

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.

- 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

- 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