

Noise Attenuation Local Planning Policy

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1. Citation

This is a local planning policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This policy may be cited as the *Noise Attenuation Local Planning Policy*.

2. Purpose and Application

2.1 Purpose

The purpose of this policy is to:

- (a) Detail the requirements for the design, construction and management of development to facilitate the co-existence of noise sensitive and noise emitting development within the City of Perth.
- (b) Outline requirements to guide the assessment of applications for development approval.
- (c) Clarify when an acoustic report is required to be submitted and the requirements for the different types of acoustic reports.
- (d) Clarify when notifications on title pursuant to section 70A of the *Transfer of Land Act 1893* will be required to inform prospective landowners and residents of the likelihood of higher noise levels within the area.

2.2 Application

This policy applies to all applications for development approval for noise emitting and noise sensitive development on land zoned on the Scheme Map. An acoustic report may be required for all new noise sensitive and noise emitting development (as defined in this policy), or where requested by the City.

This policy is structured to provide both objectives and provisions. Development must align with the objectives. The provisions provide a means of fulfilling the objectives. Variations to the provisions will only be considered where the City is satisfied that the proposed development will not impact or be impacted by noise to such an extent that it adversely effects the amenity of the of the area in which it is located.

2.3 Relationship to other Planning Documents

This policy should be read in conjunction with the City of Perth *Local Planning Scheme No. 3* (LPS3) and other relevant local planning policies.

Where this policy is inconsistent with LPS3, the provisions of LPS3 prevail to the extent of any inconsistency.

2.3.1 Relationship to the Residential Design Codes

For residential development, this policy should be read in conjunction with the *Residential Design Codes Volume 1 and 2* (R-Codes Volume 1 and 2) and the Residential Design Local Planning Policy.

This policy supplements the Deemed-to-Comply and Acceptable Outcomes of the R-Codes Volume 1 and 2.

3. Objectives

To ensure:

- (a) Appropriate noise attenuation measures are incorporated at the design and construction phase of new buildings, in the refurbishment of existing buildings and where appropriate, for changes in land use.
- (b) Residential amenity is protected through the incorporation of appropriate noise attenuation measures.
- (c) Development is designed to minimise the impact of noise generated by plant, waste services, deliveries, mechanical and service equipment, and noise generated as part of the day-to-day functioning of the city.

4. Provisions

4.1 Noise Sensitive Development

4.1.1 Objectives

- (a) To ensure noise sensitive development incorporates appropriate noise attenuation measures to provide a comfortable living environment.
- (b) To ensure that the inherent higher noise levels characteristic of an inner-city environment is given due consideration, while maintaining a reasonable standard of amenity for noise-sensitive land uses.

4.1.2 Provisions

- (a) Noise sensitive development should be designed to attenuate ambient noise to meet the standards prescribed in Australian Standard AS/NZS 2107:2016 (Acoustics - Recommended design sound levels and reverberation times for building interiors).
- (b) Residential development, short-term rental accommodation and tourist and visitor accommodation should be designed to meet the requirements of Part 5 of the National Construction Code (NCC) Sound transmission and insulation.
- (c) The acoustic report must demonstrate how objective (a) and (b) are achieved.
- (d) Noise sensitive development may require a notice on title pursuant to section 70A of the *Transfer of Land Act 1893* to inform prospective landowners and residents of the likelihood of higher noise levels. A notification will only be required if the amenity impacts are not sufficiently ameliorated by relevant details of the proposed development, or by conditions on the development approval that add additional aspects of amelioration.

4.2 Noise Emitting Development

4.2.1 Objectives

- (a) To ensure noise emitting development complies with the *Environmental Protection (Noise) Regulations 1997* and minimises impacts on the surrounding neighbourhood through appropriate design, construction and management measures.

