Appendix 3: Advisory Committee Terms of Reference

TERMS OF REFERENCE

ADVISORY COMMITTEE

Advisory Committee appointed pursuant to Part 7, Section 151 of the Planning and Environment Act 1987 to report on the measures to manage the noise impacts of Regional Rail Link Section 2

Name
1. The Advisory Committee is to be known as the ‘Noise Impacts of Regional Rail Link Section 2 – west of Werribee to Deer Park Advisory Committee’.

Purpose
2. The purpose of the Advisory Committee is to consider noise impacts and mitigation responses associated with the approved rail alignment for Regional Rail Link Section 2, in accordance with the Minister for Planning’s decision made on 13 August 2009 under the Environment Effects Act 1978. The report of the Advisory Committee will inform the Minister for Planning’s decision on the endorsement of a final noise management plan for the project.
3. The Advisory Committee is to investigate and advise on measures to manage the noise impacts of Regional Rail Link Section 2, having regard to the sensitivity of affected existing and proposed future urban areas, as well as the likely costs and technical feasibility of reducing noise impacts in the context of both the project and the rail system.

Background
4. Regional Rail Link Section 2 is a new rail alignment approximately 30 kilometres long that will run between west of Werribee and Deer Park, providing a north-south connection between the Ballarat Rail Corridor and the Geelong Rail Corridor.
5. Section 2 of the overall Regional Rail Link will enable the diversion of existing regional Geelong services away from their current route (along a track shared with metropolitan services on the Werribee line), to connect with existing Ballarat regional services at Deer Park on the Ballarat line. Section 1 of the project will continue to Southern Cross Station along new dedicated rail tracks adjacent to existing tracks.
6. The main works proposed for Regional Rail Link Section 2 involve construction of:

- a set of dedicated rail tracks for regional rail services;
- two new rail stations (at Wyndham Vale and Tarneit);
- a cutting for the rail tracks at Manor Lakes;
- approximately four new bridge structures for major creek and river crossings (Werribee River, Lollypop Creek, Davie Creek and Skeleton Creek); and
- up to 14 grade separations of road and rail.

7. On 13 August 2009, the then Minister for Planning decided that an Environment Effects Statement under the Environment Effects Act 1978 was not required for Regional Rail Link Section 2, if developed generally in accordance with the project description in the referral under the Environment Effects Act 1978 that was accepted on 17 June 2009, subject to implementation of several conditions relating to the management of noise impacts, as well as potential ecological impacts and their management, and the preparation of a development plan for proposed project works (Attachment 1).

8. In response to Condition 1 of the decision under the Environment Effects Act 1978, the Regional Rail Link Authority, as the proponent, has prepared a noise impact management report including a draft noise management plan. This report is to be released for public comment for a period of 15 days.

Method

9. The Advisory Committee may inform itself in any way it sees fit, but must consider:

(i) the noise impact management report and draft noise management plan prepared by the Regional Rail Link Authority;
(ii) all relevant submissions;
(iii) any additional evidence or response to submissions provided by the Regional Rail Link Authority, including by its specialist consultant(s) and peer reviewer(s);
(iv) any relevant evidence or advice provided by State Government departments or agencies; and
(v) the advice of any other experts or specialists that the Advisory Committee may consider would be of assistance.

10. The Advisory Committee is not required to carry out any additional public notification, but may do so if it considers it to be appropriate.

11. If relatively few submissions of limited complexity are received, the Advisory Committee might convene a workshop or similar format with submitters, agencies and other relevant parties to explore issues and potential responses.

12. If the Advisory Committee deems a public hearing to be necessary, the hearing is to be conducted in accordance with the following principles:

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(i) The hearing is to be conducted in an open and equitable manner with a minimum of formality and without the necessity for legal representation;

(ii) The hearing process should be exploratory and constructive, where adversarial behaviour is minimised;

(iii) Submitters are only to be heard with respect to these terms of reference;

(iv) Any submitter presenting evidence from an expert witness must have provided at least an outline of that evidence in the initial written submission; and

(v) The Chair may regulate the hearing in a manner that he/she considers appropriate to best allow the Advisory Committee to inform itself.

13. The Advisory Committee may prohibit or regulate cross-examination.

14. The Advisory Committee may meet and invite others to meet with them provided there is a quorum of at least two of the Committee members.

Submissions are public documents

15. The Advisory Committee must retain a record of any written submissions or other supporting documentation provided to it directly until a decision has been made on its report or five years has passed from the time of its appointment.

