

**SUBMISSION
ON
NORTH EAST LINK PROJECT:
ENVIRONMENT EFFECTS STATEMENT
WORKS APPROVAL APPLICATION
AND
DRAFT PLANNING SCHEME AMENDMENT**

**ON BEHALF OF:
BANYULE CITY COUNCIL
BOROONDARA CITY COUNCIL
AND
WHITEHORSE CITY COUNCIL**

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1. INTRODUCTION

- 1.1 This submission is made on behalf of Banyule, Boroondara and Whitehorse City Councils (collectively, **the Councils**).
- 1.2 This submission respond to the exhibited Environment Effects Statement (**EES**) and supporting documents, draft planning scheme amendment GC 98 and the draft works approval. It is noted that the North East Link Project (**Proponent**) has purported to amend the exhibited EES by the publication of additional and materially different material on its website as “Information Updates” during the EES submission period. The Councils are unable to consider and make submissions in relation to the additional material that was not exhibited with the EES in the time available. These submissions do not respond to the additional information or purported amendments.
- 1.3 The overarching position of the Councils is that the North East Link Project (**Project**) the subject of the EES should not be approved.
- 1.4 For unknown reasons, the Project Proponent and the State of Victoria have adopted a convoluted process of approval, comprising an inquiry under the *Environment Effects Act (EE Act)*, an advisory committee under the *Planning and Environment Act (PE Act)* and the advertisement of the draft works approval under the *Environment Protection Act (EP Act)*, and then considering and issuing each individual approval required under a myriad of Acts.
- 1.5 Rather than employing the streamlined process for approval contemplated by the *Major Transport Project Facilitation Act (MTPFA)*, the Government has preferred to establish a process for approval for the Project, as it has done in all cases concerning major infrastructure since the East West Link, which is circular and nebulous, which does not result in overall approval of the Project under all legislation, but which on any view requires consideration of the same subject matter. That said, whether the approvals pathway chosen is lawful or appropriate is not the subject of these hearings.
- 1.6 There are many aspects of the approvals pathway which have been chosen here which are, or may in the future, be open to challenge. It is not the role of the Inquiry and Advisory Committee (**IAC**) to determine or even consider many of those legal questions in these hearings.
- 1.7 For present purposes, the Councils recognise the ability of the Minister to invoke the provisions of the EE Act, and to appoint an Advisory Committee under the PE Act to provide advice to the Minister on any matter in respect of which the Minister considers that advice is required. The validity of any decision made by the Minister (or any other statutory agency) will, of course, at least in part, depend upon the scope of the advice sought, the utility of the answers given and ultimately, what is subsequently done with the advice.
- 1.8 The Councils participate in these hearings reserving their rights in all respects in relation to the manner in which this process has been conducted to date, and in respect of any decisions about the Project which might be made in the future.
- 1.9 The IAC has been charged with three responsibilities:
- 1.9.1 to conduct an inquiry in relation to the EES, which will form part of the Minister’s assessment of that EES; and
 - 1.9.2 to conduct an advisory committee hearing in relation to draft planning scheme amendment GC98 which is intended to be introduced by the Minister, under section 20(4) of the PE Act, assuming the exercise of such a power is or would be lawful; and
 - 1.9.3 to consider the works approval required under the EP Act.

- 1.10 The purpose of these submissions is to persuade the IAC that it should advise the Minister that, whether or not a “north east link” is a good idea in general terms, the decisions which have been made to date about the location and form of the Project described in the EES are misguided, based on biased, incomplete and incorrect data, reports and information and unfairly impose too great a burden on the environment and the people who live in the areas most affected than the alleged and overstated benefits of the Project justify.
- 1.11 Paragraph 31(b) of the IAC Terms of Reference dated 11 April 2019 (**Terms of Reference**) states that the IAC’s report to the Minister must contain the IAC’s:
- ...findings as to the capacity of the Project to achieve acceptable environmental outcomes having regard to the **legislation, policy, best practice and the principles and objectives of ecologically sustainable development**. [emphasis added].
- 1.12 It is open for the IAC to reach a conclusion that the Project as described in the EES **does not** have the capacity to achieve acceptable environmental outcomes, nor give effect to the principles and objectives of ecologically sustainable development (**ESD**) or the decision making principles in the *Transport Integration Act* 2010 (**TI Act**).
- 1.13 The Project is large, and not all of the issues raised by the Councils can be fairly described as fatal flaws. Assuming the Project is to proceed, some of the matters raised by the Councils could be addressed by changes in design or in some instances by more robust environmental performance measures (**EPRs**).
- 1.14 That said, there are aspects of the Project which raise fundamental concerns about the acceptability of the Project.
- 1.15 Whether the Project should be the subject of any approval by the Minister is dependent upon the answer to two broad questions:
- 1.15.1 can the Project be constructed in a way which achieves an acceptable level of environmental performance; and
- 1.15.2 related to the first question, on balance, does the grant of approval for the Project here result in a net community benefit, accepting the level of environmental and other damage and degradation which will be caused by the Project?
- 1.16 The Councils answer both questions in the negative, and state that on the material presently available, the IAC:
- 1.16.1 cannot be satisfied that the Project will adequately resolve the environmental issues that, on a proper analysis, arise as a result of this project; and
- 1.16.2 the benefits which are said to flow from the Project are not proven and even if proven are not sufficient to justify the environmental and other costs of the Project.

Assessment of effects

- 1.17 The IAC is obliged to assess whether this Project responds adequately to the *Transport System Objectives and Decision Making Principles* of the TI Act. The statutory framework, together with the Terms of Reference, means that the IAC is also required to give detailed consideration to whether the Project will have acceptable environmental outcomes, having regard to, among other things, the principles of ESD.
- 1.18 The focus of the forthcoming hearings, as described by the Terms of Reference is to examine the Project as defined by the EES, examine the environmental effects of the Project as so defined, and to make recommendations directed to the way in which the effects might be appropriately managed. However, the Councils say that there are effects that, when properly identified, cannot be appropriately managed. If an effect cannot be appropriately

managed and that effect (in combination with other effects) is a matter of significance, then there comes a point at which the IAC cannot be satisfied that the project will result in a net community benefit. If the IAC should so conclude, then, regardless of any efforts in the Terms of Reference to exclude a “no project” outcome, the IAC is obliged to recommend that draft amendment GC98 should not proceed.

- 1.19 The Project passes through the municipal area of each of the Councils at critical points. At each point the Project gives rise to specific concerns for each Council respectively. A high-level summary of each Council’s specific concerns on matters that are not otherwise addressed in the body of this submission are set out for Banyule City Council at Schedule 2, for Boroondara City Council at Schedule 3 and for Whitehorse City Council at Schedule 4 of this submission.
- 1.20 That said, the Councils share a universal view that the Project, taken as a whole, cannot be justified.
- 1.21 In this context, the selection of Corridor A as the premise for the Project is, itself, the subject of significant concern.
- 1.22 The Councils have joined together to explain why they consider the Project described in the EES should not be approved.
- 1.23 The following represents a brief overview of what the Council’s regard as either significant deficiencies in the current Project, or otherwise fundamental concerns as to whether the Project is actually the right project to solve what the Government has identified as the problem.
- 1.24 In the **Southern Section**:
 - 1.24.1 the Project presents an unacceptable risk to the ecological integrity of the Yarra River Floodplain, the Bolin Bolin wetlands and the Koonung Creek, which taken together comprise areas of highly valued environmental, social and cultural significance;
 - 1.24.2 the design of the interchange with the Eastern Freeway is an inappropriate design response which presents unacceptable environmental, social and urban design impacts, including the loss of regionally important sporting facilities in the area. Potential design and alignment changes that would avoid some of the impacts associated with elevated structures and provide greater flexibility for retention of regional sporting facilities located in the area are not given sufficient consideration as alternatives in the EES. The impact on regional sporting facilities, the land extensive nature of the interchange and the urban design implications of the elevated roadways are regarded as a “cost of doing business” and must be accepted. The Councils challenge this premise.
- 1.25 In the **Northern Section**:
 - 1.25.1 the open trench design of the section between Grimshaw Street and Lower Plenty Road will further divide the community of Watsonia which will significantly affect the liveability and social cohesion of this area. It will also have significant environmental impacts, particularly in the vicinity of the Simpson Army Barracks and the Yarra River Floodplain, and should be reconsidered. It has no benefits to the community, other than it being a cheaper, rather than a better, solution;
 - 1.25.2 the proposed tunnel can be extended from between Lower Plenty Road through to a short distance south of Grimshaw Street;
 - 1.25.3 the design of the interchanges at Lower Plenty Road, Grimshaw Street and the M80 are unacceptable. They are unnecessarily land extensive and present poor

urban design outcomes which will have significant environmental and social effects that are hard to quantitatively measure, let alone manage;

- 1.25.4 no consideration has been given to whether there are opportunities to rationalise and gain efficiencies by reduction of infrastructure duplication between the M80 Ring Road and Lower Plenty Road;
- 1.25.5 insufficient consideration has been given to the impact on the Watsonia Activity Centre, and the way in which access and egress arrangements for motor vehicles and public transport will interact. Watsonia as a suburb was divided by the construction of an at-grade Greensborough Highway and the Project will further exacerbate the existing and unsatisfactory division of Watsonia; and
- 1.25.6 there are several local roads that will be terminated, redirecting vehicle trips via other local roads for traffic accessing arterial roads.

1.26 The **Eastern Freeway Upgrades:**

- 1.26.1 are clearly and unambiguously oversized for their stated purpose. Here a proper projection of future demand demonstrates that the full extent of the upgrades are not a necessary response to the project which is the subject of the EES;
- 1.26.2 the Councils will lead evidence that an alternative design can be advanced that is superior from an urban design point of view, but that will also save several hectares of open space along Koonung Creek (based on the modelled volumes in the EES);
- 1.26.3 the only way in which the proposed 2036 Project Case traffic volumes could be justified is if there was some additional source of future traffic generation. The EES does not specify any other projects, nor consider their environmental impact. If the proposed upgrades are not necessary for the Project the subject of the EES, then the only conclusion that can be reached is that the environmental impacts associated with the upgrades are not justified. If, on the other hand, the proposed upgrades are intended as preparatory for some future, as yet unstated project, then the true intentions of the designers should be made clear and the merit or otherwise of such a project should be the subject of assessment;
- 1.26.4 the Project Case traffic volumes will cause or contribute to the need to duplicate the existing EastLink Tunnels (Melba and Mullum Mullum) which has been excluded from the transport modelling. It is not plausible that the traffic volumes on the Eastern Freeway can increase by the stated amounts by 2036, without a corresponding increase in system capacity within the East Link tunnels. The need to duplicate those tunnels is a relevant consequential effect of the Project. The cost of such a project and the land use implications must be examined carefully.

1.27 **Overall:**

- 1.27.1 the engineering design of the project described in the EES is an outcome which demonstrates the absence of sufficient scope of involvement in the design process of urban designers or landscape architects. It is an engineer's solution; and
- 1.27.2 the Project will result in ongoing and significant environmental impacts associated with noise, overshadowing, air emissions and secondary road congestion.

