

Council Policy

Albany Port Noise Buffer Area

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Overview

The noise modelling data prepared by Vipac Engineers and Scientists establishes the noise levels from the existing port activities. The buffer area has been determined for both the current operations and potential expansion of the port in the future. Outside of the buffer area, noise impacts within residential premises should meet the Environmental Protection (Noise) Regulations.

Whilst this policy is advisory in nature, the City seeks to ensure that advice to purchasers of land within the buffer is provided and the implementation of planning/building controls on residential developments within the buffer area to minimise noise impacts from the port activities on dwelling occupants can be achieved.

Similarly, new developments within the port should not increase noise levels generally and respect the adjacent residential and tourist uses to the north of the port.

Objective

The objectives of the policy are to:

- Protect the operations of the Albany Port.
- Acknowledge existing approved residential developments within the buffer area and to progressively reduce noise impacts into these residences by imposition of this Policy.
- Require the incorporation of specific design and construction requirements for any approved residential developments to ensure noise levels within buildings comply with the provisions of the *Environmental Protection (Noise) Regulations 1997*.
- To encourage the Albany Port Authority to ensure that future developments within the port area do not increase the present noise levels experienced in residences within the buffer area through the development of Port Development Plan to site noise generating activities away from the residences where possible and incorporation of noise attenuation measures for new developments to maintain the present established noise levels.

Policies

1.2 In considering an application, the Council shall have regard to:

- (a) The objectives of this Policy;
- (b) The position of the subject site as designated on Map No. 4;
- (c) The requirements of the relevant Town Planning Scheme;
- (d) The provisions of the *Environmental Protection (Noise) Regulations 1997*.

1.3 Where any development is affected by more than one noise zone, Council shall apply the most stringent controls.

1.4 Prior to determining any application, the Council may consult with any landowner, individual, relevant stakeholder or other interested party.

Conditional Development Area

The following standards shall apply to all land contained within the conditional development area:

- i) Council shall not grant approval to any residential development that compromises the purpose of this buffer area.
- ii) Council shall only approve a dwelling (including any alteration or extension), or other habitable accommodation on land contained within the conditional area, subject to the following conditions:
 - The proponent to provide a specialist report (prepared by a suitably qualified acoustic consultant) with any application to show that the proposal can achieve the standards set out in the *Environmental Protection (Noise) Regulations 1997*.
 - The incorporation of design and construction methods/materials including:
 - locating bedrooms on opposite side of dwelling to port.
 - walls should be Sound Transmission Class (STC) 45-50.
 - all glazing should be minimum of 10mm laminated with acoustic seals on rooms facing the port (windows need to remain closed to achieve attenuation).
 - doors facing the port need to be solid core and appropriately sealed.
 - additional treatment (including insulation) to roof and ceiling may be required.
 - A memorial to be placed on the Certificate of Title stating:
 - the premises are subject to high noise levels from the port operations; and
 - any residential development will be required to incorporate design and construction methods/materials to reduce noise impacts into the dwelling.
- iii) Council may permit non-residential buildings to be developed within this area providing that Council deems the land use activity compatible with the objectives of this Policy.

- iv) Council shall recommend to the WA Planning Commission that all new lots created by subdivision within the buffer area be subject to a memorial on the Certificate of Title stating that the land may be subject to noise levels from the port operations that exceed the provisions of the *Environmental Protection (Noise) Regulations 1997* and residents are encouraged to incorporate design and construction methods/materials to reduce noise impacts into the dwelling.

The following standards shall apply to all land zoned Port Industry under Town Planning Scheme No. 1A:

- i) Council shall require that all new developments and any upgrading of existing activities or equipment shall be undertaken in such a manner to not increase the noise levels experienced within residences contained within the buffer area (described in Figure A-1 of the Vipac Report).
- ii) Council shall require the proponent of any new development or any upgrade of an existing activity to provide a specialist report (prepared by a suitably qualified acoustic consultant) to show that the proposal will not significantly increase the existing noise levels experienced within residences contained within the buffer area (described in Figure A-1 of the Vipac Report).

