

To provide policy guidance for the exercise of discretion in respect of development applications within the FRNA.

**POLICY:**

- (1) Acoustic report 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. Application/(s) for development approval in this regard should:

- a. Implement a pre-determined standardised set of noise and vibration attenuation measures, as provided by the City’s Freight Rail Noise Acoustic Report; and
- b. Be conditioned as part of a development approval to comply with pre-determined standardised set of noise and vibration attenuation measures, as provided by the City’s Freight Rail Noise Acoustic Report.

Or alternatively;

- c. The application may be accompanied with a site specific assessment. Any site specific assessment and measures that accompany an application for development approvals must be prepared by a suitably qualified acoustic consultant. Such must be to the satisfaction of the City of Cockburn, and specifically demonstrate how the noise and vibration considerations as set out in the City's Freight Rail Noise Acoustic Report will be appropriately addressed. This is to comply with SPP 5.4 and the associated guidelines.
- d. Be conditioned as part of a development approval to comply with the requirements of point 'c' above and SPP 5.4.

(2) The 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 Special Control Area (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 they may not require development approval:

- a. Extensions to an existing single house that increases the floor area of that single house by no more than 20% in total and excludes points 'b' to 'f' below;
- b. Swimming Pool;
- c. Outbuilding;
- d. Carport;
- e. Garage;
- f. Alfresco or Patio

(3) Exercising discretion with regard to noise 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 thus, in these few instances, Local Governments may exercise some level of flexibility in decision making where:

- a. 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. The applicant has demonstrated a minimum of two design concepts, to the satisfaction of the City of Cockburn, which addresses the City's agreed vibration attenuation measures.

The discretionary decisions by the City in relation to meeting the full extent of the vibration criteria and Local Governments flexibility in decision making of the Scheme apply only to the consideration of construction requirements to specifically address vibration, subject to the above criteria which is to be to the satisfaction of the City of Cockburn.

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