

Appendix 1: Minister's decision under Environmental Effects Act re RRL2

REFERRAL NUMBER 2009R00010

Attachment 1

DECISION ON PROJECT: Regional Rail Link – West Werribee to Deer Park Decision under section 8B(3)(b) of the *Environment Effects Act 1978*

An Environment Effects Statement is not required for the Regional Rail Link – West Werribee 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 17 June 2009, subject to implementation of the following conditions, for the reasons set out in **Attachment 2**.

Conditions

Before either clearance of native vegetation or other major works commence for relevant parts of the project:

- 1) The proponent is to prepare a noise impact management report to the satisfaction of the Minister for Planning. This report is to:
 - i. provide a clear justification of proposed noise standards for operation of the railway;
 - ii. refine the assessment of noise sources and noise generation scenarios for both construction and operation of the railway;
 - iii. identify specific railway design, train design, rail service scheduling and any other measures that are proposed to mitigate noise impacts;
 - iv. provide an assessment of the likely residual noise impacts of both construction activities and relevant operational scenarios on existing houses and residential estates in the vicinity of the preferred rail alignment, if proposed noise mitigation measures are implemented;
 - v. provide an assessment of appropriate buffers or off-site mitigation measures needed in residential areas that are yet to be developed in order to enable a high measure of compliance with suitable noise standards;
 - vi. identify any other feasible noise mitigation measures and assesses their likely cost-effectiveness;
 - vii. include a draft noise management plan;
 - viii. be accompanied by a peer review report prepared by an independent specialist.

The noise impact management report and associated draft noise management plan is to be released for public comment for a period of 15 business days.

- 2) An expert advisory committee is to be appointed by the Minister for Planning to:
 - i. consider the noise impact management report and public submissions in response;
 - ii. consult with submitters and relevant agencies and experts;
 - iii. provide a report including recommendations to the Minister for Planning to inform the Minister's decision on the endorsement of a final noise impact management plan.

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- 3) The proponent is to prepare an ecological impact management report to the satisfaction of the Secretary to Department of Sustainability and Environment, This report is to:
- i. describe the existing ecological values of the final proposed rail alignment and associated infrastructure areas (or relevant sections), based on a preliminary design for the proposed works and the outcomes of seasonally-appropriate field surveys for listed flora and fauna;
 - ii. assess potential effects of the construction and operation of the Regional Rail Link - West Werribee to Deer Park on native vegetation, as well as flora and fauna and ecological communities listed under the *Flora and Fauna Guarantee Act 1988*, *Environment Protection and Biodiversity Conservation Act 1999* or any relevant international treaty or convention, including the effects of habitat fragmentation;
 - iii. describe the nature, amount and source of offsets for loss of native vegetation of different ecological vegetation classes or communities that would be needed to comply with relevant legislation and policy;
 - iv. assess potential effects of the construction and operation of the Regional Rail Link - West Werribee to Deer Park on aquatic ecological values, including in-stream flora and fauna as well as wetland values and migratory bird species;
 - v. describe planned mitigation measures and associated commitments and assesses their likely effectiveness, in the context of feasible mitigation measures.
- 4) The proponent is to prepare or arrange the completion of the following biodiversity-related measures, which are to be endorsed by the Minister for Environment and Climate Change following consultation with the Commonwealth Minister responsible for the *Environment Protection and Biodiversity Conservation Act 1999*:
- i. an ecological impact management plan to:
 - manage and mitigate project construction-related effects on native vegetation, as well as flora and fauna and ecological communities listed under the *Flora and Fauna Guarantee Act 1988*, *Environment Protection and Biodiversity Conservation Act 1999* or any relevant international treaty or convention;
 - sustainably manage residual biodiversity values, including remnant flora sites and connectivity of fauna habitats on land reserved and developed for rail project purposes, as well as control of invasive non-native species;
 - set outcome objectives to guide management actions, as well as monitoring, evaluation and auditing procedures.
 - ii. an offset program to establish areas under protective management that will compensate for expected losses of affected ecological vegetation classes or communities and associated flora and fauna that are attributable to the rail project; and

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- iii. a binding commitment that offset habitat areas will be sustainably managed to protect associated biodiversity values.

In considering the endorsement of the above matters, the Minister for Environment and Climate Change will have regard to the report prepared under Condition 3.

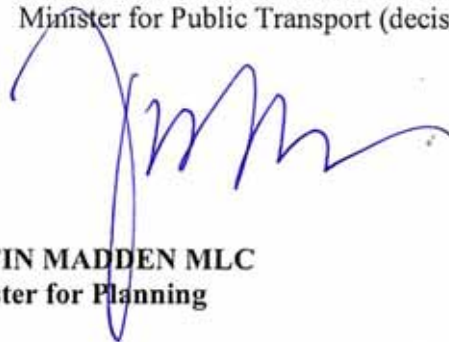
- 5) The proponent is to prepare a Development Plan describing the preliminary design of proposed works for project components including rail tracks, train stations, train stabling areas, road bridges and waterway crossings (either all or individual components) to the satisfaction of the Minister for Planning. This Plan is to include:
 - i. plans showing horizontal and vertical aspects;
 - ii. a description of key construction techniques;
 - iii. explanation of any necessary siting adjustments or design measures required to minimise adverse environmental effects, including on any sites of high or very high biodiversity or cultural heritage significance;
 - iv. an Environmental Management Plan for managing potential adverse effects of construction activities, including but not limited to rock blasting, dust generation, drainage to waterways, flood risk, groundwater effects, contaminated land and traffic on local roads.

