
Appendix 7: Advisory Committee directions of 30 September 2011

Contact: (03) 9637 9692
 PPV Fax: (03) 9637 9700
 PPV Email: Planning_panels@dpcd.vic.gov.au
 PPV Mail PO Box 500, East Melbourne 3002

30 September 2011

As addressed

REGIONAL RAIL LINK SECTION 2 ADVISORY COMMITTEE

As you are aware, an Advisory Committee has been appointed to advise the Minister for Planning on the management of the noise impacts of Section 2 of the Regional Rail Link project (RRL2) including the assessment and noise plan which have already been prepared on behalf of the Regional Rail Link Authority (RRLA) and to consider the public submissions received concerning the noise effects.

The Advisory Committee comprises Ms Jenny Moles (Chair) and Messrs Colin Burns, Doug Munro and Robin Saunders (Members).

The Advisory Committee conducted a Directions Hearing on 29 September 2011 at the offices of Planning Panels Victoria. A project briefing was also provided by the RRLA.

As an outcome of the Directions Hearing, the Advisory Committee provides the following advice and directions.

The Advisory Committee task

1. The Committee has been established in response to the Minister for Planning's decision relating to the referral of this project under the *Environment Effects Act 1978*. Specifically the then Minister's decision on 13 August 2009 was that no Environment Effects Statement was required for the project subject to a number of conditions which included that an expert advisory committee be appointed to:
 - i. *consider the noise impact management report [and its associated noise management plan required to be prepared by the proponent] 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.*

The Advisory Committee's terms of reference are expressed in part as follows:

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 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.

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.

The Committee has formed the provisional view that the second paragraph from the terms of reference quoted above gives us a wider brief than merely the review brief referred to in the Minister's decision and reiterated in the first paragraph of the terms of reference above.

The Committee invites submissions on this matter in particular from the Department of Planning and Community Development (DPCD), Department of Transport (DOT) and RRLA.

Preliminary meeting of Advisory Committee with Government agencies

2. It is recorded that a preliminary meeting was held with a number of Government agencies on 27 May 2011 to determine which documents relating to the project would be placed on public exhibition during the period that submissions were invited and to schedule the hearing.

A record of that meeting and those attending is available upon request.

As parties are also aware, the Committee recently wrote to three agencies who did not respond to the call for submissions inviting them to present at the Hearing. They have all accepted. The agencies are the Department of Sustainability and Environment (DSE), Aboriginal Affairs Victoria (AAV) and the Environment Protection Authority (EPA).

Submissions received

3. Thirteen submissions were received by the Advisory Committee in response to the advertised call for submissions. Only one submitter has not requested to be heard by the Advisory Committee.

Hard copies of all submissions already to hand can be inspected at the offices of Planning Panels Victoria or at Wyndham City Council offices or Melton Shire Council offices.

Hearing arrangements

4. A copy of the timetable for the Hearing is enclosed for your information. All persons requesting to be heard are included on the timetable.

Day 1 of the Hearing will be held on Thursday 3 November 2011 in Hearing Room 1, Planning Panels Victoria, Level 1, 8 Nicholson Street,

East Melbourne. The Hearing will continue on a further (non-consecutive) six days - as indicated on the timetable – concluding on Tuesday 15 November 2011. A Reserve Hearing Day has also been scheduled for Wednesday 16 November 2011. **All Hearing days will commence at 10:00 am.**

A right of reply has been given to the Regional Rail Link Authority as the proponent for this project. This will occur on Day 7.

If for any reason you are unable to be present at the scheduled time, it would be appreciated if you would contact Ms Greta Grivas, Senior Project Officer on 9637 9692 or greta.grivas@dpcd.vic.gov.au as soon as practicable.

Circulation of expert witness reports

5. All expert witness reports must be provided on CD to Greta Grivas at the Planning Panels Victoria office by no later than close of business on Thursday 20 October 2011. Ms Grivas will arrange for the loading of the witness reports onto a web 'drop box' by no later than close of business the following day. Only persons on the attached list will be able to access that drop box as it will allow access by listed emails only. You will be sent an email invitation to access the drop box when it is established. Email notification of documents added to the drop box will also occur.

Five hard copies of witness reports for the Advisory Committee must be provided to Ms Grivas at the same time as the CD is supplied.

Written submissions and other documents to be provided at the Hearing

6. The Advisory Committee already has copies of all submissions received. Further copies of these are not required to be presented at the Hearing.

At least 9 copies of any expanded written submissions or new material must be provided to the Advisory Committee. The Regional Rail Link Authority should provide at least 12 copies.

Submissions and material presented at the Hearing including power point presentations will normally be treated as public documents and made available to other parties unless consent is specifically withheld in advance of the Hearing.

A copy of all material presented at the Hearing will be kept on a table accessible to the public for reading at any time during Planning Panels Victoria office hours.

It would assist the Panel if written material presented at the Hearing is two-hole punched and stapled (not bound). If possible, lengthy submissions should also be provided on disk, preferably in Word format.

Further material requested from RRLA

7. The Committee requests the supply of the following further information and reports by RRLA:
 - Building designs for the Wyndham Vale and Tarneit Stations confirming planned numbers of parking spaces and bus bays.
 - Information concerning the ownership of the rail route and about the acquisition process.
 - The Urban Design Framework for Section 2 referred to on page 10 of the KBR Arup Noise Report.
 - The Upgrade Phases report for traffic volumes on RRL2 referred to on page 5 of the KBR Arup Noise Report.
 - A full copy of the Delivering Melbourne's Newest Sustainable Communities report of which the already provided acoustic report (Acoustic Assessment of Alignment Options of June 2009) is understood to be an appendix.
 - Tender documents for Section 2 or at least rail track cross sections from those documents at points adjacent to submitter properties and cross sections for the narrowest section of the combined reservation for RRL2 and Armstrong Road.