Adequacy of the EES

- 1.28 In any process of environmental approval, the nature, quantity and quality of information is critical to understanding the true nature of the environmental impacts of a project. In this

case, the nature and quality of the analysis to date is insufficient to found a conclusion about the extent of the environmental impact of the Project. This shortcoming represents a fundamental flaw in the EES.

1.29 Section 21 of the TI Act articulates the Principle of Transparency as follows:

The principle of transparency means members of the public should have access to reliable and relevant information in appropriate forms to facilitate a good understanding of transport issues and the process by which decisions in relation to the transport system are made.

1.30 This principle has not been satisfied in relation to this Project as the EES lacks adequate information to enable a proper analysis of its impacts. The Councils have been engaging with the Proponent for a significant period of time regarding this Project and have made numerous requests for information – much of which has not been received.

1.31 In substance, the Councils are concerned that the true effects of the Project are either:

1.31.1 unknown, because they have not been thoroughly investigated, or if they have, the investigation and analysis is not evident in the EES; or

1.31.2 so potentially serious, and simultaneously uncertain, that there can be little confidence that the effects can be adequately managed by so called “performance measures”.

1.32 The assessment of the true effects of the Project are made that much more complex, by the fact that the Project itself is no more than a “reference design”. This complexity is compounded by the need to prepare “performance measures” to prescribe the outcomes sought to be achieved, the details of which are not yet known. The Government wants this project to be granted a planning permit (in the form of an incorporated document) whilst not being bound to the advertised plans.

1.33 Even if it can be said that, properly drafted, performance measures can, in theory, adequately circumscribe acceptable environmental outcomes in some cases (i.e. water quality, or noise), they are virtually useless in describing with any certainty, qualitative environmental outcomes such as might flow from urban design impacts.

What are the benefits of the Project? Are the environmental and other costs worth it?

1.34 The asserted travel time savings are a considerable factor in the calculus of benefit which is said to support the Project. They are significantly overstated.

1.35 Even assuming that they are not overstated, any assessment of net benefit requires:

1.35.1 proper identification of benefits, or put another way – not counting as a benefit something which is either neutral or in truth no benefit at all; and

1.35.2 a proper and rigorous bringing to account of all the negatives of the Project.

1.36 The EES fails to adequately address benefits and disbenefits. However, the traffic assessments informing the Business Case demonstrate that those who live closer to the Hurstbridge rail line will have better access to the Project than those who live in outer suburbs beyond the M80 and the EastLink Tunnels. Is that really a benefit?

1.37 In the context of broader planning policy, it is more accurate to describe the Project as one that will result in the perverse outcome of providing a convenient alternative to railway transport in inner suburbs where residents live closer to the railway line, at the expense of commuters who have longer daily commutes, many of whom are without convenient access to railway corridors.

- 1.38 A key benefit of the Project identified by the Proponent is the improved access to the La Trobe National Employment and Innovation Cluster. This was a material reason why Corridor A was selected. However, it is unclear how this benefit will be realised as there is no direct connectivity between the Project and the employment precinct.
- 1.39 The permanent loss of some 30 hectares of open space, the temporary loss (up to 7 years) of other open space, the extent of the loss of native vegetation and the additional areas of open space to be used for new stormwater infrastructure have not been properly accounted for in the net community benefit calculation. There is a lack of information on, and no formulated plan to provide, equivalent open space. As it presently stands, this represents a very significant social and economic cost.
- 1.40 The disruption to and compulsory acquisition of many residences and businesses and the displacement of sports groups has not been properly accounted for in the economic or social impact analysis. The EES does not address these impacts in any meaningful way.
- 1.41 The disruption and delays caused during the 7 year construction period will itself have significant effects that need to be accounted for as part of any analysis. The EES relies on vaguely worded EPRs, but fails to account for or quantify the likely impact on productivity or travel times.
- 1.42 For any planning decision, including one made by the Minister under section 20(4) of the PE Act, a decision maker must have regard to all relevant considerations and not have regard to irrelevant considerations.
- 1.43 It is difficult to see how a net community benefit analysis can be undertaken lawfully where important information critical to the exercise of discretion has not been brought to account.
- 1.44 The Councils consider that the EES is deficient, and that the material called in aid of the proposed planning scheme amendment insufficient. Even on a cursory examination, significant amounts of additional material is required to give those people whose views have been sought in relation to the Project a fair opportunity to prepare and respond.
- 1.45 It is inevitable that a considerable amount of supplementary material will be required to be prepared by the Proponent to address patent deficiencies in the EES and supporting documentation. This has already started, without any notice to the affected parties, with new, updated and amended material placed on the Proponent's website as "Information Updates" during the EES submission period.
- 1.46 If the Proponent is required to produce or intends to rely upon any supplementary material, as a matter of natural justice, this material must be provided a sufficient time prior to the filing of any witness statements by the Councils, to enable it to be properly considered by the witnesses.
- 1.47 The timing and release of this information will have a bearing upon whether or not the Councils will have had a reasonable opportunity to prepare.
- 1.48 Whilst the Councils expect that this hearing will inevitably descend into "planning on the run", based on the Project as described in the EES and the material supporting the EES, it is the Councils' position that the IAC should recommend that the Project not be approved based on the assessment in the exhibited EES.

2. THE ENVIRONMENT EFFECTS STATEMENT AND THE ENVIRONMENTAL EFFECTS OF THE PROJECT

- 2.1 In any assessment of this kind a proper understanding of the true nature and effect of a project on the environment is critical.

- 2.2 An environment effects statement is not an approval of any kind.
- 2.3 It is no more than a statement of the effects of a proposal on the environment.
- 2.4 A statement produced under the EE Act may or may not be relevant to any decision which is made under legislation empowering a statutory authority to make a decision.
- 2.5 A defective, underdone, uninformed or otherwise fundamentally flawed EES is materially deficient in that any assessment of the EES undertaken by the Minister under the EE Act will be infected by the inadequacies of the EES itself.
- 2.6 Even if it can be said that the EES is a relevant consideration in the exercise of planning powers under separate legislation, the weight to be attributed to the EES should, necessarily be diminished as a consequence of its deficiencies.
- 2.7 In this context, any ultimate recommendation to be made by the IAC and the ultimate decision to be made by the Minister requires a conclusion that the Project will result in a net community benefit.
- 2.8 Such a conclusion can only be properly reached if all of the consequences, both positive and negative have been properly identified and explored.
- 2.9 The published EES is based upon a theoretical project. The actual project will not be known until some point in the future, after approval has been given. The merit of a process of this kind, based as it is upon a theoretical project, is dubious.
- 2.10 At the very least, the utility of the process depends upon the veracity and rigour of the analysis of environmental effects.
- 2.11 The published EES runs to over 10,000 pages.
- 2.12 The public, including the Councils have had only 40 business days to review the published EES.
- 2.13 This short timeframe was also made considerably more complex by the decision of the Proponent to exhibit and call for submissions on the draft Public Environment Report (which runs to approximately 2,500 pages) required for the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) approval at the same time. These timelines have been oppressively difficult to comply with and have affected the ability of the submitters to properly prepare for the inquiry.
- 2.14 The content of the EES is highly technical. In the time available it has been necessary to source the assistance of expert advisers and prepare a submission, doing the best that can be done given the imposed time constraints. The significance of the issues under consideration here warrant more careful and less rushed contemplation.
- 2.15 The limited time within which to do so is arguably a denial of procedural fairness in and of itself.
- 2.16 It is apparent that it is not only the Councils that have not had adequate time to properly consider the EES, as the Proponent has demonstrated that the exhibited EES is inadequate, incomplete and contains material errors, by adding to and changing the exhibited EES by publishing further information on its website which should have been exhibited with the EES.
- 2.17 The Watsonia alternate design was released for public exhibition a month prior to the EES public exhibition period, however it has not been included in the EES. The alternate design was presented as a response by the Proponent to community and council concerns

regarding the Project's impact around Watsonia. The EES should be amended to include the Watsonia alternate design.

- 2.18 The parties that have sought to make submissions in this case must be given the opportunity to properly assess material which should have formed part of the published EES, and to consider how that will affect the submissions that they make with sufficient time before their expert evidence is required to be filed.
- 2.19 As the document presently stands, any planning decision maker seeking to rely upon the EES as a basis for asserting that the environmental effects of the Project had been adequately assessed would be falling into error.

Environmental effects of the Project

- 2.20 This part of the submission is directed to identifying those aspects of the EES which are of concern, either because the EES:
- 2.20.1 identifies a significant environmental impact which is not properly addressed;
 - 2.20.2 fails to identify effects which are important; or
 - 2.20.3 contains no analysis of the acceptability of the impact, or how it might be mitigated to become acceptable.
- 2.21 The EES does not provide a sound basis for assessing whether the Project will result in a net community benefit.

Impact on ecological systems

- 2.22 The risks to the ecological values of the Yarra River floodplain are of central importance, and the potential ground and surface water impact in this area, in the context of the ever changing climate, may put the ecology of these areas at high risk of irreparable harm.
- 2.23 The Groundwater Technical Report¹ acknowledges that there is a limited understanding of connectivity between surface and groundwater throughout the study area. This is unacceptable.
- 2.24 This gap in knowledge prevents any proper assessment of the potential effects on water, environmental and related beneficial uses, including as a result of changes to the hydrology and groundwater levels in the area which will be necessary during the construction phase, particularly in relation to the extent of groundwater drawdown across the floodplain. This is further exacerbated by the lack of surveys of existing waterways, that might lead to the identification of known endangered species.
- 2.25 The Yarra River floodplain is historically and culturally significant. These areas help to define Melbournians' sense of place. In this context, the impact of the project in these areas are of particular concern to each of the Councils. It is noted that the draft Yarra River Strategic Plan has been exhibited concurrently with the Project but does not acknowledge the Project.
- 2.26 The importance of these areas is recognised in planning schemes and legislation.
- 2.27 The Yarra River Action Plan, which bears the signatures of the Minister for Planning, Minister for Water and the Minister for Energy, Environment and Climate Change under the current government establishes a number of actions to protect the Yarra River for future generations. It provides the following by way of introduction²:

¹ GHD, *North East Link Effects Statement Technical Report N – Groundwater*, (April 2019) page 96.

² *Yarra River Action Plan* (DELWP 2017), page 2, available at

By the 1960s, though, Melbourne had largely turned its back on its waterways and the bay – an attitude exemplified by the decision, in 1962, to take parkland to build the Monash Freeway along the Yarra from Richmond to Toorak. Publicly, a turning point came in 1970 when Prince Charles visited Melbourne and likened a dip at Elwood beach to ‘swimming in diluted sewage’.

From the 1970s onwards, the second turning point in the health of the Yarra began as environmental and planning controls were introduced and run-off from septic tanks was reduced.

Now, the time has come for a third turning point in the health of the Yarra, its tributaries and the Bay. A turning point that will, finally, realise the vision of the 1929 Metropolitan Town Planning Commission plan and create a network of parklands, green spaces and water spaces that connect the people of Melbourne to their rivers, creeks and bay – and ensure the city grows greener and more liveable.

After all, the Yarra River is central to Melbourne's character and identity.

