

## MINISTER'S DIRECTIONS FOR OPERATIONAL NOISE RESPONSE - REGIONAL RAIL LINK SECTION 2

The State Planning Policy Framework (clause 18.01-2) requires planning of both new transport routes and adjoining land uses to minimise disruption of residential communities and their amenity.

A noise management plan for the Regional Rail Link Section 2 (RRL2) corridor from west of Werribee to Deer Park is required under both the *Environment Effects Act 1978* and incorporated documents in the Wyndham and Melton Planning Schemes. While a noise impact management report (NIMR) including a draft noise management plan (NMP) have been prepared by the Regional Rail Link Authority (RRLA), further action is needed to establish an effective basis for mitigation of noise impacts associated with RRL2.

Consistent with the State Planning Policy Framework, the responsibility to address noise impacts and protect amenity is shared by the rail authorities, planning authorities and land developers. An integrated planning approach is therefore needed. Moreover, recognising that this new rail corridor will bring significant benefits to regional and local communities, as well as some localised amenity disbenefits, a balance needs to be struck between enabling the development of essential infrastructure and mitigating impacts on amenity.

This statement provides Directions both to transport bodies with responsibilities for implementing the RRL2 project and to the Growth Areas Authority (GAA), Wyndham City Council and Melton Shire Council with respect to their responsibilities for strategic, structure and local land use and development planning.

For the purposes of these Directions, the RRL2 project comprises:

1. Two tracks for the length of the project area from west of Werribee to Deer Park and their use by regional passenger trains;
2. Stations at Wyndham Vale and Tarneit;
3. Road-over-rail overpasses; and
4. Bridges over rivers and creeks.

Other rail infrastructure, works or increases in services that may in the future be developed or operate either within or adjoining the RRL2 project area are considered to be "additional" rail infrastructure, works or services in the context of these Directions.

### **1. Directions to RRLA and other relevant transport authorities or operators responsible for the RRL2 project**

The final NMP for RRL2 is to be completed in two parts. A revised NMP focussing on the management of construction noise is to be initially submitted by RRLA. Separate directions have been provided to RRLA in relation to this revised NMP. Any endorsement of this initial NMP by the Minister for Planning ('the Minister') as a valid NMP for the purposes of both Condition 5 of the former Minister's decision of August 2009 on RRL2 under the *Environment Effects Act 1978* and Clause 5 of the *Regional Rail Link Project Section 2 Incorporated Document* in the Melton and Wyndham planning schemes, will be subject to the provision of a Supplement to the NMP to address operational noise, as part of an updated NIMR, and their subsequent endorsement by the Minister. These latter documents are to be provided to the Minister by 31 March 2013, or such later time as the Minister may agree.

The updated NIMR is to include:

1. An assessment of the mitigation measures that would be needed to provide reasonable confidence that existing and future dwellings adjacent to the rail line would normally be subject to external noise levels from railway operations not exceeding both 80 dB  $L_{Amax}$  and 55 dB  $L_{Aeq9h(night)}$ . This assessment will need to be to the satisfaction of the Secretary of the Department of Planning and Community Development (DPCD) and specifically will need to:
  - a. Describe the railway operations assumed for modelling of operational noise;
  - b. Confirm that the horizontal and vertical alignments of the rail lines used for noise modelling are the final alignments agreed between RRLA and the contractor;
  - c. Take account of existing and expected land use and development adjacent to the rail line, having regard to both applicable planning policies and controls and available knowledge of land use and development plans, including precinct structure plans that are either finalised or being prepared by GAA or other relevant parties; and
  - d. Be based on updated estimates of noise source levels and noise modelling relative to the noise impact management report submitted to the Minister by RRLA in December 2010.
2. The Supplement to the NMP addressing operational noise, which:
  - a. Must be developed in consultation with DPCD, GAA, Environment Protection Authority, Wyndham City Council and Melton Shire Council;
  - b. Must evaluate the effectiveness and practicability of available mitigation measures;
  - c. Must justify conclusions regarding the impracticability of potentially effective measures that are not proposed to be adopted;
  - d. Must identify the noise mitigation measures to be implemented; and
  - e. May be subject to peer review by a suitable expert appointed by the Secretary of DPCD, at RRLA's expense.
3. Binding requirements for actions either by or on behalf of RRLA or the rail system operator or other relevant party, potentially through contractual or other formal agreements, to implement noise mitigation measures identified in 2d above through some combination of the following:
  - a. as part of works within the RRL2 project area (including cuts, bunds or barriers), or
  - b. as part of works adjoining the RRL2 project area (including bunds or barriers), or
  - c. through the operation and maintenance of the rail system,

that will enable the Minister to have reasonable confidence that existing and future dwellings adjoining the rail line would normally be subject to external noise levels not exceeding either 80 dB  $L_{Amax}$  or 55 dB  $L_{Aeq9h(night)}$ , to the extent that this outcome is practicable.

4. A suitable framework for:

- a. Verifying the rail noise levels associated with RRL2 when it is operational;
- b. Assessing incremental noise impacts arising from any future additional rail works or infrastructure or changes to train services either within or utilising the RRL2 rail corridor (i.e. in addition to those identified in the endorsed NMP); and
- c. Establishing requirements to implement effective and practicable measures to mitigate additional noise impacts.

**2. Directions to GAA, Wyndham City Council and Melton Shire Council**

Recognising both the transport benefits that access to the RRL corridor will bring and potential amenity disbenefits for nearby dwellings or other noise-sensitive land uses, precinct structure planning for land in the vicinity of the RRL2 corridor is to accord with the following principles:

1. To the extent both reasonably practicable and justified by efficient planning, land uses that do not represent noise-sensitive receptors should be preferentially located adjoining the rail corridor;
2. In the context of the preferential siting of non-sensitive land uses, new access roads servicing planned noise-sensitive land uses should be located adjoining the rail corridor or any abutting open space to provide a set-back, where this is both reasonably practicable and justified by efficient planning;
3. A Design and Development Overlay (DDO) is to be developed for areas zoned for noise-sensitive uses adjoining the rail corridor for the purpose of requiring the adoption of building designs and architectural treatments to limit internal noise levels in bedrooms to less than 65 dB  $L_{Amax}$  and 40 dB  $L_{Aeq9h(night)}$  for new developments. It is to be applied to land where either measured or modelled residual noise levels from rail operations, in combination with road traffic, would exceed the external noise levels of 80 dB  $L_{Amax}$  or 55 dB  $L_{Aeq9h(night)}$  after the installation of the most effective and practicable noise mitigation measures.

**MATTHEW GUY MLC**  
Minister for Planning

28.3.12