16. Any written submissions or other supporting documentation provided to the Advisory Committee must be available for public inspection until the submission of its report, unless the Advisory Committee specifically directs that the material is to remain ‘in camera’.

Outcomes

17. The Advisory Committee must produce a written report for the Minister for Planning which provides:

(i) Advice as to whether the noise management plan proposed for Regional Rail Link section 2 provides an appropriate response to potential noise impacts;

(ii) An evaluation of the likely noise impacts of Regional Rail Link Section 2 during its construction and operation on both existing houses and other sensitive receptors, as well as identified future sensitive land uses, in light of:

   a) the draft noise impact management plan prepared by the Regional Rail Link Authority;

   b) relevant expert advice and submissions; and

(iii) Recommendations for a final noise management plan including any different or additional mitigation measures that could be considered in the construction and operation of the Regional Rail Link Section 2
(including railway design, train equipment, service scheduling and other on-site or off-site measures) having regard to:

- any limitations of the impact assessment provided by the Regional Rail Link Authority;
- the significance of residual impacts;
- costs, technical feasibility, practicality and potential detrimental effects of any mitigation measures;
- differences in conditions along the rail corridor that may mean mitigation measures need to be tailored; and
- existing legislative provisions under the Transport (Compliance and Miscellaneous) Act 1983 and relevant provisions and matters under the Planning and Environment Act 1987 and the Transport Integration Act 2010;

(iv) Recommendations for noise mitigation measures that should be adopted as part of growth area framework planning; structure planning for urban development; or planning or building requirements in proximity to the approved Regional Rail Link Section 2. These recommendations are to have regard to relevant provisions and matters under the Planning and Environment Act 1987 and the Transport Integration Act 2010.

(v) Relevant information and analysis in support of the Advisory Committee’s recommendations; and

(vi) A description of the process adopted by the Advisory Committee.

18. The report of the Advisory Committee must also provide:

(i) an assessment of submissions to the Advisory Committee;
(ii) an assessment of other relevant matters raised in the course of the Advisory Committee hearing;
(iii) a list of persons who made submissions considered by the Advisory Committee; and
(iv) a list of persons consulted or heard.

Timing

19. If a public hearing is held, the Advisory Committee is required to complete the hearing no later than eight weeks after the final date for submissions.

20. The Advisory Committee is required to submit its report in writing as soon as practicable but no later than two months from the completion of its public hearing. In the event of a public hearing not being held, the Advisory Committee is required to submit its report no later than two months after completion of any workshop(s) or meeting(s), or receipt of any requested information.
21. The fees for Advisory Committee members will be set at the current rate for members of a Panel appointed under Part 8 of the Planning and Environment Act 1987.

22. The costs of the Advisory Committee will be met by the Regional Rail Link Authority.

Assistance

23. Queries relating to the Advisory Committee should be raised with Planning Panels Victoria, Department of Planning and Community Development on (03) 9637 9701 or by email at planning.panels@dpcd.vic.gov.au.

SIGNED

MATTHEW GUY MLC
Minister for Planning
Date: 31 MAR 2011
Appendix 4: Draft Policy Framework for Passenger Rail Noise

Draft Government Policy Framework for Passenger Rail Noise

1. Introduction

Concerns about noise from passenger rail investments are likely to be factors taken into account in decision making as demand for public transport grows, alongside Victoria’s population. Growth in demand for public transport will be an important driver for decisions on additional passenger rail investment in developed areas and around planned developments where communities will be located in the future.

The Victorian Government has decided to develop a principles-based framework for making decisions about noise from future passenger rail investments.

This paper explains the principles-based framework for noise from future passenger rail investments, the proposed set of principles within the framework, and the process for further developing a future passenger rail investment noise policy.

2. Rationale

Victoria has a range of legislative instruments that cover how the impact of noise is managed in the community. This legislation imposes broad obligations to manage or take account of noise. The Transport (Compliance and Miscellaneous) Act 1983 exempts operational noise from passenger rail services from being considered a nuisance and from action under the Environment Protection Act 1970 or the Local Government Act 1989. The State Planning Policy Framework (under the Planning and Environment Act 1987) also controls the effects of noise on sensitive land uses through strategies including building design, urban design and the separation of land uses.

This means that, while passenger rail operations are exempt from liability stemming from complaints about noise, planning and construction of new passenger rail infrastructure are still subject to the approvals processes of the Planning and Environment Act 1987 and the Environment Effects Act 1978. Collectively, the legislation imposes broad obligations to manage or take account of noise from a range of sources.

