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Division: Infrastructure and Services
Policy at a glance

Our aim
The Freight Noise Attenuation Program (FNAP) aims to minimise the impact of freight rail noise on homes and some sensitive use community buildings adjacent to NSW Government managed rail corridors.

Our plan
Transport for NSW (TfNSW) aims to reduce the impact of freight rail noise by installing noise-reducing treatments in eligible homes and buildings. These treatments include:

- Installation of new or upgraded windows
- Installation of new or upgraded external doors
- Enclosing or sealing gaps, vents and openings, where practical
- Installation of ventilation systems to allow for the circulation of fresh air when windows are closed.

TfNSW will prioritise treatments based on exposure to night time freight noise, and will consider value for money.

The program will be delivered by a panel of suitably qualified service providers under contract to TfNSW.

The scope
The program is currently focused on the NSW Government managed freight rail corridor in an area bounded by Newcastle in the North, Lithgow in the West, and Nowra in the South. To be eligible for the program, homes must meet criteria related to:

- The rail noise level at the residence.
- The building structure and its date of construction.

Further information about the eligibility process is outlined in this document.

Overall Rail Noise Strategy
The New South Wales (NSW) freight rail network plays a vital role in supporting our economy and reducing congestion on our roads. To address impacts from freight rail noise, particularly at night, TfNSW is implementing Strategic Noise Action Plan (SNAP). The SNAP includes three complimentary streams:

- Reducing noise from freight trains at source.
- Ensuring rail noise is addressed at the planning stage of new developments and infrastructure.
- Addressing existing rail noise impacts through the Freight Noise Attenuation Program.

Further information about SNAP is outlined within this document.
1. The FNAP process

1.1 The FNAP application
   - The applicant submits a FNAP application form to TfNSW.

1.2 Determining eligibility
   - TfNSW will assess the applicant’s FNAP application against the eligibility criteria, including noise level and type of building.

1.3 Prioritising the work
   - TfNSW will prioritise work focusing on the most noise affected homes first.

1.4 Catchment area
   - Eligible properties will be grouped into catchment areas which will be treated in order of noise level.

1.5 Undertaking the work
   - TfNSW will engage a Works Coordinator and a Building Services Provider to deliver treatment work across the catchment area.

1.6 Resolving disputes
   - TfNSW will resolve issues in accordance with the dispute procedure.
2. The FNAP application process

Homeowners can apply to have their home included in the program by sending in a completed application form to TfNSW.


The FNAP team will process the application by registering the details into the FNAP database and will respond with a FNAP identification number within 20 business days of receiving the application.

2.1 Determining eligibility

To be eligible for the program, the dwelling must be:

- Exposed to external rail noise levels above 70dBA during the day ($L_{Aeq(15\text{hour})}$ 7am to 10pm) or 65dBA during the night $L_{Aeq(9\text{hour})}$ 10pm to 7am). TfNSW determine these levels by measuring rail noise levels across the network. If the dwelling is not near any previous noise monitoring locations or within a designated catchment area then further noise monitoring may be undertaken.

- Classified as an occupied residence or other noise sensitive land use according to accepted definitions across government.

- Not part of a building that is more than 3 levels above the ground, as these buildings are not eligible under the program.

- Not part of a development that was approved after 1 January 2009 because these homes should have been built to meet internal noise limits in line with the State Environmental Planning Policy (Infrastructure).

2.2 Cost sharing

Treatment is free provided the applicant has owned the dwelling for 7 years or more at the time of offer. If the dwelling has been owned for less than 7 years, TfNSW will offer building treatments on a cost-sharing basis as outlined below:

<table>
<thead>
<tr>
<th>Ownership length (at the time of the treatment offer)</th>
<th>Owner contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–2 years</td>
<td>85%</td>
</tr>
<tr>
<td>2–3 years</td>
<td>70%</td>
</tr>
<tr>
<td>3–4 years</td>
<td>55%</td>
</tr>
<tr>
<td>4–5 years</td>
<td>35%</td>
</tr>
<tr>
<td>5–6 years</td>
<td>20%</td>
</tr>
<tr>
<td>6–7 years</td>
<td>10%</td>
</tr>
</tbody>
</table>

If the dwelling is sold after the applicant applies for building treatments, TfNSW will calculate the owner contribution as if the ownership has not changed provided the initial application was not withdrawn.
3. Prioritising the work

3.1 Exposure
Treatment is offered to all the eligible homes in a particular catchment area. TfNSW gives priority to catchments with the highest night time $L_{Aneq}$ noise levels.

3.2 Geography
The geographical extent of a catchment area may be limited by:

- Changes to how the land is used (such as residential to commercial).
- An elevation change compared to adjacent properties (including where the rail line goes into a cutting or behind a noise barrier).
- A major road dividing the neighbourhood.
- A railway station.
- A council boundary.
- Natural features such as creeks or reserves.

3.3 Budget constraints
The program has an annual budget of up to $5 million which allows up to 200 homes to be treated. This is why treatments are prioritised, and this is why some eligible homes are not treated for some years.