- 2.28 Clause 12.03-1S of the Planning Policy Framework seeks to protect and enhance river corridors, waterways, lakes and wetlands. Strategies include:
- 2.28.1 protect the environmental, cultural and landscape values of all water bodies and wetlands.
 - 2.28.2 ensure development responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands.
 - 2.28.3 ensure development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands.
 - 2.28.4 ensure development does not compromise bank stability, increase erosion or impact on a water body or wetland's natural capacity to manage flood flow.
 - 2.28.5 protect the Yarra, Maribyrnong and Murray River corridors as significant economic, environmental and cultural assets.
- 2.29 Recently the draft Yarra River Strategic Plan was developed on the recommendations of an Advisory Committee, following the passage of the *Yarra River Protection (Wilip-Gin Birrarung Murron) Act 2017 (YRP Act)*. The strategic plan was complemented by the gazettal of new overlay controls along the river corridor in the form of Environmental Significance and Significant Landscape Overlays.
- 2.30 The Project fails to adequately respond to and respect these principles and strategies for the protection of the Yarra River.

Undergrounding of creeks and impact on Koonung Creek Reserve

- 2.31 The proposal to underground part of both Koonung and Banyule Creeks is a serious concern.
- 2.32 This approach is contrary to Melbourne Water current best practice and is likely to irreparably damage the ecology of the creeks and their riparian environment.

https://www.planning.vic.gov.au/_data/assets/pdf_file/0013/101731/DELWP0032_YarraRiverActionPlan_v27_weba.pdf.

- 2.33 The downstream consequences of the undergrounding of each of these creeks have not been properly addressed in the EES.
- 2.34 The impact on the ecological and open space values of Koonung Creek Reserve are also unacceptable.
- 2.35 Barrelling the Koonung Creek will change the way the land is used and the community's interaction with it. In many parts of the metropolitan area, Councils and State Government have worked hard to 'resurface' barrelling creeks for the recreational, ecological and landscape character benefits creeks provide. This action is therefore not minor and is instead considered to be regressive and unacceptable.
- 2.36 The widening of the Eastern Freeway and undergrounding of Koonung Creek will compromise the effective functioning of the Koonung Creek corridor. As discussed below, the extent of native vegetation proposed to be removed along the Koonung Creek Reserve is significant and further effort must be made to retain more trees and understorey vegetation in this area. Every effort should be made to reduce the land required for the proposed freeway expansion, the barrelling of Koonung creek should be avoided and vegetation must be reinstated to create an appropriate corridor width.

The Bulleen Road Interchange is unnecessarily land extensive and visually intrusive

- 2.37 The grade separated junction at Bulleen Road is a cost driven design, unnecessarily land extensive and visually intrusive. It results in unacceptable environmental, social and urban design impacts that fail to respect the well landscaped setting which is characterised by canopy vegetation.
- 2.38 Feasible design and alignment changes to reduce the visual intrusiveness and impacts associated with the proposed interchange design have not been properly assessed.
- 2.39 Properly assessed, there remains greater flexibility about the way in which alternative alignments could be delivered so as to minimise impacts on the community and deliver a higher standard of urban design.

Loss of public open space

- 2.40 Table 9-4 of Technical Report I (Social) quantifies the percentage of land to be acquired during the construction and operational phases of the Project within the open space reserves.
- 2.41 On the face of it, this table shows an extraordinary level of impact on the existing open space network during the construction phase, which will be for a considerable period.
- 2.42 The social, visual and urban design impacts of this disruption during the construction phase have not been adequately addressed.
- 2.43 It is not possible to count the social cost of these actions in any net community benefit analysis without first understanding the consequences of the action. Neither can any assessment of the utility of putative mitigation measures occur unless there is a clear understanding of the consequences that flow from the potential unavailability of a significant proportion of the sporting fields and open space reserves in the district.
- 2.44 In the operational phase, there will remain a significant net loss of open space, and a major and deleterious change to the character of the open space that remains.
- 2.45 The permanent loss of open space for new stormwater infrastructure does not appear to have been quantified at this stage, but it will be significant. The Councils are entitled to be concerned about the loss of unencumbered open space that may not be useable, because it is required for the ongoing treatment of the surface water consequences of the project.

- 2.46 The EES does not attempt to quantify the social and economic value of the public open space areas lost which is unacceptable.

Loss of open space - Boroondara regional sports facilities

- 2.47 The Project will necessitate the relocation of the Boroondara Tennis Centre and several greens and holes of the Freeway Golf Course.
- 2.48 The extent of the impacts will depend on how these issues are ultimately resolved not how they are dealt with as a matter of process.
- 2.49 The Social Chapter addresses mitigation as follows:
- This would be achieved through project requirements to reduce disruption to residences and community infrastructure facilities (EPR SC1) and to work with community infrastructure facilities and relevant stakeholders including Victorian Government agencies and local councils to identify recreation facility relocation opportunities (EPR SC4).
- 2.50 It is unacceptable to delegate the identification of replacement open space assets to a secondary process that occurs after the Project is approved and construction begins. It will put the local councils and sporting organisations in an impossible position, with little to no guarantee that suitable replacement open space will be identified, let alone funded.
- 2.51 These are significant effects, the true extent of which can only be measured if the mitigation efforts are known with certainty now.
- 2.52 The Boroondara Tennis Centre and the Freeway Golf Course are important regional recreational facilities. In 2018, the Boroondara Tennis Centre had in excess of 100,000 visitors and during the same period, 55,000 rounds of golf were played at the Freeway Golf Course (an increase from 50,000 rounds in 2017 with an estimate of over 60,000 rounds to be played in 2019).
- 2.53 The EES has made an insufficient attempt to mitigate the impact of the Project on these significant sporting facilities by employing different designs to avoid or reduce impacts or by adopting a different alignment within the project corridor.
- 2.54 A more sensitive arrangement, capable of minimising the impact of the Project on these facilities is possible.
- 2.55 A number of options for the relocation of the recreation facilities in Bulleen Park have been assessed as part of the EES, including two concept plans proposed by Boroondara City Council which allow for replacement of these sporting facilities within existing parkland on the west side of Bulleen Road.
- 2.56 These concept plans were prepared by Council officers with the benefit of discussions with key stakeholders impacted directly by the proposed interchange. These include the Camberwell Golf Club, Harp Golf Club, the BTC contractor and the FGC contractor.
- 2.57 Both concept plans contemplate a good quality, playable 18-hole golf course and a 23-court tennis centre. The key difference between the two plans is the inclusion of an AFL size sporting oval located to the north of the proposed Boroondara Tennis Centre site in one option and the inclusion of an urban forest in the other. The contemplated urban forest could protect and improve the biodiversity values in the area and along the important Koonung Creek and Yarra River corridors.
- 2.58 Each of Council's proposed options were considered, but discounted in the EES on the basis "the extent of impact they impose and the inability to accommodate suitable replacement

facilities for all clubs and users”.³ However, the assessment also notes “challenges” with each of the other options assessed and that further work is required to progress the assessment. The Council is particularly concerned that one of the preferred options (option 3) proposes for the Boroondara Tennis Centre to sit over an undergrounded section of Koonung Creek, which may give rise to presently unknown ecological and hydrological impacts.

- 2.59 The alleged benefits of the Project must be balanced against these very significant social impacts.

North East Link between M80 and Lower Plenty Road

- 2.60 The design of the interchanges at Lower Plenty Road, Grimshaw Street and the M80 are unacceptable. They are unnecessarily land extensive and present a poor urban design outcome which will have significant adverse urban design and landscape outcomes.
- 2.61 The interchange arrangements are less than optimal in terms of traffic functionality.
- 2.62 The design of the section between Grimshaw Street and Lower Plenty Road will further divide the community of Watsonia, which will have a significant impact on the liveability of that area. It will also have significant environmental impacts, particularly in the vicinity of the Simpson Army Barracks.
- 2.63 The proposed design of the Lower Plenty Road interchange should allow oversized and placarded goods vehicles to access North East Link, north of the interchange.
- 2.64 The design and potentially the alignment of the Project in this area should be reviewed by considering extending the tunnel between Lower Plenty Road through to a short distance south of Grimshaw Street. This could be achieved in a way which ensures safe access and egress to the North East Link.
- 2.65 Extending the tunnels to Grimshaw Street is referred to in Chapter 6 of the EES (Tunnel Option A) and is described as a feasible alternative in the draft *Public Environment Report* submitted by the Proponent under the EPBC Act.⁴ There can be no argument in the context of these hearings that it is not feasible.
- 2.66 Tunnel Option A, as described in Chapter 6 of the EES should have been fully explored. Compared with the Project design, the impacts of Option A measured against a range of environmental criteria would have been superior. The assessment of this option in both the EES and Chapter 6 acknowledges that this option would avoid impacts at Simpson Barracks and threatened Matted Flax-lily, Plains Grassy Woodlands and very large old trees.
- 2.67 If the trench is to be maintained, consideration should also be given to the combined cross-section of the North East Link and Greensborough Highway to ascertain whether there are opportunities to rationalise and gain efficiencies by reducing infrastructure duplication.
- 2.68 Appendix F of the Business Case addresses value capture opportunities around Watsonia Station. Independent expert advice reveals that the extension of the tunnel to Grimshaw Street, as well as other design changes to better integrate the North East Link with the local area, are both physically possible and feasible, and therefore warrant further consideration.

Eastern Freeway Upgrades are excessive

- 2.69 On the material presently available, the extent of the proposed widening of the Eastern Freeway is not required to serve the anticipated volumes generated by the Project.

³ *Bulleen Park Sports and Recreation Preliminary Options Assessment* in *Appendix F to Technical Report I Social*, page 32 (page 296 of Technical Report Appendix PDF).

⁴ *Draft Public Environment Report*, Chapter 4 'Feasible Alternatives', page 13.

- 2.70 The Business Case transport impact assessments illustrate that the Project intends to deliver more capacity than is required to service the North East Link demand in the 2036 Project Case.⁵
- 2.71 The reference design fails to consider opportunities to achieve a more efficient road design and lane configuration that arise because the predominate traffic flows from the North East Link (Bulleen Road Interchange) will be in the opposite direction to the existing peak flows on the Eastern Freeway. Eastbound traffic in the am peak will not have to deal with peak conditions on the Eastern Freeway. Similarly, peak pm traffic heading west from the EastLink Tunnels will not have to deal with peak demand from those heading away from the city.
- 2.72 On the face of it, the proposed configuration is an overdesign.
- 2.73 The consequence of this overdesign is the take up of land at the fringes of the existing freeway, which include waterways and vegetation – bringing the effects of the freeway closer to sensitive uses, including residential dwellings.
- 2.74 If the widening of the Eastern Freeway as proposed is not necessary for the purpose of serving increased traffic flows generated by the Project, it is legitimate to enquire as to the purpose of the widening.
- 2.75 Before approval is given for the design proposed, it is important to understand the justification for the design, and in particular, how it relates to the project under consideration, namely the Project, in an open and transparent manner.