At present, there are broad legislative requirements relating to noise from future passenger rail investments. These are complex and have the potential to impose significant impacts on the community, either through noise impacts or financial cost added to rail projects.

Each future passenger rail investment will differ in terms of size and scope, the impact of noise on the community and the range of treatment options available. Several factors influence the degree to which noise may be an issue for a community:

- existing and proposed land uses next to the passenger rail investment,
- proximity of the passenger rail investment to residences and other sensitive receptors,
- the type of rolling stock used,
- the design of crossings,
- the time and frequency of train movements, and
- local topography.

From a technical perspective the options for treatment vary considerably in terms of costs, timing, effectiveness and practicality. Different treatments are more applicable to different situations and no single treatment is comprehensive enough to be appropriate for all cases of noise. Some treatment
choices are prohibitively expensive and have negative effects on how easy or difficult it is to access locations on either side of the rail infrastructure, safety and security.

The decision making environment is also complex as it includes numerous stakeholders with a range of perspectives, interests and objectives. Within Government there are multiple stakeholders involved, including the Department of Transport, its portfolio agencies and service operators, the Department of Planning and Community Development, the Department of Sustainability and Environment and other planning bodies and regulatory authorities such as the Environment Protection Authority. There are also a number of community stakeholders, including local councils, community groups and individual households.

Making decisions about noise from passenger rail investments requires balancing the objectives, views and interests of a large number of stakeholders.

In summary, making decisions about noise from future passenger rail investments is complex, needs to have regard to a range of factors, and has significant consequences. For these reasons, more detailed guidance would aid decision making about noise emissions from new passenger rail proposals.

3. A principles-based framework

The Victorian Government has chosen a flexible principles-based framework over a more prescriptive standards-based framework. A principles-based framework will enable the impact of noise to be assessed and for decisions to be made about how to respond to noise from future passenger rail investments.

The principles-based framework will be applied on a case by case basis. Each investment will have different noise impacts, constraints on solutions and potential noise treatment options.

The principles underpinning the framework can be applied at each stage of project development, from the earliest planning through to final endorsement of the project. This means that different types of treatment options can be applied at different stages and are not ruled out by decisions taken elsewhere. Early consideration ensures that all the potential solutions are available as there is a more limited range of treatments that can be used in the later stages of project development.

Making decisions about noise from future passenger rail investment is complex because each investment will differ in:

- size and scope;
- the impact on the community;
- the range of potential treatments options;
- the local circumstances; and
- the range of stakeholders involved.

A principles-based framework will enable the complexity of these issues to be addressed.

The principles-based framework enables the most cost effective and practical solutions to managing noise to be adopted. The principles underpinning the framework recognise the need to balance differing objectives and take action in the best interests of the whole Victorian community.

Draft principles

The set of four draft principles are set out below and are intended to be applied jointly. During the further development of the framework (as set out in section 5 of this paper), the principles will be refined and detailed guidance on how the principles should be applied will be developed.
Integrated early consideration

Impacts of noise from rail projects and options for noise reduction should be considered early in the development of a proposal for passenger rail investment and an integrated approach should be taken to identifying the options to avoid or reduce noise and its impacts.

The planning and transport portfolios must work together to develop an integrated land use and transport approach to address noise from future passenger rail investments. This will ensure that all opportunities to avoid or reduce noise and its impacts, through both planning and engineering treatments, can be considered in the context of local circumstances and having regard to the broader social, environmental and economic interests of the state.

The impact of noise from the construction and operation of a future passenger rail investment should be considered as early as possible in the development process, preferably at the business case development stage. This will ensure that decisions about the investment are taken in the knowledge of the full implications for all areas of government and to ensure that treatments are included into the project in the initial stages.

Affordability and equity

Noise reduction should be cost effective, while sharing the costs and benefits of infrastructure and noise treatments equitably.

In deciding on noise reduction treatments, the costs and benefits of possible treatments and other management options need to be considered. Costs of possible treatments also need to be compared to their likely effectiveness. Both costs and effectiveness will vary with the specific local circumstances. The costs and impacts of treatment options should be considered with the costs and impacts of not proceeding with the infrastructure project to achieve equitable outcomes.

The overall costs of noise treatments also need to be considered in the context of the budget likely to be available so that:

- the costs of noise treatments do not unreasonably compromise the core objectives of the passenger rail investment; and
- the budget implications of implementing noise treatments are financially prudent.

Balancing objectives

Decisions about managing the impact of noise from future passenger rail investments should balance noise reduction against other objectives of the project.

