

FOI EXEMPT AND NOT AVAILABLE FOR PUBLIC INSPECTION.

ORDINARY MEETING OF COUNCIL

10 DECEMBER 2018

19.1 PROVISION OF ACOUSTIC FENCING FOR LOTS IN THE SILVERDALE ESTATE ABUTTING THE WESTERN FREEWAY**Author: Bob Baggio - Manager Planning Services****Presenter: Luke Shannon - General Manager Planning & Development****PURPOSE OF REPORT**

To consider noise and cost assessments relating to the provision of an acoustic fence at the interface between the Silverdale Estate and the Western Freeway.

RECOMMENDATION:

That Council,

1. Not commit to construct the noise wall.
2. Continue to advocate to VicRoads for the provision of an interchange at Bulmans Road/Western Highway and for those works to include the appropriate noise wall.

REPORT**1. Executive Summary**

The Silverdale Estate is a largely developed residential area located at the intersection of Western Freeway and Clarkes/Bulmans Roads.

At the time the permit was issued for the Estate, a requirement was not imposed by Council for the normal provision of an acoustic fence to provide noise mitigation to those properties abutting the Western Freeway.

Council has received a number of complaints from one affected resident in particular about the lack of a fence and requesting that Council construct the fence to address noise issues.

In response, Council has engaged consultants to carry out a noise assessment of the area and cost the provision of the fence. The assessment found that a fence was ultimately required at a cost of around \$2M.

Council therefore needs to make a decision on whether it is prepared to budget for and construct the fence, and if so in what timeframe from a capital works program perspective. Alternatively, Council could elect not to construct the fence, on the basis that at some future point in time when the interchange is required, the provision of the fence may be a responsibility of VicRoads.

2. Background/Issues

At its ordinary meeting on 21 August 2017, Council considered a confidential report on a petition which had been received relating to the lack of an acoustic fence for those properties adjoining the Western Freeway within the Silverdale Estate and the lack of a pedestrian walkway over the Freeway near this area.

Council was advised at the time that it appeared that an error occurred in 2001 when the permit for the subdivision was approved with no requirement imposed for the developer to

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provide the acoustic fence. Consequently it was not provided, and dwellings had been constructed on many of these affected lots.

At the meeting, Council subsequently resolved to:

1. Engage an appropriate consultant to conduct a noise assessment of those properties adjoining the Western Freeway within the Silverdale Estate, and advise the head petitioner accordingly.
2. Receive a further report on the issue following receipt of the assessment.

As a result, officers engaged consultants to prepare a noise assessment and cost the provision of the fence.

Noise Assessment and costs

The Assessment measured existing traffic noise levels and found that they were up to 76 dB(A) in proximity to the affected lots, and without noise mitigation measures, noise levels at the estate were predicted to be up to 79 dB(A) by 2042.

The report concluded that to comply with the adopted noise criterion of 68 dB(A) in accordance with the VicRoads Traffic Noise Reduction Policy, a new noise barrier varying between 5 meters and 3.8 meters in height is recommended along the northern boundary of the Estate as shown on the plan below.



A Quantity Surveyor has also assessed the cost of constructing the acoustic fence at \$1.82M plus GST.

VicRoads has indicated that it is not prepared to meet the cost of constructing the fence, as it should have been a requirement of the original developer.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

3. Council and Wellbeing Plan Reference and Policy Reference

The Melton City Council 2017-2021 Council and Wellbeing Plan references:
3. A well planned and built City: A City with a clear vision to manage growth in a sustainable and accessible way
3.1 A City that strategically plans for growth and development.

4. Financial Considerations

Should Council decide to construct the acoustic fence, then it will be responsible for the associated costs, which as previously mentioned is in the order of \$2M.

5. Consultation/Public Submissions

None.

6. Risk Analysis

- The risks for Council are as follows:
- Financial – should it decide to fund the construction of the fence.
 - Reputational – should the Council decide not to fund the fence and continues to receive resident complaints.
 - Legal – should affected residents elect to initiate legal action against Council for not providing appropriate noise mitigation.

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7. Options

Council could either:

1. Elect to construct the fence and budget accordingly. Should Council choose to do so the planning and cost could be phased as follows.
 - 19/20 Community consultation and design.
 - 20/21 and 21/22 construction over 2 financial years with a budget allocation of \$1M over each financial year.
2. Engage in further discussions with VicRoads to determine a possible timeframe for the construction of the adjoining interchange, and whether VicRoads would construct the fence. It is noted that a previous review of freeway access and capacity shows the interchange a medium term priority (5 -15 years).

LIST OF APPENDICES

Nil