Removal of large areas of native vegetation including habitat for rare and threatened species

- 2.76 The extent of trees and other vegetation to be removed as part of the Project is excessive. The EES downplays the potential ecological impacts, including the removal of habitat for threatened species.
- 2.77 Design changes to achieve a better outcome through avoidance have not been properly addressed in the EES.
- 2.78 Victorian planning policy and the *Guidelines for Removal, destruction or lopping of native vegetation (DELWP, 2017)* require that efforts be made to avoid impacts on native vegetation and if impacts cannot be avoided, to minimise those impacts. This requires alternatives to be considered which has not adequately occurred as part of the EES.
- 2.79 The EES proceeds upon the basis that large areas of vegetation are exempt from the need for planning permission because they are planted vegetation, without consideration of what the environmental impact of the loss of vegetation might be in the affected areas.
- 2.80 The approach taken by the EES is a victory of superficial legalism over the substantive effect of the Project. In any event, the approach is wrong as a matter of principle because it takes a piecemeal approach, disaggregating the component parts of the overall action for consideration. Even if it were true that exemptions exist under the planning scheme to remove the trees, it cannot be seriously contemplated that the vegetation would be removed other than in association with the Project. The impact upon existing vegetation is a relevant consideration in every planning application, whether or not that vegetation is capable of being removed without a planning permit. There is no reason, as a matter of principle, for a different approach to be taken here.
- 2.81 In substance, it is the biodiversity values that matter when assessing impacts at this scale, and not whether a permit is required. In undertaking a proper assessment of the environmental effects of the Project, it is simply misconceived to assume that the

⁵ Table 4 'Project Case Impact Assessment' in *Appendix K to the North East Link Business Case*.

environment is not an integrated whole, where impacts on one aspect of the environment are not felt by other segments.

- 2.82 The ecological assessment in the EES is also deficient in a number of significant ways.
- 2.83 Examples of deficiencies of the ecological assessment include:
- 2.83.1 an acknowledgement within the EES that inadequate surveys of the trees within the Simpson Army Barracks occurred and that there is a need for further surveys to properly understand the impact to the remaining trees;⁶
 - 2.83.2 an arbitrary classification of 'native vegetation' *versus* 'amenity plantings' in the sense that there appears to have been a disregard for planted vegetation in the context of "habitat provision" and an incorrect assumption that all planted vegetation has been planted for amenity;
 - 2.83.3 an inadequacy and (in some respects) inappropriateness of measures proposed to compensate for the loss of vegetation through offsets and a 'Tree Canopy Replacement Plan';
 - 2.83.4 a failure to account for some of the vegetation that would be lost as an indirect consequence of the Project, for example due to the relocation of Boroondara Tennis Centre;
 - 2.83.5 an inadequate disclosure or impact assessment of drainage works affecting wetlands, including at Willsmere Park, Kew Golf Club, Freeway Golf Course and Kalparrin Gardens;
 - 2.83.6 highly uncertain predictions about the impact of groundwater drawdown on wetlands or waterways that support threatened species, with little if any allowance for the predictions to prove inaccurate;
 - 2.83.7 a failure to assess the full range of relevant species on the Department of Environment, Land, Water and Planning's 'Advisory lists'; and
 - 2.83.8 a failure to address future climate change scenarios and their interactions with the Project's impact on water availability for flora or fauna.

Native Vegetation Policy and reliance on Offsets

- 2.84 Planning policy in Victoria seeks to avoid and minimise impacts on native vegetation.
- 2.85 The ability to avoid and minimise impacts on native vegetation by selecting a different corridor or the No Project option is a relevant consideration when giving effect to native vegetation policy.
- 2.86 However, it is difficult to identify anything within the EES that has adequately assessed the extent of the impact on native vegetation in the alternative alignments, or has considered how the removal of native vegetation has been avoided or minimised within corridor A at the level of detail that is required to be satisfied that the assessment is robust.
- 2.87 If the Project is approved, offsets for the removal of native vegetation in the areas affected by the Project should be required to be achieved as close as reasonably practicable to the affected environment, ideally within the municipality where the clearing is proposed.
- 2.88 This approach is consistent with:

⁶ *North East Link EES*, Chapter 25, 'Ecology', pages 25-7.

- 2.88.1 the environmental principles under section 9 of the YRP Act, including:
- (4) There should be a net gain for the environment in the area of Yarra River land arising out of any individual action or policy that has an environmental impact on Yarra River land.
- 2.88.2 the Offsets Policy in force under the EPBC Act, which seeks to ensure that there is a nexus between the protected matter and the offset.
- 2.89 Often, offsets under the Victorian regime are permitted on land that lacks the physical or spatial nexus with the protected vegetation, as is required under the EPBC Act. Victorian offsets are sometimes located on private land, that will not be actively managed after the 10 year management period (unlike public land along waterway reserves).
- 2.90 In the present case, the exact nature of the offsets and the locations are not clearly articulated. The extent of vegetation removal and the sensitive nature of the environment affected by the removal required careful consideration. To the extent that offsets are relied upon, they should be located in spatial proximity to the area of the action.
- 2.91 Offsets achieved by improving or creating habitat far away would deprive the local environment and the local community of any material compensation.
- 2.92 A Native Vegetation Precinct Plan should be developed as part of any approval and should be used to manage the offset process within the Yarra River floodplain, or as close as possible to the Yarra River corridor along the project alignment.
- 2.93 A further concern regarding offsets is the proposed removal of existing offset planting of 976 trees⁷ (EVC55) without further offsetting, which is not considered by the EES. Banyule is awaiting advice from DELWP regarding the status of these offsets, but in the meantime the Councils submit that it is inappropriate for an existing offset area to be proposed to be offset. This potentially undermines the entire concept of offsets in the Victorian Planning System as it fails the unwritten assumption that underlies the provision of offsets namely that offsets are protected and assumed to be established in perpetuity.

Impact on local road network

- 2.94 The Councils are concerned that the Project will cause an unacceptable increase in traffic volumes on many arterial and local roads in the vicinity of the Project. Many local streets that intersect these arterial roads will experience lower level of service, which may lead to driver frustration, rat running and choosing inappropriate gaps to enter the arterial roads. The safety and impact of the Project, including the surrounding arterial and local road network has not been adequately assessed or quantified.
- 2.95 In the northern section, there are also several local roads that are proposed to be terminated, redirecting vehicle trips via other local roads for traffic accessing arterial roads. Access from existing local roads to arterial roads should be reviewed and retained where feasible.

Air quality

- 2.96 The air quality assessment and whether there is demonstrable compliance with the relevant State Environment Protection Policies (**SEPPs**) is contested.
- 2.97 If the volumes of emissions (from all sources) predicted in the 2036 Project Case are comparable to those predicted on the WestGate Tunnel Project, then the IAC would be

⁷ *North East Link EES*, Chapter 25, 'Ecology', pages 25-27; These offsets were secured under Banyule Planning Permit P933/06.

consciously supporting a situation that cannot meet the design criteria and standards in the SEPP(AQM) and SEPP(AAQ).

- 2.98 Indeed, Table 10-12 of the Air Quality Chapter identifies non-compliance with SEPP(AAQ) for PM_{2.5} in the Northern Section and for the Southern Section. These non-compliances are worse when considered at discrete locations such as near the portals and along the surface roads, where major non-compliance for PM_{2.5} and NO₂ arise, such as along the Eastern Freeway and at M80/Greensborough Rd.
- 2.99 The Air Quality Chapter of the EES acknowledges non-compliance with SEPP criteria but emphasises the background contributions. Compliance with SEPPs is mandatory.

Unreasonable noise

- 2.100 The Noise chapter of the EES concludes that:
- 2.100.1 889 properties will experience an increase in noise of +2dB(A);
 - 2.100.2 159 noise sensitive receivers will exceed the 63dB(A) limit.
- 2.101 It is submitted that the Project will give rise to emissions of noise that constitutes noise pollution and unreasonable noise for the purposes of section 31A of the EP Act. The extent of noise would require a Pollution Abatement Notice to be issued if unmitigated.
- 2.102 The noise contour maps do not differentiate between the 2036 Project Scenario and the No Project Scenario .
- 2.103 The analysis in chapter 11 does not include noise contour modelling plots. This means that the use of averages and selective receptors can distort the results. The IAC and the Councils need to see noise contours across each section of the Project corridor to better understand the results.
- 2.104 Elevated properties, and properties below elevated structures will be particularly vulnerable to noise that may be difficult to attenuate to the extent required.

Adverse effects on the amenity of the area

- 2.105 The emissions of noise and oxides will significantly diminish the quality of life for many residents. It is for this reason that most freeways are separated from residential areas, and within generous reservations and with significant vegetation buffers.
- 2.106 Juxtaposing a new freeway between Lower Plenty Road and Greensborough in a trench is a poor design from an amenity point of view compared with the feasible alternatives referred to in the EES.
- 2.107 The Councils submit that the concept of noise and air emission *limits* are designed to regulate existing and future sources of noise and air emissions. They do not ensure that residential amenity will not be adversely affected by the Project. The emission limits do not purport to ensure that residents affected by the Project will continue to enjoy their existing level of amenity.
- 2.108 But for the exclusion of third party reviews in section 33B of the EP Act, many affected residents who would have been entitled to appeal the grant of a works approval on the basis that it would result in emissions that unreasonably affect the interests of that person.

Integrated Water Management

- 2.109 The EES does not demonstrate Water Sensitive Urban Design (**WSUD**) for the entirety of the project. The strategy is to delegate the development of an Integrated Water Management Strategy to the detailed design process. As a minimum, the EES should include the bones of such a strategy and identify the key parameters for such a strategy, such as the land required for storage and treatment; the treatment methods and the water quality parameters to be met.
- 2.110 The approach adopted in the EES is to delegate the future strategic planning of water infrastructure, when this is typically an important function of local planning and drainage authorities.
- 2.111 There are a number of key deficiencies including (but not limited to):
- 2.111.1 the Project targets for water quality are only being met at Project scale. There is no information about how the SEPP will be met with regard to impact on specific receiving waters in each municipality; and
 - 2.111.2 the failure to identify asset maintenance (including recurrent funding) or ownership means that it is currently impossible for the Councils to assess what their responsibilities in relation to these assets will be.
- 2.112 The Project should be treated as an Integrated Water Management precinct to assist in water sensitive city thinking and realise strategic precinct wide goals. This approach is supported by the Yarra Integrated Water Management Forum. This Project presents an opportunity for a national benchmark in major road projects in the Yarra catchment, rather than a substandard and uncertain design.

Contamination risk

- 2.113 The EES has also failed to adequately consider contamination risks. In particular:
- 2.113.1 per- and poly-fluoroalkyl substances (PFAS) contamination has been found at one location near the Project and a number of areas where historical landfilling has occurred have been identified. Contamination has also been found near the Bulleen Drive-in near 204 Bulleen Rd. The proposed tunnel would be located almost underneath this location. As such during the dewatering construction process potential exists to cross-contaminate aquifers. The potential migration of contaminants during this period has also not readily been assessed;
 - 2.113.2 the EES report identifies areas of historical landfilling under Bulleen Park (near Bolin Bolin Billabong) as well as to the north at Borlase Reserve (near Lower Plenty Road). These landfills could contain solid inert waste and possible putrescible waste. This does not appear to be have been adequately assessed; and
 - 2.113.3 a more detailed investigation of the former landfill site within Eram Park is required of the existing gas, ground water, fill material etc., to ensure that the environmental conditions are managed appropriately. This site is the preferred site by Yarra Valley Water for a recycled water plant to service Manningham residents. No information has been provided regarding the combined impacts of both projects on the one parcel of land.