Decisions about how to reduce the impact of noise from future passenger rail investments should be balanced against the wide objectives of the investment including the economic, social and environmental impacts.

The highest priority should be given to treatments that generate the greatest overall public value.

Best fit solutions

All reasonable efforts to limit impacts of noise should be made taking account of what is practicable, reasonable and cost effective, given the specific local circumstances and the broader public good.

The noise impact of future passenger rail investments should be addressed in relation to the local circumstances. Different treatments will also be suitable for dealing with noise generated from different sources and for different types of noise e.g., constant or intermittent noise.
Examples of significant local factors that need to be considered include:

- The existing level of noise in the location, including from any existing rail activity,
- How discernible any change in noise is likely to be as a result of the investment and from any options for treating the noise that is being considered;
- The nature of the noise that is to occur, that is, whether it is constant or intermittent, of a particular frequency or another factor that might affect its impacts on people and property;
- The extent to which there is existing or proposed development in the location impacted;
- Whether existing or proposed developments or property investments would have been aware of likely noise associated with the rail passenger investment;
- The number of people exposed to noise associated with the passenger rail investment and the number of people likely to benefit from any treatment options being considered;
- Whether there will be impacts on surrounding transport activity or transport networks that might have other benefits or result in reduced noise exposure; and
- Whether there are physical or other practical constraints that limit the treatment options available or confound costs of adopting any option.

4. Applying the principle-based framework

Applying a principle-based framework for noise from passenger rail investments in Victoria provides guidance on how the existing infrastrucutre requirements should be met.

The principle-based framework will require that assessments of noise impacts and decisions about managing noise from passenger rail investments will be made at several stages in the investment process. For example, when the alignment for a rail line is being determined, assessments of the noise impacts from different options will need to be made. Then, when decisions are being made about the type of rail and rolling stock to be used, further assessments and decisions about treatment options will need to be undertaken.

At the different stages of the investment a different range of treatment options will be available. As the investment progresses some treatment options will be locked out. When the alignment for a rail line is being determined, the treatment options will include changing the actual alignment and influencing the abutting land-use. Once the alignment has been determined, the choice of treatment options is reduced.

Different treatment options will have different social and environmental impacts when applied to local circumstances. Determining the appropriate treatments requires trade-offs to be made between these differing impacts.

An example is provided below of the steps that might be taken to apply the principle-based framework. For this example, there is an existing corridor reserved for a future rail investment, but no rail development has yet occurred:

- Assess the potential noise impact of a desired alignment;
- Avoid noise impacts through changes in alignment, designating land use zoning or building curtilus,
- Identify infrastructure design options for reducing remaining noise impacts (eg cuttings);
- Identify further treatment options (eg operational, engineering approaches, maintenance approaches, noise walls etc);
- Assess the costs and benefits of each approach to reducing noise;
- Assess whether any approach will have negative impacts (eg on the amenity, social connectivity in the area or biodiversity);
- Assess whether any approach will compromise the operational or service objectives of the proposed investment, and
- Determine an appropriate set of treatment options ensuring consideration of social, economic and environmental impacts.

In different circumstances, these steps might need to be varied.

Strong relationships and effective coordination will be required between key stakeholders on future passenger rail investments. This will particularly impact on the Department of Transport, the Department of Planning and Community Development, the Department of Sustainability and Environment, the Environment Protection Authority and the Growth Areas Authority. The ability to develop integrated land use and transport planning solutions will be dependent on timely communication between parties.

**Interim application**

In the absence of a finalised set of principles, the draft principles provide an indication of the direction the Victorian Government intends to take. The principles will be refined through the policy development process, outlined below. Through this process the principles are expected to be finalised in 2012.

The Victorian Government suggests that the Advisory Committee has regard to the principles-based framework and the set of draft principles in determining its recommendations on the Regional Rail Link Section 2 Project.

5. **Developing a Future Passenger Rail Investment Noise Policy**

As part of the policy development process, the following issues will be explored:

- Criteria for requiring a noise assessment – Passenger rail investments vary in size and scope. For major investments, noise assessments may be triggered as part of the process of preparing an Environment Effects Statement, however smaller investments may still have a noise impact on the community.

- Timing of noise assessments - For most passenger rail investments, noise assessments will need to be conducted early, that is, when the project is being planned. If the scope or design of the project changes significantly, then additional noise assessments will need to be undertaken.