The cross sections should be made available to the relevant submitters by no later than close of business on Thursday 13 October. These are to be provided in electronic format with the precise format to be determined in discussions between the parties.

If tender documents cannot be made available, any requirements that relate to noise management for construction and operation should instead be provided.

- Noise modelling methodology and outputs are to be made available to submitters on request in an agreed format and in sufficient time to allow the material to be reviewed and addressed in witness reports.

Leave is granted to seek further directions on this matter if this direction cannot be met or is not met.

- If made available by the Minister for Planning, the revised Section 1 noise impact management report and noise plan following EPA comment and input; and advice as to whether different analyses were undertaken for Section 1 (including in the revised noise report and plan) and Section 2; and whether any different conclusions were drawn on noise impacts and mitigation.
- Other relevant documentation around noise issues associated with

Section 1.

- Information as to whether any additional rail traffic on RRL2 arising from the mooted passenger (and freight) link to Avalon Airport was considered in the noise impact assessment and if not what the implications might be.
- The ruling grade for the rail line.
- Revised versions of the plans presented at the Project Briefing to show those sections of track at 0-2 metres above ground and corrections to zoning information.
- Plans as above to be presented as a wall map (for use during the Hearing) for the full length of RRL2. The wall map must also show the boundaries of submitters' properties abutting the proposed route. Plans with modelled noise contours should also be provided.

To this end submitters must provide mapped property information to Freehills, lawyers, for RRLA (for attention of Mr Tim Power) by no later than close of business on Thursday 6 October 2011.

- As part of the acoustic evidence to be called, a detailed exposition of of the sources of noise from trains and their operations and the variable attenuation effects of distance on the different noise types.
- Comment on the EPA report on the Section 1 KBR Arup noise impacts report and noise management plan released under FOI and available on the following website <http://www.ffr.footscray.org/report>.
- Details of the location, size and nature of construction work areas, and proposed access arrangements for construction vehicles and equipment.
- The extent of the exemptions for passenger rail noise provided by section 251B of the Victorian *Transport (Compliance and Miscellaneous) Act 1983* including whether stabling yards for passenger trains are exempted. Alternatively whether the stabling yards are subject to SEPP N1.
- The Ecological Management Plan required by the Minister's decision under the *Environment Effects Act* or relevant environmental findings which may affect the siting of any mitigation works. Submissions on the relationship between that plan as may affect the alignment and train operations and our recommendations.

Other information and materials

8. The Committee requests that further information and materials be supplied as follows:
 - RRLA is directed to place a copy of the plans presented at the Directions Hearing on its web site after the changes referred to earlier

in these directions have been made. If this is not technically possible, arrangement to include them in the drop box (as referred to above) should be made with Ms Grivas.

- At the Hearing, the Growth Areas Authority (GAA) and/or RRLA are/is to advise on the joint strategic investigations being undertaken by GAA and others concerning the planning of urban growth areas, the route of the Outer Metropolitan Ring Road and the Regional Rail Link Section 2 (as intended to satisfy Commonwealth EPBC approvals).
- GAA is requested to address the matter of whether Precinct Structure Plans for areas abutting RRL2 envisage/include noise mitigation. Advice concerning measures to be used and charging mechanisms is required.
- Department of Transport (DOT) is requested to provide information concerning future traffic volumes which might be expected on the road overpasses after discussion with VicRoads.
- Wyndham Council is to supply any information available on existing traffic volumes on roads in the vicinity of the proposed rail facility.

The Advisory Committee approach to some key issues

9. The Advisory Committee advises:

- We will be assessing vibration as well as noise
- We take the view that the Committee's task is set by its terms of reference. Accordingly we expect that we will treat the Draft Passenger Rail Noise Policy Framework provided by DOT as a submission or advice.

Submissions are invited as to the role this document should play in our deliberations.

- The Committee expects that detailed recommendations on the cost of noise mitigation measures will be hampered by lack of design detail at this stage of the project. It may be that only comparative or indicative costs can be identified at present.

We are seeking presentations by the parties on this matter and on the responsibility for funding mitigation measures.

Advisory Committee report

10. The Advisory Committee is required by the terms of reference to provide its report to the Minister by no later than eight weeks after the close of any Hearing. Given the delayed start to the Hearing due to the late supply of the Draft Policy Framework by DOT, the deadline for the report is now 11 January 2012. This would necessitate the Advisory Committee working through the Christmas week. We think this is unreasonable and will be

seeking an extension for two weeks.

Site inspection

11. The RRLA is to arrange an accompanied site inspection by the Advisory Committee of the route and adjoining areas on Wednesday 2 November 2011. Travel is to be by bus leaving from outside 8 Nicholson Street at 9:30 am returning at around 3:30 pm or later.

All parties to the Hearing are invited to send a representative. It is recorded that the Growth Areas Authority, Wyndham Council, the Dennis Family, Best Hooper for Seamus Walsh, RRLA, DOT, AAV and DPCD have indicated that they would attend.

Attendances are to be confirmed with Ms Greta Grivas on 9637 9692 or greta.grivas@dpcd.vic.gov.au by no later than close of business on Thursday 27 October 2011.

Those going on the bus are to meet in the ground floor foyer of 8 Nicholson Street prior to 9:30 am on the day.

Communicating with the Panel outside the Hearing

12. Parties are reminded that any correspondence intended for the Panel must be sent to Ms Grivas and copies sent to all other parties. A list of email and post box addresses is attached.

If you have any inquiries about any matter connected with the Hearing or Directions Hearing, please contact Greta Grivas at the office of Planning Panels Victoria on 9637 9692 or greta.grivas@dpcd.vic.gov.au.



Jennifer A Moles
Panel Chair