3. EES FURTHER ISSUES

Inadequate social impact assessment

- 3.1 The preparation of the impact assessment does not follow the best practice principles for considering social impacts.
- 3.2 The Technical Report 1 (Social) is a long document but it fails to address the key question – whether the social impacts of the Project are acceptable.
- 3.3 Having identified a long list of impacts, the document leaps to the EPRs, and how to ‘manage’ the impacts.
- 3.4 That is not an acceptable approach to environmental impact assessment or town planning. The social impact assessment must answer the threshold question.
- 3.5 In this respect the EES seems to have been written on the basis that the Project will proceed regardless of the social impact, or the adequacy of the mitigation measures.
- 3.6 The quantification of the significance of these effects in qualitative or quantitative terms needs to occur in order to inform the Net Community Benefit analysis.

Significant social and economic effects

- 3.7 The Project is likely to have significant social and economic effects. Of key concern:
 - 3.7.1 the costs of and foregone contribution to productivity of the businesses that are to be acquired;
 - 3.7.2 assessment of the probability that the businesses will not be able to re-establish, and consequent effects on economic output;
 - 3.7.3 delays associated with increased congestion on the Eastern Freeway (in the absence of a mechanism to address congestion and queues at either end of the Eastern Freeway);
 - 3.7.4 identification and delivery of equivalent replacement open space;
 - 3.7.5 whether it is possible to deliver the continuity of local and regional sporting events that rely on open space assets that are to be acquired for construction purposes;
 - 3.7.6 measures to deliver a suitable replacement site of the Boroondara Tennis Centre and replacement holes for the Freeway Golf Course;
 - 3.7.7 the contribution of vegetation to clean air, health and wellbeing;
 - 3.7.8 the failure to take into account that cost of duplicating the EastLink Tunnels as a necessary consequence of this Project;
 - 3.7.9 potential for adverse economic effects on public transport investment in the catchment;
 - 3.7.10 the impact on adjacent businesses, sport, recreation and residential users during construction has not been adequately addressed, given that the impact is likely to extend over at least 7 years;
 - 3.7.11 the future stormwater management costs of the interface between the road project and the existing drainage system should be added to the costs of the Project; and

- 3.7.12 the costs of the Project should include the environmental costs of the damage to MNES and the ecological integrity of the project corridor and the Yarra river Floodplain environs.
- 3.8 This Project will also have significant and permanent community impact, including:
 - 3.8.1 the acquisition of almost 100 businesses, many of which serve a local customer base and have been established in the area for long periods of time (as long as 70 years);
 - 3.8.2 the acquisition of 38 homes and the consequent dislocation of those residents;
 - 3.8.3 the permanent acquisition of open space and the removal of vegetation, particularly along the Koonung Creek Reserve and the Borlase Reserve which will lower the residential amenity in many areas; and
 - 3.8.4 impacts to residential streetscapes, particularly where infrastructure and noise walls are set to significantly encroach into streetscapes leaving little room for amelioration techniques.
- 3.9 The PE Act and the TI Act each requires an assessment of significant social and economic effects. However, it is not possible to assess whether the social and economic effects of the Project are acceptable based on the currently available information.

Deficiencies in urban design

- 3.10 The Urban Design Strategy for the Project is so vague and general it could apply to almost any development. This is inappropriate for a project of this nature and considerable improvements need to be made to the Urban Design Strategy to target it more specifically to the outcomes required for the Project.
- 3.11 The urban design failures are most evident:
 - 3.11.1 through Watsonia, as a result of the proposed open trench design which will in effect divide the municipality into east and west; and
 - 3.11.2 at the major interchanges.
- 3.12 The reference design for the Project and the alternate design around Watsonia each worsens the existing substandard arrangements in the area, rather than providing enhancements, which are to be legitimately expected in a Project of this size with this level of impact.
- 3.13 The proposed open trench design at Watsonia is inconsistent with the “connectivity” objective specified in the Urban Design Strategy.
- 3.14 The proposed design around Watsonia fails to future proof the opportunities and improvements identified in the community driven vision for the centre “Picture Watsonia”.
- 3.15 Each of the interchanges are engineering led solutions that show little evidence of considered urban design inputs. This is evidenced by the land-extensive footprint of the interchanges, the use of elevated flyovers and a lack of urban design driven features.
- 3.16 Along the Eastern Freeway corridor, the existing landscape character is established by extensive canopy cover and east of Doncaster Road attractive urban design features incorporated into the Eastern Freeway extension. The proposed widening of the existing Eastern Freeway fails to acknowledge the existing character and is a retrograde step in the evolution of urban design along Melbourne’s freeway network.

- 3.17 The southern portal, ventilation structure and associated facilities proposed for Bulleen Park will have significant impacts on the existing parklands and their context within the Yarra River floodplain.
- 3.18 All urban design led initiatives included in the EES, together with any other such other initiatives that may be determined to be desirable by the IAC, must be specified as “requirements” for the Project, rather than matters that are to be considered, but not necessarily delivered, as part of the Project.

Inappropriate reliance on EPRs

- 3.19 There are a range of issues that are proposed to be delegated to the EPRs that need to be the subject of environmental assessment by the IAC. In short, the EES relies too heavily on management of effects through the EPRs, rather than assessing the extent of the likely impact.
- 3.20 Matters that should be resolved as part of the IAC process include the following:
- 3.20.1 variations to the “reference design” for the Project (extended tunnels, road and lane configuration, interchange design, reduction in footprint etc);
 - 3.20.2 identification and reservation of replacement open space at the cost of the Proponent;
 - 3.20.3 identification and relocation of sporting clubs as required at the cost of the Proponent;
 - 3.20.4 the adequacy of the Project from an urban design and landscape perspective;
 - 3.20.5 key parameters for Urban Design Strategies and Landscape Plans;
 - 3.20.6 a framework for native vegetation offsets (including opportunities for local offsets within the corridor); and
 - 3.20.7 development of the key parameters for an Integrated Water Management Strategy.
- 3.21 Whilst these issues should be considered by the IAC and not left to a process of secondary consent, where secondary consents are to be used, there is no valid reason for the affected stakeholders to be denied input on the development of these documents as part of a secondary process, built into the language of the Incorporated Document.
- 3.22 The Incorporated Document and the Environmental Management Framework (**EMF**), including the EPRs, will require major revision during the course of the IAC process to integrate appropriate opportunities for further consultation with local government and affected stakeholders regarding secondary design and planning processes, as has been the process for other recent major projects. The Councils will address the specific changes to the Incorporated Document, the EMF and EPRs in the course of the IAC hearing.

4. DRAFT PLANNING SCHEME AMENDMENT GC98

- 4.1 It is clear that if the draft planning scheme amendment GC98 is recommended to be approved by the IAC then it is expected that it will be approved by the Minister under section 20(4) of the PE Act.
- 4.2 The IAC is required to consider the proposed planning scheme amendment within the framework of the Ministers Strategic Assessment Guidelines.

- 4.3 Assuming for present purposes that the IAC structure and the Ministers use of section 20(4) of the PE Act are both lawful and appropriate, the decision of the Minister to approve any amendment requires consideration of whether or not the Project:
- is one that can be described as strategically justified; and/or
 - can otherwise be described as one which results in a net community benefit.
- 4.4 The IAC, and ultimately the Minister, will be called upon to assess whether the finally demonstrated benefits of the Project described in the EES are worth the costs to the environment, the impacts on amenity, the loss of public open space, the urban design impacts and the social impacts.
- 4.5 The only way that any planning decision maker can come to a rational conclusion on that matter of fundamental importance is if that decision maker is seized of:
- the actual environmental, economic and social costs of the Project; and
 - properly calculated benefits which are said to accrue to the community from the Project.
- 4.6 As the first part of this submission seeks to make clear, the published EES is not a solid basis upon which any assessment of environmental and other costs can be made.
- 4.7 Similarly, the identification and calculation of benefits flowing from the Project are overstated and disbenefits understated.

5. STRATEGIC JUSTIFICATION

Plan Melbourne

- 5.1 The highest that can be said about the Project from a policy point of view is that there is some mention of North East Link in Plan Melbourne as a 'long term future project', alongside the Outer Metropolitan Ring Road.⁸
- 5.2 The North East Link is not identified in Map 17 of Plan Melbourne (*Improvements to transport infrastructure – committed and potential*) as a committed or potential future transport project.
- 5.3 There is no existing policy to develop and approve the North East Link as a project within any particular period.
- 5.4 It can therefore be fairly inferred, that its inclusion as part of *Victoria's Big Build* lacks strategic policy support under the Planning Policy Framework.
- 5.5 On the other hand aspects of Plan Melbourne seek to support future investments in rail infrastructure. For example policy 3.1.2 is to provide high quality public transport access to job rich areas:
- Priorities to improve the public transport system include modernising and strengthening the tram and bus network by:
- improving connections to the national employment and innovation clusters and urban renewal precincts—particularly those in the expanded central city and other job-rich

⁸ *Plan Melbourne 2017-2030* (DELWP, 2017) Policy 3.4.1

areas—will increase business and employee work-choice location and improve business-to-business and business-to-consumer transactions

5.6 Policy 3.4.3 provides:

Avoid negative impacts of freight movements on urban amenity

The government will continue to work with industry to identify and prioritise key routes for protection and investment on the Principal Freight Network.

A more consistent and informed approach to land use planning in freight precincts and corridors—such as protecting buffer zones—is required to protect residents from unacceptable amenity impacts.

Planning Policy Framework

5.7 At best, having regard to the planning policy framework, express strategic support for this Project is minimal. Certainly nothing in the framework expressly justifies the proposed alignment, or considers what the cost of choosing the proposed alignment might be in social, economic or environmental terms.

5.8 Within the Planning Policy Framework, it must be noted that:

5.8.1 Clause 12.03-1S of the Planning Policy Framework seeks to protect and enhance river corridors, waterways, lakes and wetlands. Strategies include:

Protect the environmental, cultural and landscape values of all water bodies and wetlands.

Ensure development responds to and respects the significant environmental, conservation, cultural, aesthetic, open space, recreation and tourism assets of water bodies and wetlands.

Ensure development is sensitively designed and sited to maintain and enhance environmental assets, significant views and landscapes along river corridors and waterways and adjacent to lakes and wetlands.

Ensure development does not compromise bank stability, increase erosion or impact on a water body or wetland's natural capacity to manage flood flow.

Protect the Yarra, Maribyrnong and Murray River corridors as significant economic, environmental and cultural assets.

[...]

5.8.2 Clause 18.01-2S (Transport System) includes a strategy to:

[...]

Incorporate the provision of public transport, cycling and walking infrastructure in all major new state and local government road projects.

Locate transport routes to achieve the greatest overall benefit to the community to making the best use of existing social, cultural and economic infrastructure, minimising impacts on the environment and optimising accessibility, safety, emergency access, service and amenity.

Locate and design new transport routes and adjoining land uses to minimise disruption of residential communities and their amenity.