Additional Information

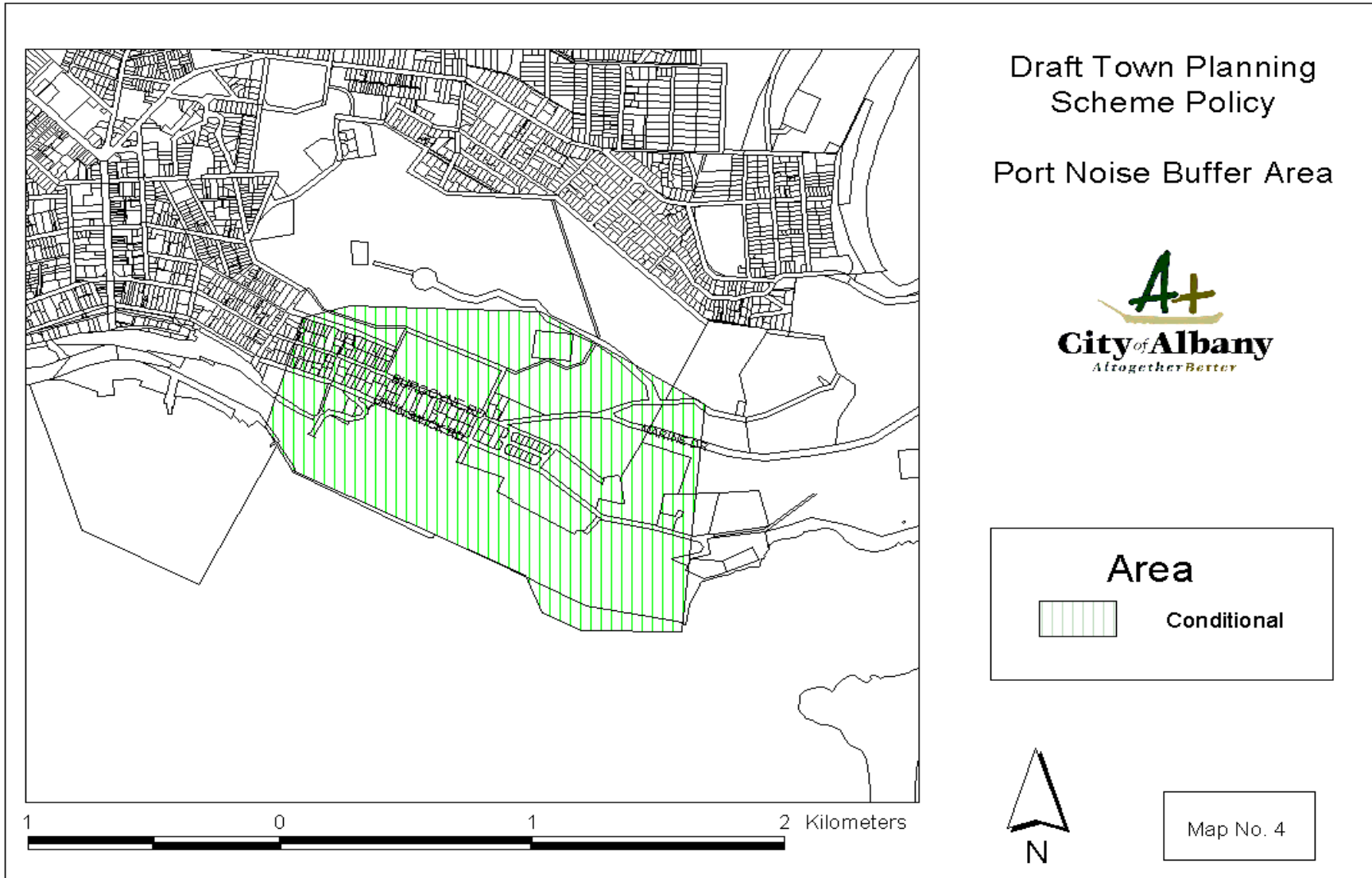
1. The data for this Policy was prepared by Vipac Engineers and Scientists for specific use in this Policy.
2. The City will continue to apply the measures contained within the WA Planning Commission State Planning Policy 4.1 'State Industrial Buffer Policy' which advises "Proposals for new development and expansion/upgrading of existing facilities in established industrial estates, single-site industries and infrastructure (including new activities associated with the growth of trade at ports) should have regard to the interests of affected landowners in surrounding areas, where unacceptable impacts extend beyond any existing buffer areas. In recognition of these interests, the developer may need to upgrade processing systems to mitigate impacts and negotiate with affected landowners, in the same way as with proposals for new facilities and industrial estates in greenfield sites, where indirect solutions in the form of compatible land uses cannot be applied."
3. Preliminary discussion with Council Officers is encouraged for any application likely to be affected by this Policy to ascertain the particular requirements for submitting an application and process to be followed in determining the application.

Policy Status

Draft Policy Adopted (October 2003 - Item 11.3.7 Development Services)

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