



**Whitehorse City Council**

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Mr Jim Waller  
Executive Program Director  
North East Link  
Victorian Infrastructure Delivery Authority  
Via email: [contact@bigbuild.vic.gov.au](mailto:contact@bigbuild.vic.gov.au)

Dear Mr Waller

**Planning Scheme Amendment GC271**

Thank you for the opportunity to comment on the proposed realignment of the North East Link Program project boundary through the proposed Planning Scheme Amendment GC271.

Whitehorse Council (Council) has reviewed the exhibited documentation and provides the following comments in relation to the following sites:

- *W1 – Koonung Creek Parkland near Jocelyn Avenue*
- *W2 – Tram Road Reserve and Koonung Creek Linear Park near Eram Park*
- *W3 – Koonung Creek Reserve near Wetherby Road*

Council notes that the primary purpose of the proposed project boundary realignment is to facilitate flood mitigation and water management infrastructure.

In principle, Council supports infrastructure that will improve flood protection outcomes for private properties, community infrastructure and public open space.

The Planning Scheme Amendment (PSA) documentation explains the proposed works at a high level, which is understood given the current stage of project design development. However, the limited detail provided makes it difficult for Council to fully understand and assess the potential impacts associated with the proposed boundary realignment and how the land will be reinstated.



Council officers acknowledge the discussions held to date with the Victorian Infrastructure Delivery Authority (VIDA) and look forward to continued engagement as the designs progress.

### **Asset management**

The PSA documentation does not identify the ultimate ownership or management responsibilities for *any* infrastructure proposed within the revised project boundaries.

Council therefore assumes that, unless otherwise agreed through the established asset allocation process, any proposed infrastructure will *not* become an asset owned and/or managed by Council. Further; it will not detrimentally impact or encumber surrounding Council land, assets and/or infrastructure.

### **Council land**

Page 7 of the *Strategic Assessment Report* states that the proposed project area is required to *“facilitate future land access, occupations, land and easement divestments necessary for the operational phase of the Project”*.

Within the Land Use Planning section for each of the three sites in Whitehorse, the report further states that *“construction will not require the permanent acquisition of residential properties, open space or public conservation land, and therefore will not result in permanent changes to land use or land use character”*.

Council notes that the construction of above-ground infrastructure within Council-owned land will result in permanent physical landscape and usage changes.

Given the absence of dimensions or detailed design information within the PSA documentation, Council is unable to determine the full extent of any permanent impacts to Council land such as whether any divestments, easements or other access arrangements may be required.

The full implications of the proposed amendment on Council owned land is therefore currently *unknown*. Council requires as a matter of priority, more specific information be provided in relation to the proposed works associated with this land.

### **Vegetation removal**

Council is particularly concerned about the extent of vegetation removal required to facilitate the proposed infrastructure works.

Tree removals as a result of this PSA is therefore *not supported* by Council.



Significant vegetation removal has detrimentally affected the City of Whitehorse municipality as a result of North East Link Project, with significant numbers of vegetation *already* removed and place quality *heavily* impacted.

Vegetation removal has been identified across all three sites within the City of Whitehorse as part of the PSA.

The PSA documentation *does not* quantify the extent nor specifics of the removals proposed, the condition nor full extent of the vegetation being impacted, and existing arboriculture conditions. The flora and vegetation related Environmental Performance Requirements (EPR) *does not* give Council comfort that the environmental impacts of the works will be appropriately managed and/or compensated.

The classifications of affected vegetation not being identified, heavily limits Council's ability to comprehensively understand whether the vegetation is comprised of:

- Amenity trees subject to replacement requirements under EPR AR3.
- Native vegetation subject to alternative EPR requirements.
- Mature and existing vegetation that if removed, significantly affects local biodiversity and habitat.

It is therefore requested that any tree removed is replaced with at least two trees of suitable specie, maturity and size within the City of Whitehorse - regardless of its classification of amenity tree or native vegetation.

Without more specific information provided to Council as a matter of priority and being assessed as part of this PSA, Council is unable to adequately assess the environmental impacts associated with the proposed Amendment.

### **Fauna**

The Strategic Assessment Report identifies Sites W2 and W3 as potential habitat for the *Gang-Gang Cockatoo*, which was recently listed as a Matter of National Environmental Significance under the Environment Protection and Biodiversity Conservation Act 1999.