Plan or regulate new uses or development of land near an existing or proposed transport route to avoid detriment to and where possible enhance, the service, safety and amenity desirable for that transport route in the short and long terms

[...]

5.8.3 Clause 18.02-2R (Principal Public Transport Network) includes strategy to:

Facilitate high-quality public transport access to job-rich areas.

Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.

Identify and plan for new Principal Public Transport Network routes.

Support the Principal Public Transport Network with a comprehensive network of local public transport.

Plan for local bus services to provide for connections to the Principal Public Transport Network

Improve the operation of the Principal Public Transport Network by providing for:

A metro-style rail system.

Extended tram lines and the establishment of a light rail system.

Road space management measures including transit lanes, clearways, stops and interchanges

5.8.4 Clause 18.02-2S has the objective of facilitating greater use of public transport;

5.8.5 Clause 18.02-3S (Road system) has the following objective:

To manage the road system to achieve integration, choice and balance by developing an efficient and safe network and making the most of existing infrastructure

5.8.6 Clause 18.02-3S includes strategies to:

[...]

Selectively expand and upgrade the road network to provide for:

High-quality connections between Metropolitan Melbourne and regional cities, and between regional cities.

Upgrading of key freight routes.

Ongoing development in outer suburban areas.

Higher standards of on-road public transport.

Improved key cross-town arterial links in the outer suburbs including circumferential and radial movement.

5.8.7 Policy for freight links (clause 18.05-1S) includes strategies to:

[...]

Limit incompatible uses in areas expected to have intense freight activity by identifying and protecting key freight routes on the Principal Freight Network.

5.8.8 The Project corridor is not part of the Principle Freight Network referred to in policy.

5.8.9 Policy for open space (clause 19.02-6S) includes a wide range of strategies which include:

[...]

Ensure that land use and development adjoining regional open space networks, national parks and conservation reserves complements the open space in terms of visual and noise impacts, preservation of vegetation and treatment of waste water to reduce turbidity and pollution.

Improve the quality and distribution of open space and ensure long-term protection.

Protect large regional parks and significant conservation areas. Ensure land identified as critical to the completion of open space links is transferred for open space purposes.

Ensure that where there is a reduction of open space due to a change in land use or occupation, additional or replacement parkland of equal or greater size and quality is provided.

[...]

5.9 The general thrust of the Planning Policy Framework relevant to this Project can be fairly summarised as:

5.9.1 the freight and logistics network is to be optimised to support and enhance employment and economic activity in Victoria whilst minimising the impact of freight movements on urban amenity;

5.9.2 that the open space network is to be protected and enhanced and where open space is lost, replacement parkland of equal or greater size and quality is to be provided;

5.9.3 that transport projects should include provision for public transport, cycling and walking infrastructure; and

5.9.4 that existing environmental values must be protected and where possible enhanced with particular reference to the Yarra River corridor which is identified as a significant economic, environmental and cultural asset.

5.10 Whilst there are potential benefits to the freight network arising from the Project, the Councils submit that the Project is inconsistent with Planning Policy Framework because:

5.10.1 the amount of open space lost is unnecessary and there are inadequate plans for its replacement;

5.10.2 the Project should incorporate additional cycling and walking infrastructure and preserve the potential for heavy rail corridor to the Doncaster Activity Centre;

5.10.3 the Project will cause unacceptable environmental effects, particularly on the Yarra River and Koonung Creek corridors; and

5.10.4 the Project fails to adequately demonstrate that residential amenity will be protected to the extent reasonably practicable.

- 5.11 Patently, the Project is not responding to any short or medium term established planning policy imperative.

Inconsistency with Yarra River Planning controls

- 5.12 The land to the west of Bulleen Road is located within an Environmental Significance Overlay – Schedule 3 (**ESO3**) and Significant Landscape Overlay – Schedule 2 (**SLO2**) under the Manningham Planning Scheme and a Significant Landscape Overlay - Schedule 1 (**SLO1**) under the Boroondara Planning Scheme, designed to protect the Yarra River floodplain environs. The Overlay bears the reference for the Yarra River Planning controls (GC48).
- 5.13 SLO1 and SLO2 covers the Yarra (Birrarung) River Corridor Environs. Clause 2 identifies the following landscape objective:
- To protect and enhance the natural landscape character of the Yarra River corridor where the river, its topography, adjacent public open space and a continuous corridor of vegetation and canopy trees are the dominant features.
- 5.14 The Project does not represent a sensitive response to the importance attributed to these areas, as identified by the Yarra River planning controls.

6. NET COMMUNITY BENEFIT ANALYSIS

Overstated benefits

- 6.1 A key alleged benefit of the Project is asserted travel time savings. It is submitted that the EES overstates any benefits, as a result of constraints and flaws in the modelling approach. These are outlined at a high level below. Further evidence as to the impact of these issues will be presented before the IAC.

Travel time savings

- 6.2 Assuming that the forecast demand along the Eastern Freeway is accurate, this would necessitate duplication of the EastLink Tunnels (Melba and Mullum Mullum). The failure to consider this consequential effect of the Project is a major flaw, or inconvenient truth. The full extent of the required duplication and connecting roads should form part of this EES.
- 6.3 The transport model does not adequately account for queues and congestion during the peaks. It assumes free flow conditions. It is submitted that this will reduce the modelled travel time savings to the point that it significantly undermines the alleged benefits during the peaks, when travel speeds drop significantly as cars back up on the freeway. The EES acknowledges this constraint in the model, but it does not address the constraints, or account for the reduction in benefits that must flow from it. This very issue was addressed as a concern by Infrastructure Australia when it assessed the Business Case and remains unresolved.

Toll avoidance

- 6.4 The EES refers to the sensitivity analysis undertaken in the Business Case in relation to toll avoidance. The Business Case Transport Impact Assessments state that the sensitivity analysis was carried out in an un-tolled scenario. It is likely that a sensitivity analysis applying market-based tolls will have a material impact on the traffic volumes on the Project.

Driver for 100,000 extra daily trips to the Eastern Freeway

6.5 The modelled volumes of an increase of 100,000 vehicles per day along the Eastern Freeway appears to be unrealistic and inconsistent with the No Project traffic impact assessment. There is no plausible explanation for the modelled increase of 100,000 vpd in the 2036 Project Case compared to the No Project Case 2036.

Driver for 70,000 extra daily trips to the M80

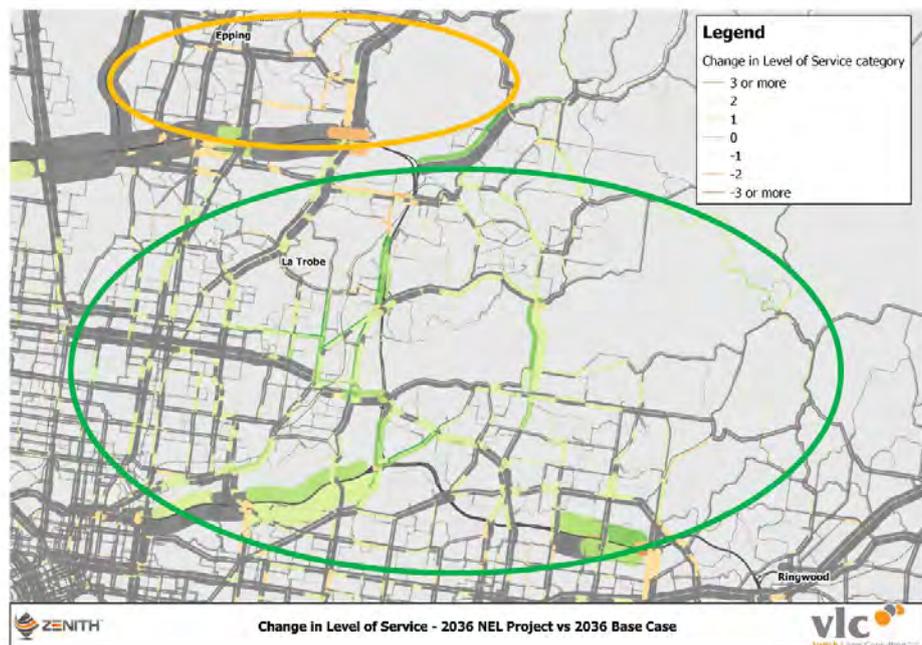
6.6 The modelled volumes of an increase of 70,000 vehicles per day along the M80 appears to unrealistic and inconsistent with the No Project traffic impact assessment. There is not plausible explanation for the modelled increase of 70,000 vpd in the 2036 Project Case compared to the No Project Case. Further, the 2036 Project Case volumes for the M80 are at odds with the volumes for the connecting arterial roads of Greensborough Bypass and Plenty Road.

Known disbenefits unacknowledged

6.7 The analysis in the Business Case transport impact assessments showed that disbenefits would accrue disproportionately to those in outer suburbs. Figure 32 to Appendix R (see below) shows a significantly reduced level of service north of the M80 interchange for people in Epping, Epping North, Wollert, Merrifield, Lockerbie, Donnybrook and Woodstock. This may be due to increased competition to access the M80.

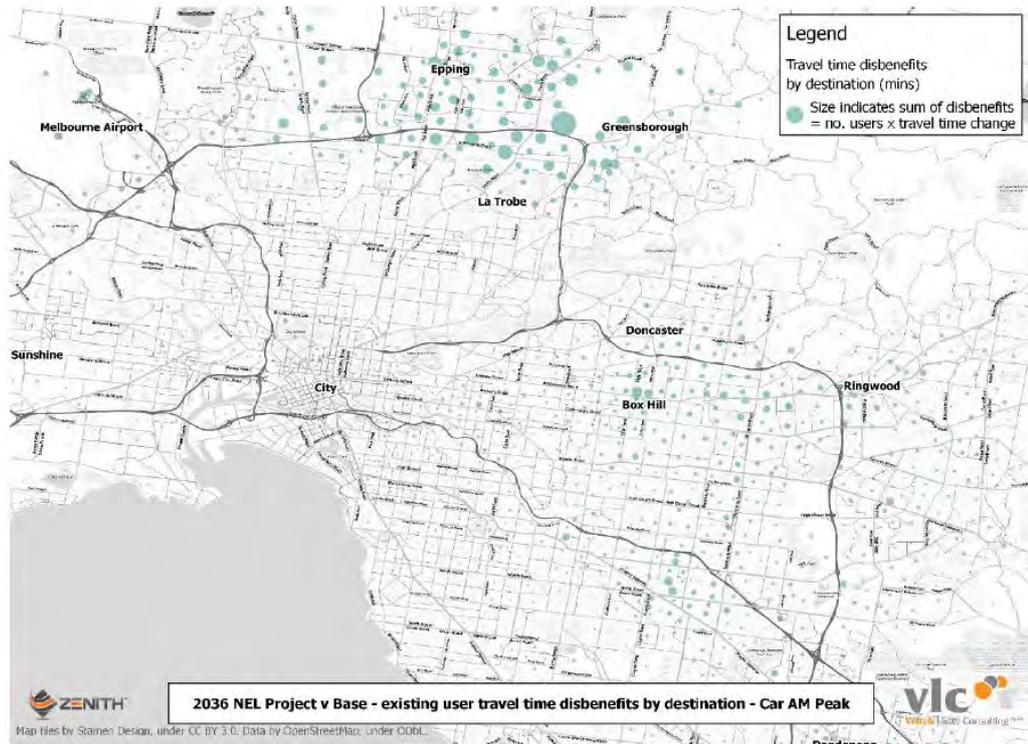
Figure

Figure 32 Change in Levels of Service as a result of North East Link, 2036



6.8 Figure 36 to Appendix R shows the distribution of disbenefits in areas such as Box Hill and Ringwood:

Figure 36 Travel time dis-benefits for cars in the AM peak by destination, 2036



- 6.9 These matters have not been addressed in the EES.
- 6.10 By contrast the distribution of benefits mapping shows that most of the benefits accrue to those in the inner suburbs south of the M80 (in areas closer to rail infrastructure).
- 6.11 Planning Policy in Victoria seeks to encourage greater use of sustainable transport modes. The Project will have the effect of causing longer commutes for those who are already experiencing the longer commute times, to the benefit those in areas with better access to public transport infrastructure.