The Development Plan must be both consistent and aligned with the endorsed noise management plan, ecological impact management plan and cultural heritage management plan for the project.

Notification under s.8B(4)(a)(ii)

The proponent and decision makers with relevant responsibilities under Victorian law are to be notified of this decision:

- Department of Transport (proponent)
- Minister for Environment and Climate Change (decision maker)
- Minister for Public Transport (decision maker)



JUSTIN MADDEN MLC
Minister for Planning

Date: 13 AUG 2009

**Appendix 2: Incorporated document at Clause
52.03 of the Wyndham Planning
Scheme**

**Regional Rail Link Project Section 2
Incorporated Document**

Department of Transport

June 2011

Incorporated document pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*

1. Introduction

This document is an incorporated document in the Melton and Wyndham Planning Schemes (**the Planning Schemes**) pursuant to section 6(2)(j) of the *Planning and Environment Act 1987*.

The land identified in this document may be used and developed in accordance with the control in this document.

The control in this document prevails over any contrary or inconsistent provision in the Planning Schemes.

2. Project

The Regional Rail Link Project (**the Project**) comprises a railway connection from west of Werribee to Southern Cross Station in Melbourne via Deer Park and Sunshine. The Project comprises two sections:

- Section 1 - extending from Southern Cross Station in Melbourne to Deer Park (**Section 1**).
- Section 2 - extending from Deer Park to west of Werribee through the Shire of Melton and City of Wyndham (**Section 2**).

This document applies only to Section 2 of the Project and works to be undertaken in conjunction with Section 2 of the Project.

3. Land

The control in this document applies to the land described as the Regional Rail Link 2 Project Area on Plan Number LEGL./11-101 (Sheets 1 to 15) signed by the Surveyor-General and lodged at the Central Plan Office (**the Section 2 Project Land**).

4. Control

Despite any provision to the contrary or any inconsistent provision in the Planning Schemes, no planning permit is required for, and nothing in the Planning Schemes operates to prohibit or restrict:

- The use or development of the Section 2 Project Land for:
 - A passenger and freight railway, which includes but is not limited to railway stations (including community uses and the selling of food, drinks and other convenience goods and services), transport interchanges, car parking facilities, utility infrastructure, signalling, communications and electrical infrastructure, train stabling and maintenance facilities and storage facilities.
 - Works and structures facilitating pedestrian, road and watercourse crossings.

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- On the Section 2 Project Land, activities ancillary to, or undertaken in conjunction with, any of the above-mentioned matters, including but not limited to:
 - Creating and using lay down areas for construction purposes.
 - Carrying out preparatory works to facilitate the commencement of Section 2 of the Project.
 - Displaying construction and business identification signs.
 - Removing, destroying and lopping trees and removing vegetation.
 - Demolishing buildings, structures and works.
 - Altering watercourses.
 - Constructing fences.
 - Constructing or carrying out works to create roads, car parking areas, bunds, mounds, landscaping, shared use paths and wetlands, excavate land, salvage artefacts and alter drainage and utilities.
 - Creating or altering access to a road in a Road Zone to the satisfaction of the Roads Corporation.
 - Constructing and using temporary site workshops and storage, administration and amenities buildings.
 - Subdividing and consolidating land.
 - Constructing or carrying out works to Armstrong Road, Wyndham Vale and Christies Road, Deer Park.

This control is subject to the conditions in clause 5 of this document.

5. Conditions

The use or development and the ancillary activities specified in clause 4 of this document must be for Section 2 of the Project, or undertaken in conjunction with Section 2 of the Project, as authorised by the Victorian Government and undertaken by or on behalf of the Victorian Government.

The use or development and the ancillary activities specified in clause 4 of this document must be undertaken generally in accordance with a Development Plan prepared to the satisfaction of the Minister for Planning. The Development Plan must incorporate an Environmental Management Plan and must be consistent with:

- An Ecological Impact Management Plan prepared to the satisfaction of the Minister for Environment and Climate Change.
- Any Noise Impact Management Plan required by the Minister for Planning.

These documents may be prepared and approved for stages of Section 2 of the Project and may be amended from time to time to the satisfaction of the relevant approval authority.

The requirement for these documents does not apply to preparatory works to facilitate the commencement of Section 2 of the Project, including but not limited to:

- Investigation and testing to determine the suitability of land.
- Site establishment works.
- The relocation of tracks and services.
- The removal, destruction and lopping of trees and the removal of vegetation to the minimum extent necessary to enable such preparatory works.

6. Expiry

The control in this document expires if any of the following circumstances applies:

- The development allowed by the control is not started by 31 December 2013.
- The development allowed by the control is not completed by 31 December 2018.
- The use allowed by the control is not started by 31 December 2018.

The responsible authority may extend these periods if a request is made in writing before the expiry date or within three months afterwards.