3.4 Application Date
Once work in a catchment area is completed, it is unlikely that the program will revisit that same area for some time even if an application is received. This is to minimise mobilisation costs and ensure the program is delivering value for money. If an applicant rejects a treatment offer and then re-applies after works in a catchment area are complete, or they fail to submit an application until the works have moved on from their area, then treatments may not be able to be undertaken for several years.
4. Undertaking the work

The treatments offered under FNAP have been proven to substantially reduce freight rail noise impacts. Treatments are restricted to habitable rooms. To receive treatment, the dwelling must be in a reasonable condition, and the owner is responsible for fixing any issues before treatment can commence. The cost of building treatments will not exceed a cap of $30,000 per dwelling (2015 dollars) including all labour and materials. This cost is indexed to Consumer Price Index from the FNAP inception in 2015.

4.1 Works Coordinator

TfNSW will engage a Works Coordinator to:

- Review each catchment area and confirm which dwellings are eligible.
- Confirm ownership of all eligible dwellings through land title information.
- Contact the home owners in writing and in person to introduce the program.
- Explain cost sharing arrangements, if applicable.
- Together with the Building Services Provider, visit each eligible dwelling and scope the proposed treatment, and then capture the agreed scope in a Dwelling Report.
- Provide the home owner with a Your Works Deed which outlines the proposed building treatments.
- Manage the work with regular reports to TfNSW.
- Certify works are complete and document this for TfNSW.
4. Undertaking the work cont…

4.2 Builder Services Provider

TfNSW will engage a Building Services Provider to:

- Assist the Works Coordinator to scope the proposed treatments for the property.
- Work with the homeowner to arrange access to the property to complete the treatment works.
- If required, manage asbestos in line with the Work Health and Safety Regulation 2011 and WorkCover policies and fact sheets.

Throughout the process, the Building Services Provider provides regular reports to the Works Coordinator about their progress.

4.3 Completing the works

Once the works have been completed, the Building Services Provider will ask the homeowner to sign an acceptance certificate. The certificate is confirmation that the homeowner is satisfied with the work that has been delivered in accordance with the Your Works Deed.

The homeowner is under no obligation to sign the acceptance certificate until the agreed works have been delivered.
5. Resolving disputes

5.1 Our procedure
If you raise an issue or dispute relating to the process, we will address it in a fair, objective and unbiased manner, in line with our Dispute Handling Procedure.

The guiding principles for complaint and dispute handling are:

- We will advise all applicants and participants how to complain or raise a dispute.
- We respect the applicant’s or participant’s right to complain, and we will treat them with respect.
- We will make our best effort to resolve all complaints within the time specified in the procedure.
- We will maintain a log of issues and disputes.
- We will handle unreasonable complaints in line with the NSW Ombudsman’s Managing Unreasonable Complainant Conduct Practice Manual.

5.2 Escalating disputes
Under our procedure, we must escalate disputes when:

- The dispute cannot be resolved within the agreed timeframe.
- The applicant or participant requests to speak to a higher-level manager.
6. Policy Context

NSW communities are concerned about freight train noise. The NSW Freight and Ports Strategy identify the need to address this in a comprehensive and holistic way. In response, TfNSW developed the Strategic Noise Action Plan (SNAP) with the Environmental Protection Authority (EPA), NSW Health and the Department of Planning and Environment.

The SNAP outlines three strategies to reduce rail freight noise:

1. Reduce noise at source (such as locomotive noise and wheel squeal).
2. Minimise the impact of freight rail noise on residents and sensitive land uses.
3. Minimise the impact of increased rail noise through new development controls for land next to rail corridors and facilities.

The Freight Noise Attenuation Program (FNAP) is part of the second SNAP strategy.

6.1 Relevant policies

When developing the FNAP, TfNSW considered:

- Guidelines for noise attenuation developed by the EPA with Sydney Trains and the Australian Rail Track Corporation.
- The Roads and Maritime Service Noise Abatement Program for properties next to major roads.
- Different noise attenuation methods and their cost effectiveness.
- Studies of noise levels next to rail lines and the types of noise generated by freight trains.
- Complaints from the community about rail noise.
- Results of trials and testing of procedures, systems and treatments.

In the broader policy context, TfNSW also considered:

- Rail Infrastructure Noise Guideline, EPA 2013, which specifies noise triggers for heavy rail projects.
- Development Near Rail Corridors and Busy Roads—Interim Guideline, Department of Planning, 2008, which provides guidance on how to achieve specified internal noise levels in the State Environmental Planning Policy (Infrastructure) 2007.

6.2 Privacy statement

TfNSW will also comply with the privacy principles set out in the Privacy and Personal Information Protection Act 1998 (NSW). TfNSW will hold any personal information at 18 Lee Street, Chippendale NSW 2008. People generally have the right to access and correct their personal information - please contact privacy@transport.nsw.gov.au.