Failure to quantify social and environmental costs

- 6.12 In the net community benefit equation, the alleged benefits need to be balanced against the social and environmental costs of the project. These include:
 - 6.12.1 displacement of residential homes and businesses as a consequence of acquisition;
 - 6.12.2 loss of economic output by those displaced businesses as well as disruption during the construction period while homes and businesses are affected by construction;
 - 6.12.3 displacement of many sports organisations;
 - 6.12.4 loss of more than 30 hectares of open space;
 - 6.12.5 loss of large areas of indigenous vegetation and habitat;
 - 6.12.6 degradation and urbanisation of the public realm and landscape setting around the Yarra River floodplain and corridor;

- 6.12.7 degradation of air quality and amenity;
- 6.12.8 increased congestion on the Eastern Freeway; and
- 6.12.9 longer commute times for those in the outer suburbs.

7. WORKS APPROVAL APPLICATION

Greenhouse gas emissions

- 7.1 If there are 100,000 extra trips per day in the 2036 Project Case, this clearly indicates a major potential for an increase in greenhouse gas emissions.
- 7.2 The Councils are not satisfied that the effects have been accounted for accurately.
- 7.3 Table 8-6 from the relevant technical appendix illustrates the problem:

Table 8-6 Estimated 2036 emissions per vehicle kilometre travelled (VLC, 2018)

	2036 'no project' forecast	2036 'with project' forecast	Difference (%)
Vehicle kilometres travelled (VKT) per day	173,024,654	174,361,744	0.77%
Total Vehicle Emissions/day (kg CO ₂ -e)	79,170,953	79,070,552	-0.13%
Emissions per VKT (kg CO ₂ -e/VKT)	0.458	0.453	-0.89%

- 7.4 There is no logic to the proposition that total vehicle kilometres travelled would be so close to the No Project traffic emission when the transport model identifies 100,000 extra trips per day in the 2036 Project case.
- 7.5 The Project case increases the number of trips by more than 50% yet only a relatively minor increase in emissions is accounted for.
- 7.6 The transport assessment notes that the Project will result in a 44% increase in vehicle kilometres travelled in the north east of Melbourne. It is unclear whether the EES Greenhouse Gas chapter takes into account the distance travelled from the origin to the freeway, or whether it assumes the vehicle origin is on the M80, North East Link or Eastern Freeway.
- 7.7 Australia's energy sector is addressing greenhouse gas emissions in its plans for future infrastructure. It is not apparent that the transport sector is addressing this issue.
- 7.8 The EPA website provides guidance on how it will assess climate change issues, noting that:
 - 7.8.1 it recognises the government's target of net zero emissions by 2050;

7.8.2 following the establishment of interim emissions reduction targets for Victoria, the Government will identify appropriate policy instruments to deliver these targets, including determining when EPA regulation is appropriate.

7.8.3 the *Climate Change Act 2017* also requires EPA to consider climate change in relation to a range of decisions including the issue of works approvals and licences. EPA must consider the potential impacts of a changing climate on the proposal, and the potential contribution the proposal will have to the state's greenhouse gas emissions.

7.9 The provisions of the *Climate Change Act 2017* must be considered as part of the assessment of the Project.

Air quality

7.10 The Councils' concerns regarding air quality are outlined at paragraphs 2.96 to 2.99 above.

7.11 The Councils will advance a case before the IAC regarding the adequacy of the air quality assessment and whether there is compliance with the relevant state Environment Protection Policies.

Unreasonable noise

7.12 The Councils' submissions regarding noise are set out at paragraphs 2.100 to 2.104.

7.13 The IAC will be asked to evaluate the effects on elevated properties, and properties below elevated structures as these properties are particularly vulnerable to noise that may be difficult to attenuate to the extent required.

Adverse effects on the amenity of the area

7.14 The Councils' submissions regarding the adverse effects on the amenity of the area are set out at paragraphs 2.105 to 2.108 above.

Schedule 1 Recommendations

1. **The Project action should not be approved**

- 1.1 The Project has not been justified and should not be approved for each or any of the following reasons:
- 1.1.1 the EES does not include an adequate assessment of the environmental effects of the project, so as to allow the IAC to be satisfied that the project should be approved;
 - 1.1.2 the EES does not include a balanced or fair assessment of alternatives to the project which is required to properly inform the response to the IAC terms of reference;
 - 1.1.3 the EES does not demonstrate that the ecological integrity of the Yarra River floodplain and its associated environmental values will be maintained;
 - 1.1.4 the Project is inconsistent with ESD principles;
 - 1.1.5 the Project is inconsistent with the Transport System Objectives in the TI Act;
 - 1.1.6 the Project is inconsistent with the Decision Making Principles in the TI Act;
 - 1.1.7 the Project is not supported by the Planning Policy Framework;
 - 1.1.8 the IAC is not satisfied that the Project will achieve net community benefit and sustainable development for the following reasons:
 - (a) the key benefit of the action, being the asserted travel time savings are likely to be overstated;
 - (b) the assessment of alternatives referred to in the EES is inadequate to assist the IAC to respond to the terms of reference in an informed manner;
 - (c) those who would benefit from the alleged travel time savings live closer to the CBD and have better access to rail infrastructure. Policy encourages displacement of car trips by public transport;
 - (d) those with relatively poor access to public transport in the outer suburbs will experience a higher level of disbenefits as a result of the project;
 - (e) the social and economic impacts of the proposal are significant and have not been demonstrably mitigated in the EES; and
 - (f) the disbenefits of the proposal have not been adequately accounted for or addressed.
- 1.2 Further assessment of alternatives should occur.

2. **Interchanges Design**

M80

- 2.1 That the Proponent consider alternative designs tabled during the IAC process to rationalise the road design to minimise the land take.

2.2 Complementary projects be approved to enhance the performance of this interchange.

Lower Plenty Road Interchange

2.3 The interchange should be redesigned to minimise the ecological impact on trees, Banyule Creek, open space and local amenity.

Bulleen Road Interchange

2.4 Improve the interchange design by:

2.4.1 provision of tunnelled exit/entry ramps to minimise impacts on adjacent public open space;

2.4.2 avoiding land to the west of Bulleen Road that is affected by the Significant Landscape Overlay; and

2.4.3 shifting the alignment of the Bulleen Interchange to the north-east to prevent constraints on the future use and development of the land occupied by the Boroondara Tennis Centre.

2.5 To minimise the social impacts of the Project adopt the City of Boroondara prepared Plan for the replacement of the Boroondara Tennis Centre and reconfiguration of the Freeway Golf Course.

2.6 The Project Authority reserve, acquire and deliver the land required for the delivery of the replacement open space assets in Bulleen Park as a condition of any approval.

3. Lower Plenty Road to Grimshaw Street

3.1 Prior to approval of the Project, investigate the option to extend the tunnel from Watsonia Station to the Grimshaw Street interchange, funded by toll revenue.

3.2 That the distance of extended tunnels and land bridged be optimised by reference to an approved Value Capture Strategy.

3.3 That all proposed urban design upgrades around Watsonia Station be delivered and funded by the Proponent.

3.4 That a precinct structure plan be funded and developed to guide future development around Watsonia, in a manner that protects the residential outskirts of the activity centre. Growth should focus on the Watsonia Train station and land owned or controlled by the State.

3.5 An associated Urban Design Strategy should be tested through a Development Planning process and associated advisory committee process under the PE Act.

4. Eastern Freeway Upgrades

4.1 The scale of the capital works programme in the Eastern Freeway be rationalised to avoid and minimise impacts on open space corridors, vegetation and open space and residential properties, having regard to the evidence to be presented to the IAC.

4.2 Alternatively, defer the upgrades to the Eastern Freeway so that the future planning for the duplication of the EastLink Tunnels is resolved through a strategic assessment process approved by the Minister.

4.3 Any decision on the future upgrades to the Eastern Freeway be deferred until there is a funding commitment to duplicate the EastLink Tunnels.

5. Impact on local roads

5.1 A package of measures be funded to mitigate impacts to local arterial road networks.

5.2 Access from existing local roads to arterial roads that will be severed by the Project should be reviewed and retained where feasible.

6. Complementary Projects

6.1 Complementary projects, both within and outside the Project area, must be identified and must be required to be delivered as part of the Project.

7. Further recommendations

7.1 Further recommendations will be provided in relation to other issues raised in this submission.



Schedule 2 Banyule City Council – Council Specific Concerns

Topic of Concern	Issue/Concern	Council's position/Recommended approach
Increased Traffic Volumes	<p>The traffic report indicates that the Project will lead to traffic volume increases in several roads in Banyule including Diamond Creek Road, Grimshaw Street, Erskine Road and Watsonia Road which will have unacceptable impacts including reducing safety and amenity and reducing existing bus service reliability. Council is also concerned that the Project does not provide direct connectivity to the La Trobe National Employment and Innovation Cluster.</p>	<ul style="list-style-type: none"> • Provide improvements to Grimshaw Street. • Simplify the Watsonia Road/ Greensborough Road intersection to discourage Watsonia Road as a potential through route. • Alternate/ more efficient arrangement for Lower Plenty Road interchange needs to be considered. • Provide direct connectivity between the Project and the La Trobe National Employment and Innovation Cluster.
Community Severance	<p>Greensborough Highway is an existing arterial surface road that divided Watsonia when it was originally constructed. The North East Link is proposed to go through the municipality in a trench further dividing east and west of the municipality. The reference design also indicates that the existing direct connection from Watsonia Station to Elder Street will be removed, further worsening the community severance concerns.</p> <p>While it is acknowledged that the alternate Watsonia Layout reinstates this access via a land bridge, there are no enhancements to local connections proposed.</p>	<p>With the magnitude of investment in North East Link, it is important that the existing land uses are integrated with the project consistent with the Urban Design Strategy.</p> <p>The reference design and the alternate design around Watsonia maintains the existing substandard arrangements, rather than providing enhancements.</p> <p>Regardless of the road design selected for this area, Banyule seeks connectivity improvements for Watsonia including:</p> <ul style="list-style-type: none"> • a “transport corridor” over Watsonia rail tracks, by extending Elder Street to Watsonia Road • providing a direct shared user path across North East Link and the railway to connect from the east side of North East Link to Watsonia Shopping Centre and Watsonia Railway Station • upgrade Watsonia Station to include DDA access i.e. escalator/ lift access to the platforms • providing direct covered pedestrian/ cyclist access between the multi-deck car park and the Railway Station • longer and more Land bridges to increase open space and greening of the North East Link corridor, similar to the section south of Yallambie Rd