4.2.2 Provisions

- (a) Noise emitting development that has potential for significant noise disturbance requires appropriate design, construction, materials and devices to mitigate noise emissions. This includes proposals for new development, significant building modifications or extensions, change in land use or intensification of use.
- (b) Noise emitting development may require appropriate management conditions and a management plan to mitigate noise disturbance that could be caused by the operation of the premises.
- (c) Noise attenuation should occur through built form and design rather than reliance on management strategies. The mitigation of noise through appropriate design and construction methods will be prioritised over management to mitigate noise emissions.
- (d) The acoustic report must demonstrate how provision (a), (b) and (c) are achieved for the development proposed.

4.3 Ventilation and Mechanical Equipment

4.3.1 Objectives

- (a) To ensure mechanical, industrial and service equipment is appropriately designed, located and installed to minimise noise disturbance both internally and externally.

4.3.2 Provisions

- (a) Ventilation and mechanical equipment should be located and designed to minimise noise nuisance to the occupants of the subject building and surrounding buildings and are to emit low levels of noise.
- (b) Noise attenuation should occur through built form and design rather than reliance on management strategies. The mitigation of noise through appropriate design and construction methods will be considered over management to mitigate noise emissions.
- (c) The acoustic report must demonstrate how provision (a) and (b) is achieved for the development proposed in accordance with the *Environmental Protection (Noise) Regulations 1997*.

4.4 Northbridge Special Entertainment Precinct - Special Control Area

4.4.1. Provision

- (a) An acoustic report for accommodation land uses and entertainment venues proposed in the Northbridge Special Entertainment Precinct (NSEP) as specified in Schedule 5 – Special Control Area 1 Northbridge Special Entertainment Precinct clause 5(3) and 6(3) of *Local Planning Scheme No. 3*, must be in accordance with the application requirements of clause 5 of this policy.

5. Application Requirements

5.1 Noise Sensitive Development Acoustic Report

An acoustic report and associated plans required to be submitted as part of an application for development approval detailing compliance with the provisions of this policy must be prepared by a suitably qualified acoustic consultant and include:

- (a) The identification of all noise sources.
- (b) The measurement of all identified noise sources, including adequate sampling to enable the establishment of reliable ambient noise levels and intrusive background noise levels specific to the site.
 - i. For traffic noise, measurements should be taken at different times, including during peak traffic times.
 - ii. For ambient and background noise, a daytime measurement between 3pm-5pm Monday to Friday and a night-time measurement between 10pm -12pm Friday to Saturday night, or at other relevant times, that represent a current worst case scenario for the subject site.
- (c) Noise measurements shall be taken in accordance with part 3 of the *Environmental Protection (Noise) Regulations 1997*.
- (d) Discussion on the character of intrusive background noise sources is to be adequately described in terms of noise spectrum analysis (minimum of octave bands) and building design solutions to intrusive in-bound noise elements are to be detailed in the report.
- (e) The expected indoor sound level and reverberation ranges for each type of habitable room in accordance with the Design Standards prescribed in *Australian/New Zealand Standard AS/NZS 2107:2016 Acoustics - Recommended design sound levels and reverberation times for building interiors*.
- (f) Noise sensitive development located within the Northbridge Special Entertainment Precinct should address both *ISO 12354-3:2017 Building acoustics — Estimation of acoustic performance of buildings from the performance of elements — Part 3: Airborne sound insulation against outdoor sound* and *AS/NZS 2107:2016* in the report.
 - i. ISO 12354-3:2017 is to demonstrate the sound reduction index of each component that forms the façade of the building, and inform appropriate design responses to achieve the technical requirement standards in clause 28.4.2 of *City of Perth City Planning Scheme No. 2 Amendment No. 41*
 - ii. AS/NZS 2107:2016 shall be used to estimate the indoor sound level and reverberation time range standards for each type of habitable room, in response to the façade design solutions derived from ISO 12354-3:2017
- (g) A detailed description of the construction measures/ standards needed to maximise the likelihood of the proposed development achieving appropriate sound attenuation performance (including but not limited to construction materials selection, building and installation methodology and any ongoing maintenance considerations).