- Methodology for measuring noise - It will be necessary to establish and agree how noise will be measured, including issues such as pitch and noise frequency, average and maximum loudness, duration and time of day. Robust methodology and reliable data sources will be needed to enhance understanding of the size and scale of the impact of noise from future passenger rail investments, including impacts on individuals, schools and hospitals and the broader community. An understanding of how the noise from the investment compares to background noise and whether there are particular features of the noise that will influence how it impacts on receptors will need to be provided.

- Thresholds for taking action – The impact of noise on the community for each passenger rail investment will be different. It may be necessary to develop thresholds which will trigger the need to take action.

- Balancing objectives – The treatment options for each passenger rail investment will be different, as will the costs. Guidance will be needed on how to balance objectives of future passenger rail investments and noise treatment. Guidance will also be needed on how to assess whether possible treatments are cost-effective and to have regard to the broader social, environmental and economic benefits the rail investment provides.

- Ongoing monitoring and evaluation – Establishing a principles-based framework is only the first step. Developing detailed policy guidance will assist in implementing the set of principles. However in the longer term a process for reviewing whether, when and how the principles have been applied
will need to be established. Responsibilities for monitoring, evaluation and ensuring that issues are addressed will also need to be clearly assigned and appropriately resourced.

- Policy overlaps - At times passenger and freight trains use the same track. The different requirements for managing noise between passenger and freight will need to be considered.

The Victorian Government will develop an Issues Paper on *Developing a Future Passenger Rail Investment Noise Policy*. The purpose of the Issues Paper is to seek community and stakeholder views on the draft principles and how they should be applied. It will also explore the issues above.

As part of the policy development process, the Government will also explore how other jurisdictions deal with these issues and how similar issues are dealt with for noise from other sources. The policy will be developed with advice from experts in acoustic engineering, environmental health, rail engineering and land use planning. Research and analysis will also be undertaken to explore the issues in the Victorian context.

The Future Passenger Rail Investment Noise Policy will contain the finalised principles and guidance on how the principles should be applied. It is anticipated that the policy will be released in 2012.
Appendix 5: Public advertisement calling for submissions

PUBLIC COMMENT INVITED
REGIONAL RAIL LINK SECTION 2: WEST OF WERRIBEE TO DEER PARK
NOISE IMPACT MANAGEMENT REPORT & DRAFT NOISE MANAGEMENT PLAN

The Regional Rail Link - west of Werribee to Deer Park (Regional Rail Link 2) is a proposed rail line that would run from west of Werribee to Deer Park, providing a connection between the Geelong Rail Corridor and the Railtrack Rail Corridor. The project comprises two railway tracks within a corridor generally 60 metres wide that is sufficient to enable construction of two additional rail tracks in the future. The project also includes rail stations and associated infrastructure.

On 13 August 2009, the former Minister for Planning determined that an Environmental Effects Statement (EES) was not required for the project under the Environment Effects Act 1976, subject to conditions, including the following:
- Preparation of a noise impact management report including a draft noise management plan;
- Release of the noise impact management report including the draft noise management plan for public comment; and
- Appointment of an expert advisory committee to review the noise impact management report, draft noise management plan and public submissions.

The Minister's decision and the initiating referral can be found at www.dpcd.vic.gov.au/planning/ees

Exhibition details
The noise impact management report and draft noise management plan have been placed on exhibition for public comment from Wednesday 31 August 2011 until Wednesday 21 September 2011. A copy of the documents can be downloaded from the Department of Planning and Community Development (DPCD) website www.dpcd.vic.gov.au/planning/ees or from the Regional Rail Link Authority website www.transport.vic.gov.au/rrl

Interested parties and organisations wishing to comment on the noise impact management report and draft noise management plan are invited to make written submissions by 5:00pm Wednesday 21 September 2011. Submissions must be accompanied by the Submission Cover Sheet found on the DPCD website and forwarded to:

Regional Rail Link Section 2 Noise Advisory Committee
Planning Panels Victoria
CPD Box 100
East Melbourne VIC 3002
OR

Level 1 & 8 Nicholson Street
East Melbourne VIC 3002

Advisory Committee
The Minister for Planning has issued Terms of Reference for the Advisory Committee and appointed the members of the Advisory Committee. The Terms of Reference are available for download at www.dpcd.vic.gov.au/planning/ees

Requests to be heard by the Advisory Committee
If you wish to be invited to make a presentation at the Advisory Committee meeting, you must complete a request to be heard form which is also available at www.dpcd.vic.gov.au/planning/panelsandcommittees/currentplanning-panels-and-committees

Related documents
A number of documents relevant to the task of the Advisory Committee are also being made available for public inspection during the exhibition period. The documents can be viewed at www.dpcd.vic.gov.au/planning/ees