Council acknowledges that VIDA is currently undertaking further assessments regarding the potential impacts of the proposed works on both habitat and the species itself. However, as these assessments have not yet been completed, the extent of potential impacts remains unknown.

This is therefore considered unacceptable and makes this Amendment premature.



The Amendment should not be approved until these investigations are completed and fully understood, so relevant habitat recommendations are implemented as part of the Amendment.

### **SCO12 Application and Public Open Space Impacts**

The exhibited material describes the Amendment as facilitating ancillary and temporary works, including flood mitigation, utility installation, temporary construction access, vegetation removal and shared use path upgrades.

Council however, is concerned that the application of SCO12 is significantly broader than the works identified in the PSA documentation.

Once applied, SCO12 would enable use and development of the affected land in accordance with the North East Link Incorporated Document. This essentially authorises works beyond those currently described, creating uncertainty about the full extent and impact of future works on affected land enabled.

This is deemed unacceptable.

Council is also concerned that the proposed SCO12 mapping does not provide sufficient clarity regarding the exact land parcels and areas affected. The extent of land proposed to be included within SCO12 is not clearly justified. For example, at *Site W2 (Tram Road Reserve and Koonung Creek Linear Park, Box Hill North)* and *Site W3 (Koonung Creek Reserve near Wetherby Road, Blackburn North)*, broader areas appear to be included within the overlay despite only limited sections being identified for potential temporary and permanent works.

Council is *further* concerned that the timeframe for the proposed “temporary” works is unclear.

The documentation does not specify whether the works are short-term, required for the duration of construction, or ongoing for the life of the project. This creates uncertainty regarding the duration of impacts on public open space and surrounding communities.

Council seeks clearer justification for the inclusion of land not directly required for the proposed works and that the extent of SCO12 be reduced.

In addition, noting that much of the affected land is currently zoned Public Park and Recreation Zone (PPRZ), Council is concerned that the proposed works may result in a prolonged or permanent reduction in the accessibility and function of public open space.



Council therefore seeks clarification on how any effective loss of open space will be addressed, including whether offset measures such as land return or land swap will be considered to ensure no net loss of usable public open space.

### **Community consultation**

Council acknowledges and appreciates the meetings that our Officers have participated in with VIDA regarding this PSA.

It is understood that consultation for the amendment has been limited to residents within 50 metres of the affected sites and has not been broadly promoted to the wider community.

Council considers this level of engagement to be *insufficient and inconsistent* with the transparent provision of information necessary to enable meaningful community feedback and inform Ministerial decision-making. The notification zone by VIDA and contractors for general North East Link project updates extends well beyond 50 metres of the work sites and it therefore is an inconsistent and unsatisfactory approach for this PSA.

The impacts to the community on access to open space and loss of vegetation are reason enough to undertake wider engagement on this Amendment.

### **Council's position**

Council acknowledges the need to provide sufficient space to deliver infrastructure that will reduce flooding risks to private properties, community infrastructure and open space. However, Council considers that insufficient information has been provided to enable the impacts of the proposed works to be fully understood and assessed. Accordingly, Council considers that the exhibition of this PSA is premature.

Given the significant environmental, social, amenity and land use concerns associated with the broader North East Link alignment within the City of Whitehorse, Council is unable to support the PSA, until further information is provided and considered regarding the impacts and management of the following matters:

- The number, type and classification of vegetation proposed to be removed and replaced.
- The extent of permanent impacts to Council-owned land, including divestments, easements or other access arrangements.
- Ownership and ongoing management responsibilities for proposed infrastructure assets.
- Impacts on the habitat of the *Gang-Gang Cockatoo*.
- Reinstatement plans for Council land.



- Site-specific detail on the nature, extent, location and duration of proposed works.

Further, we ask for:

- A reduction in the extent of SC012.
- A significant reduction in vegetation loss.
- Replacement open space for areas affected by proposed infrastructure as a result of this Amendment.
- Assurance the future functionality of the open space areas are not negatively impacted by the proposed works.
- Assurance that the infrastructure works will not become the responsibility of Council.

Thank you for considering Council's concerns regarding this PSA.

Should you require further information, please feel free to contact me.

Yours sincerely



Jeff Green  
**Director, City Development**

