

For Public Notice via Internet

REASONS FOR DECISION UNDER *ENVIRONMENT EFFECTS ACT 1978*

Title of Proposal: **Regional Rail Link 1 – Moonee Ponds Creek to Deer Park**

Proponent: **Regional Rail Link Authority**

Description of the Project:

The section of the Regional Rail Link from Moonee Ponds Creek to Deer Park, that has been referred under the *Environment Effects Act 1978*, forms part of the overall Regional Rail Link (RRL) project proposed to be developed between Southern Cross Station and west of Werribee. The RRL project is intended to separate regional trains travelling from Geelong, Ballarat and Bendigo from the metropolitan rail network. It is identified in the *Victorian Transport Plan 2008* and *Delivering Melbourne's newest sustainable communities*.

The referred works include new and upgraded railway infrastructure on the rail alignment located between the intersection of the railway corridor with the CityLink overpass at Moonee Ponds Creek, West Melbourne, and two kilometres to the west of the intersection of the rail corridor with the Western Freeway, Deer Park. The main works involve the construction of two new rail tracks (effectively widening the existing rail corridor), together with demolition of some existing structures and the installation of new signalling, cabling and associated infrastructure.

Decision:

The Minister for Planning has decided that an Environment Effects Statement (EES) under the *Environment Effects Act 1978* is not required for the section of the Regional Rail Link from Moonee Ponds Creek to Deer Park, if developed generally in accordance with the project description in the referral under the *Environment Effects Act 1978* that was accepted on 10 September 2010, subject to implementation of the following conditions:

1. Within 4 months from the date of this decision, or such other time as agreed by the Minister for Planning, the proponent is to prepare a noise impact assessment report, in consultation with the Environment Protection Authority. The report is to provide a robust analysis of likely noise levels in the vicinity of Regional Rail Link Section 1 that will be associated with expected changes in rail operations, to the satisfaction of the Minister for Planning, including:
 - i. the likely change in overall noise levels in adjoining residential areas and sensitive receptors from current levels, that is, from existing sources;
 - ii. a comparison of predicted noise levels with relevant standards or guidelines for operational rail noise from other Australian jurisdictions; and

- iii. an evaluation of the effectiveness of proposed mitigation measures, as well as the feasibility and effectiveness of additional measures that might be implemented either as part of the project or by third parties to reduce noise levels affecting sensitive receptors.

Before being finalised by the proponent, the noise impact assessment report is to be subject to peer review by one or more relevant experts that are to be nominated by the Secretary of the Department of Planning and Community Development. Final advice from the peer reviewer is to be provided to the Minister for Planning.

2. At least three months prior to the proposed commencement of relevant works (excluding minor and preparatory works as agreed by the Secretary DPCD) for the purposes of Regional Rail Link Section 1, the proponent is to prepare and submit to the Minister for Planning an Environmental Management Plan that provides an integrated and accountable framework for managing environmental effects during project construction and operation. Separate plans may be submitted for project construction and operation or sections of works.

Relevant aspects to be addressed in the Environmental Management Plan(s) include:

- i. effects of construction and operational noise, particularly on residential areas and sensitive receptors;
- ii. other effects of construction and operational activities on amenity within surrounding areas, including residential areas and sensitive receptors;
- iii. effects on non-Aboriginal cultural heritage;
- iv. traffic disruption as a result of construction activities; and
- v. habitat protection, offsetting and management, including for the Sunshine Diuris and native grassland remnants.

Further, the Environmental Management Plan:

- i. is to take into account any relevant advice provided by the peer review of the noise impact assessment report and the Secretary of the Department of Planning and Community Development;
- ii. must establish a clear framework of accountabilities for its implementation in accordance with its commitments; and
- iii. is to be to the satisfaction of the Minister for Planning.

Note: The Minister may seek advice from any relevant experts at his discretion to advise him in determining that he is satisfied with the Environmental Management Plan.

Reasons for Decision:

1. The project involves an expansion of railway infrastructure and intensification of rail operations largely within an existing railway corridor. Moreover, the potential effects are largely existing forms of environmental effect within the railway corridor and adjoining areas. Consequently, there are neither significant new forms of effect nor route options that would warrant assessment through an EES.

2. The most significant potential effect of the project is the predicted increase in operational noise. In light of the existing rail use and associated operational noise, a potential increase in noise levels is not in itself a sufficient basis for requiring an EES. I have imposed a condition on my decision under section 8B(3)(b) requiring actions to further identify, mitigate and manage incremental noise effects through an Environmental Management Plan. I am satisfied that this requirement will establish an appropriate method to mitigate and manage, to the extent possible, operational noise impacts.
3. Other potential project effects are relatively localised or limited construction-related effects, including: construction noise, displacement of residents, heritage impacts, traffic disruption, and effects on species habitats. In this context, it is noted that:
 - i. There are unlikely to be significant effects on Aboriginal cultural heritage and, in any event, these will be assessed in accordance with the *Aboriginal Heritage Act 2006*;
 - ii. Established guidelines issued by the Environment Protection Authority will apply to the management of construction noise;
 - iii. Established compensation procedures for land acquisition, together with the proponent's commitment to assist the relocation of displaced parties, will minimise the extent of social and business impacts;
 - iv. The potential effects on objects and places listed on the Victorian Heritage Register will be assessed in accordance with established procedures under the *Heritage Act 1995*;
 - v. I have imposed a condition as part of my decision under section 8B(3)(b) requiring an Environmental Management Plan to be submitted to me that addresses residual effects and risks following design responses, including:
 - a. Traffic management plans to address potential traffic disruption associated with project construction;
 - b. Management of construction noise, air emissions and other amenity effects;
 - c. Management of effects on the Sunshine Diuris and remnant native grasslands.
4. I am satisfied that the requirement for an Environmental Management Plan (or plans), as required by my decision under section 8B(3)(b), will provide a suitable means to establish an integrated and accountable framework for managing environmental effects during both project construction and operation.
5. Overall, potential environmental effects of the project are not of a level of significance, having regard to their likely magnitude, diversity and complexity as well as associated uncertainties, to warrant an EES.

Date of decision: 7 October 2010