6.3 Breaches of this policy

Breaches of this policy are taken seriously and TfNSW will follow all internal procedures to ensure that is followed appropriately.
# 7. Policy definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acceptance Certificate</td>
<td>Part of the Your Works Deed that is signed by both the homeowner and the Building Services Provider once the treatment works have been completed.</td>
</tr>
<tr>
<td>Applicant</td>
<td>A person who lodges an Application Form under the FNAP process.</td>
</tr>
<tr>
<td>Building Services Provider</td>
<td>A service provider who is contracted to carry out building treatments in accordance with the Dwelling Report developed by the Works Coordinator.</td>
</tr>
<tr>
<td>Catchment area</td>
<td>A defined area containing residences or other sensitive land uses that have been identified as potentially eligible for the FNAP.</td>
</tr>
<tr>
<td>Dwelling</td>
<td>An occupied residence or other sensitive land use. The policy excludes short-term rental accommodation and holiday homes.</td>
</tr>
<tr>
<td>Dwelling Report</td>
<td>The building treatments proposed for an individual eligible dwelling, as prepared by the Works Coordinator.</td>
</tr>
<tr>
<td>FNAP database</td>
<td>This database contains property details for applications received as part of the FNAP process and their current status.</td>
</tr>
<tr>
<td>Habitable room</td>
<td>A bedroom, living room, family room or study. Non-habitable rooms include kitchens, bathrooms, laundries and garages, and these are not covered under the policy, unless the non-habitable room opens directly onto an eligible habitable room.</td>
</tr>
<tr>
<td>L\text{Aeq}</td>
<td>The Equivalent Continuous Noise Level. This may be likened to an 'average noise exposure' over a defined period.</td>
</tr>
<tr>
<td>Noise exposed</td>
<td>The external side of a habitable room that faces the rail corridor.</td>
</tr>
<tr>
<td>Homeowner</td>
<td>The person of an eligible dwelling authorised to make decisions about entering into contracts for treatment works the dwelling, including representing the building’s Owner Corporation if applicable.</td>
</tr>
<tr>
<td>Participant</td>
<td>The authorised person representing an eligible dwelling that is participating in the program. Participants must own the residence or sensitive land use, or have authority to approve the noise-attenuating treatments, such as a person representing the building’s Owners.</td>
</tr>
<tr>
<td>Program manager</td>
<td>The person who provides overall management of the program.</td>
</tr>
<tr>
<td>Your Works Deed</td>
<td>The contract between the Participant, the Building Services Provider and TINSW that enables the treatment to be undertaken. All parties must sign the document before the work can start.</td>
</tr>
<tr>
<td>Works Coordinator</td>
<td>The contracted service provider engaged by Transport for NSW to develop the Dwelling Report and manage the Building Services Provider.</td>
</tr>
</tbody>
</table>
# 8. Authority and document control

## 8.1 Roles and responsibilities

<table>
<thead>
<tr>
<th>Role</th>
<th>Accountability</th>
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</thead>
<tbody>
<tr>
<td>Transport for NSW</td>
<td>• Overseeing the overall delivery of FNAP.</td>
</tr>
<tr>
<td></td>
<td>• Policy Owner.</td>
</tr>
<tr>
<td></td>
<td>• Reviewing and monitoring KPIs.</td>
</tr>
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<td></td>
<td>• Reporting on progress.</td>
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<tr>
<td></td>
<td>• Providing subject matter expert advice to different groups/stakeholders.</td>
</tr>
<tr>
<td></td>
<td>• Handling disputes.</td>
</tr>
<tr>
<td></td>
<td>• Paying service providers.</td>
</tr>
<tr>
<td></td>
<td>• Maintaining records.</td>
</tr>
<tr>
<td></td>
<td>• Updating the FNAP database.</td>
</tr>
<tr>
<td></td>
<td>• Processing FNAP applications.</td>
</tr>
<tr>
<td>Works Coordinator</td>
<td>• Contacting the homeowner.</td>
</tr>
<tr>
<td></td>
<td>• Liaising and corresponding with participants.</td>
</tr>
<tr>
<td></td>
<td>• Developing Dwelling Reports.</td>
</tr>
<tr>
<td></td>
<td>• Managing the treatment works.</td>
</tr>
<tr>
<td></td>
<td>• Reporting progress to Transport for NSW.</td>
</tr>
<tr>
<td></td>
<td>• Supervising building works.</td>
</tr>
<tr>
<td></td>
<td>• Checking and reporting works completion.</td>
</tr>
<tr>
<td>Building Services Provider</td>
<td>• Completing treatments in line with the Dwelling Report.</td>
</tr>
<tr>
<td></td>
<td>• Ordering materials as required.</td>
</tr>
<tr>
<td></td>
<td>• Liaising with participants and occupants for access to the dwelling.</td>
</tr>
<tr>
<td>Participant</td>
<td>• Submitting application.</td>
</tr>
<tr>
<td></td>
<td>• Liaising with the Works Coordinator and Building Services Provider.</td>
</tr>
<tr>
<td></td>
<td>• Providing timely access to the dwelling.</td>
</tr>
<tr>
<td></td>
<td>• Financially contributing to works if required.</td>
</tr>
<tr>
<td></td>
<td>• Approving and accepting treatment works.</td>
</tr>
</tbody>
</table>