- (h) Noise sensitive premises in close proximity to rail and road freight corridors should also have regard to the State Planning Policy 5.4 – Road and Rail Noise.
- (i) Comment on the suitability of the development's orientation and layout, taking into account the location of existing/potential environmental noise sources.

5.2 Noise Emitting Development Acoustic Report

An acoustic report and associated plans may be required to be submitted as part of an application for development approval detailing compliance with the provisions of this policy. Reports are to be prepared by a suitably qualified acoustic consultant and include:

- (a) The identification of all noise sources to be addressed, such as machinery, equipment, service vehicles and deliveries, patrons, music, amplifiers and speakers.
- (b) Details of external noise sources.
- (c) Determination of noise source levels, character and hours of operation.
- (d) The establishment of assigned levels for noise sensitive premise in the vicinity, in accordance with the *Environmental Protection (Noise) Regulations 1997*.
- (e) A detailed description of the noise attenuation measures that have been, or will be, included in the building design and construction and/or the premises fit-out and management to achieve the assigned noise levels in accordance with the *Environmental Protection (Noise) Regulations 1997* and Australian Standard 2107: Recommended design sound levels and reverberation times for building interior.
- (f) Calculations are to be based on octave band noise source data and octave band noise reduction performance for construction elements.

5.3 Ventilation and Mechanical Equipment Acoustic Report

An Acoustic Report and associated plans may be required to be submitted as part of the development application detailing the development's compliance with the Performance Standards of this policy. Reports are to be prepared by a qualified and experienced acoustic consultant and is to include:

- (a) Type and amount of equipment.
- (b) Equipment specifications, including selection of equipment models technical information on their noise emissions.
- (c) Ascertaining assigned noise levels for noise sensitive premises in the vicinity, in accordance with the *Environmental Protection (Noise) Regulations 1997*.
- (d) Locating plant and equipment away from windows and doors of subject buildings and neighbouring noise sensitive premises.
- (e) A detailed description of noise attenuation measures/devices, such as noise barriers and enclosures that have been, or will be, included to achieve the assigned noise levels in accordance with the *Environmental Protection (Noise) Regulations 1997* and Australian Standard 2107: Recommended design sound levels and reverberation times for building interiors.

5.4 Determination of an application

The City will not support a proposal if it is not satisfied that the provisions of this policy can be met.

- (a) The City may, in addition to any other conditions which may be lawfully imposed, include as a condition of approval, a requirement:
 - i. to submit a report by a qualified acoustic consultant confirming to the satisfaction of the local government, that the construction drawings the subject of an application for a Building Permit under section 20 of the *Building Act 2011* will comply with the acoustic report required by clause 5 of this policy and section 20(1)(0) of the *Building Act 2011*.
 - ii. to submit a report co-signed by the contracted builder and a qualified acoustic consultant prior to lodging an application for an Occupancy Permit under the *Building Act 2011*, and prior to the building being occupied. This report must confirm, to the satisfaction of the local government, that all construction standards outlined in the acoustic report required by clause 5 of this policy have been installed.
 - iii. for the lodgement of a notification pursuant to section 70A of the *Transfer of Land Act 1893* to inform prospective landowners and residents of the likelihood of higher noise levels within the area.

6. Definitions

Qualified acoustic consultant means a person who is at least a Member of, or eligible for membership as a Member of the Australian Acoustical Society and demonstrated experience preparing acoustic reports for major developments.

Noise sensitive development includes, but is not limited to:

- (a) Dwellings, Residential Building, grouped dwelling, multiple dwelling
- (b) Short-term rental accommodation, Tourist and Visitor Accommodation
- (c) Student accommodation
- (d) Hospital
- (e) Residential Aged Care Facility, independent living complex

Noise emitting development includes, but is not limited to:

- (a) Entertainment uses such as hotels, taverns, night clubs and small bars
- (b) Reception centres and exhibition centres
- (c) Places of worship
- (d) Recreation – private
- (e) Animal establishment
- (f) Industry, Light Industry
- (g) Mechanical plant and equipment, for example cooling towers, compressors, ventilation systems, wind powered generators, air conditions, pool pumps etc.