

14/11/2013
C191**SCHEDULE 10 TO THE DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO10**.

Regional Rail Link Section 2 Rail Noise Attenuation**1.0**14/11/2013
C191**Design objectives**

To reasonably protect bedrooms from the impacts of noise generated by the operation of trains on land designated as the project area for Regional Rail Link Section 2 under Part 4 of the *Major Transport Projects Facilitation Act 2009*.

2.014/11/2013
C191**Buildings and works****Permits**

A permit is not required to construct a building or construct or carry out works other than for:

- Accommodation, a child care centre, a display home, a hospital, a hotel or a tavern.
- An acoustic wall or other acoustic structure that is not part of a building.

A permit is not required to construct a building or construct or carry out works for accommodation, a child care centre, a display home, a hospital, a hotel or a tavern if there is a restriction on the title to the land requiring compliance with the requirement described below.

Requirement

If a building includes a bedroom, the building (and associated works) must be constructed in such a way as to ensure internal bedroom noise levels will not exceed 65 dB L_{Amax} and 40 dB $L_{Aeq,8h}$ for the night period from 10pm to 6am.

A permit may not be granted to construct a building or construct or carry out works which are not in accordance with this requirement.

Exemption from notice and review

An application to construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act if the noise attenuation measures are proposed as part of the affected building.

3.014/11/2013
C191**Subdivision****Requirement**

A permit to subdivide land must require a restriction on titles requiring buildings (and associated works) for accommodation, a child care centre, a display home, a hospital, a hotel or a tavern to be constructed in such a way as to ensure internal bedroom noise levels will not exceed 65 dB L_{Amax} and 40 dB $L_{Aeq,8h}$ for the night period from 10pm to 6am. The restriction may include specific construction requirements to the satisfaction of the responsible authority.

A permit may not be granted to subdivide land which is not in accordance with this requirement.

Exemption from notice and review

An application to subdivide land is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

4.014/11/2013
C191**Application requirements**

An application to subdivide land or to construct a building or construct or carry out works must be accompanied by an acoustic assessment prepared by a qualified acoustic engineer or other suitably skilled person to the satisfaction of the responsible authority. The acoustic assessment must:

- Provide an assessment of noise levels on the land taking into account the likely noise levels associated with the ongoing operation of the Regional Rail Link.
- Include recommendations for noise attenuation measures designed to achieve the internal bedroom noise limits specified in the requirements in this schedule.

An application to subdivide land must also be accompanied by a design response that addresses the recommendations of the acoustic assessment and minimises the number of buildings requiring architectural noise attenuation treatments.

An application to construct, or carry out works for, an acoustic wall or other acoustic structure that is not part of a building must also be accompanied by a plan, elevations and other suitable material prepared to the satisfaction of the responsible authority showing:

- A visually engaging design avoiding the use of a sheer wall on either side of the structure.
- Landscaping along the interface area of the structure to soften its visual impact.

5.014/11/2013
C191**Decision guidelines**

Before deciding on an application to subdivide land or to construct a building or construct or carry out works, the responsible authority must consider, as appropriate:

- Any protection from noise offered by existing and planned built form.
- The degree of noise sensitivity of the proposed use in the building.
- Whether the proposed noise attenuation measures are likely to be effectively maintained over the lifetime of the building or structure.
- The impact of any non-building acoustic structure on the amenity of the area.
- The impact of the subdivision on the amenity and functionality of the area.

Notes:

The extent of the Design and Development Overlay represents land likely to be affected by rail noise of at least 80 dB L_{Amax} .

Reference in this schedule to:

- *A bedroom means a room likely to accommodate a sleeping person on a regular basis including a children's rest area in a child care centre, a hotel room and a hospital ward.*
- *dB means decibels.*
- *L_{Amax} means the maximum A-weighted sound pressure level and is the 95 percentile of the highest value of the A-weighted sound pressure level reached within the day or night.*

- *L_{Aeq}* means the equivalent continuous A-weighted sound pressure level and is the value of the A-weighted sound pressure level of a continuous steady sound that has the same acoustic energy as a given time-varying A-weighted sound pressure level when determined over the same measurement time interval.

Reference: Passenger Rail Infrastructure Noise Policy (Department of Transport, Planning and Local Infrastructure, April 2013)