		<ul style="list-style-type: none"> • explore possibilities to split the Greensborough Road further north. This allows pedestrian/ cycling crossing to occur via one set of crossings • plans indicate that the existing power pylons in the commuter car park will be relocated further east along the powerline reserve. However, the plans do not include relocation of the power pylons adjacent to Watsonia Library. The removal of the power pylons would facilitate the provision of an enhanced town square adjacent to Watsonia Library. This can be achieved utilising monopoles • Watsonia Station has good vehicular access from arterial road network with direct car park access from Greensborough Highway. As such, Watsonia Station should be used as a park and ride station. While the project includes provision of a multi deck parking with 60 additional spaces, opportunities to provide additional spaces should be explored • the proposed multi-deck car park should be future proofed for alternative uses and include an active 'skin' to improve the urban design rather than provide a 'car park' frontage
<p>Impact on Banyule Flats due to change to Banyule Creek – loss of important habitat/flooding/undergrounding</p>	<p>Banyule Creek undergrounding will result in the loss of important habitat and potential for the undergrounded system to impact on Banyule Creek south of Lower Plenty Road and Banyule Wetlands.</p> <p>Specific concerns include:</p> <ul style="list-style-type: none"> • construction has the potential to increase flooding to properties between Simpson Army Barracks and Lower Plenty Road (Surface Water 8.1.4). • Banyule Creek would be diverted into an underground drainage system on either side of North East Link feeding into a series of detention and treatment ponds north of Lower Plenty Road 	<p>Council does not support the undergrounding of Banyule Creek. Further investigations required as to impact on Banyule Flats due to proposed undergrounding of Banyule Creek.</p>

	<p>and then into the existing culvert under Lower Plenty Road (Surface Water 8.1.4).</p> <ul style="list-style-type: none"> • potential impact on water volume, speed and quality discharging into Banyule Creek south of Lower Plenty Road (Creekbend Reserve) (Surface Water 8.1.4) • water main relocation including relocation of pressure reducing station from the Barracks land to the Melbourne Water reserve or Council's reserve at 26 Coleen Street (Surface Water 8.1.4) • Banyule Creek south of Lower Plenty Road to 'remain functionally unchanged' (Surface Water 8.3.1) however the Map Book (Sheet 15 of 42 - Construction) shows 'Area for construction of drainage features' 	
Integrated Water Management Strategy required	The project should be treated as an Integrated Water Management precinct to assist in water sensitive city thinking and realise strategic precinct wide goals. There is opportunity for a national benchmark in major road projects in Yarra catchment – Melbourne's most significant economic, environmental, social and cultural catchment.	The Project be treated as an Integrated Water Management precinct with specifically identified improvements in Banyule.
Ventilation structures	Long tunnel ventilation impact has not been adequately identified and assessed. Further information is required as to the location of stack and impact of any move.	Clarify long tunnel location of stack and Air Quality impact of any move.
Water Sensitive Urban Design	Project targets for water quality are only being met at Project scale. How is SEPP being met with regard to impact on receiving waters such as Plenty River and Banyule Creek? Water quality targets should be met within each LGA.	The Proponent to advise how SEPP will be achieved for each LGA.
Noise	The VicRoads Traffic Noise Reduction Policy of an external noise level of 63dBAL10 18h (0600h to 2400h) is a day-evening criterion. That is unsatisfactory. The critical time for minimal noise is night time to allow	It is recommended that a specific night time traffic noise of 50dBA Leq 9h (2200h to 0700h) be adopted. This is 5dBA higher than the WHO night time traffic noise level.

	restorative sleep. It is imperative that an explicit night time traffic noise limit be implemented. Ironically the construction noise guideline and SEPP N-1 for the ventilation system noise control both include an explicitly night time noise.	
Impact on community facilities	Many community facilities will be impacted during construction and/or operation of the Project outside of the 100m project boundary (or 400 m boundary where applied). There are a number of community facilities that will be impacted within a short distance of the project that have not been assessed.	The Proponent to assess and consult with all representatives (users, owners, occupiers) of community facilities within 500m of project boundary. Reasonable requests that may help minimise impacts should be considered and actioned.
Removal of existing significant scale offset planting	There is a VicRoads offset under Banyule permit P933/06 that offsets just under 1000 trees on the Simpson Army Barracks due to the construction of a shared use path. The Proponent has been notified of this matter and Banyule has written to VicRoads seeking their input without response. 200 of the trees (endangered EVC55) are in a narrow strip on Barracks land between Drysdale St and Strathallan Rd. This area is shown as cut and cover and totally destroyed. It is currently shown by the Proponent as EVC55 but not as an existing offset. Banyule's permit endorsed the landscape and Offset Management Plan as the response to the offset requirement. Over the years there is documentation that treats this area as an offset with response form the State environment department and VicRoads. Ecology report Map on page 11-18 shows S58 as the area in question (also contains Studley Park Gum, Matted Flax Lilly and Arching Flax Lilly) The State's NVR report p.12 has a S60 highlighted in red that is not shown on the Project documentation/map.	<ul style="list-style-type: none"> • Confirm status of offset as valid (awaiting advice from DWELPs offset team). • Confirm if an offset in perpetuity can be offset again – no known precedent. • Advice on strategic response and use of this issue at Panel.
Loss of very old large trees	There are several ESO4 trees along the alignment that are directly lost, and potentially more with groundwater drawdown.	Banyule's arborists use the Significant Tree and Vegetation Register (ESO4 in the Planning Scheme) to require greater TPZs where there is no chance to avoid the loss as a first principle – they will always look particularly hard at a development proposal where an ESO4 tree is impacted to determine if there's been a

		genuine avoid effort. Otherwise adding a multiplier to their offset value will be required.
Loss of endangered species - Studley Park Gum	The Studley Park Gum is an endangered species at risk of being lost.	Efforts must be made to protect the species from extinction.
Long term (7 years) use of Reserves and car parks will impact transport, businesses, recreation options for community	<p>The impact of construction is referred to as temporary. This period of long term (7 years), a child's entire primary or secondary education, for occupation of reserves and carparks and traffic management along the length of the Project corridor.</p> <p>There will be an impact on Council's ability to maintain its existing services and operations and to meet community expectations regarding these services.</p> <p>Other Reserves in Banyule will be used during construction and operation of the Project:</p> <ul style="list-style-type: none"> • Trist Street Reserve (100% construction and 4% operation) • Unnamed road reserve adjacent to Sellars Street (100% construction and 0% operation) • Watsonia Station Car Park Reserve (100% construction and 76% operation) • Watsonia Road Reserve (Including Watsonia Timber & Hardware and Council car park) (100% construction and 20% operation) 	<ul style="list-style-type: none"> • Alternative facilities should be provided to offset the community impact of loss of recreation and open space during the 7 year construction period. • Acquisition of the Watsonia Road Reserve is not acceptable as it will impact shopper car parking and the viability of Watsonia shopping centre. • All facilities should be reinstated at the end of occupation to the relevant standard applicable at the time of reinstatement.
Watsonia Activity Centre access and connectivity	<p>Council is concerned about the impact that the Project will have on the viability of the Watsonia Activity Centre. Council's concerns include:</p> <ul style="list-style-type: none"> • it is indicated that some parking areas in Watsonia will be taken over for construction purposes. The viability of businesses is highly dependent upon the provision of suitable parking; • it is indicated that sites around Watsonia Shopping Centre will be occupied during construction but fails to acknowledge the impact 	Further assessment required of the impact of the Project on the Watsonia Activity Centre.

	<p>of construction areas will have on the viability of the shopping centre</p> <ul style="list-style-type: none"> the Proponent makes reference to businesses being impacted during construction, however fails to assess the extent of impact over an extended 7 year construction period, including temporary occupation timeframes 	
Interchange design	<p>The design of the interchange with Lower Plenty Road is overly cumbersome and counterintuitive for motorists, particularly those that arrive from east, west or south of the interchange and intend to travel south along the North East Link. They need to continue their journey 1.3km north to access the southbound ramps to the proposed tunnel.</p>	<p>The interchange should be redesigned to provide more direct access to the North East Link.</p>
	<p>To avoid rat-running through Strathallan Road from the Lower Plenty Road interchange, the Proponent is proposing to change access to Edward Street, Strathallan Road and Sydney Street to left-in/left-out at a service road which restricts access for residents and change traffic flow.</p>	<p>Alternate/ more efficient arrangement for Lower Plenty Road interchange needs to be considered.</p>
	<p>Existing Drysdale Street connection to Greensborough Road is proposed to be closed during construction and reinstated after construction. However the access will be difficult as the connection will be at the congested Lower Plenty Road interchange. This will put pressure on to Crew Street/ Lower Plenty Road intersection.</p>	<p>Consider opening Drysdale Street on to Lower Plenty Road to facilitate improved local movements during and after construction.</p>
Review of Truck Routes and Curfew	<p>If the Project is approved, a review of through truck routes on existing arterial roads between the M80 and the Eastern Freeway should occur and the existing North East Truck Curfew within Banyule should be extended to 24 hours.</p>	<p>Determine whether it is necessary for the protection of amenity to extend truck curfews on arterial roads.</p>
Closure of existing roads	<p>The Project indicates that Nell Street, Thompson Street, Temby Street and Nepean Street will be closed at their intersection with Greensborough Road. This will create unacceptable changes to traffic volumes and traffic</p>	<p>Amend the design to retain the current road and intersection arrangements.</p>

	patterns in local streets including Longmuir Road which is used as a pick-up/drop-off location for Greensborough College students.	
Local traffic arrangements at Greensborough Secondary College not included	<p>Traffic impacts due to sporting club displacements has not been captured in the EES.</p> <p>It is proposed that the Greensborough Secondary College ground will be upgraded to cater for displaced clubs from AK Lines Reserve. The traffic generated on game and training days could impact traffic movements within local roads. This is especially concerning given that the Nell Street (a connector street) will be closed in the proposed Project design.</p>	Detailed traffic assessment of local areas needs to be undertaken around relocated sports facilities.
Cyclist/pedestrian movements not prioritised	While there are improved pedestrian/ cycling connections North-South, provision of direct and unobstructed paths East- West across the North East Link is limited.	Providing a direct and unobstructed shared user path across North East Link and the railway to connect from the east side of North East Link to Watsonia Activity Centre and Watsonia Railway Station.
Shared path, walking and cycling connections	<p>There is no provision for a continual shared path from Greensborough to the CBD.</p> <p>The provision of new and renewed shared path network along the whole route which generally is an enhancement on current provision and is supported. However a safe, direct and unimpeded connection to the Main Yarra Trail across Banksia Street, Heidelberg must be constructed to ensure a viable commuter and recreation route from Greensborough to the CBD.</p>	Council is currently working on the feasibility design for an underpass of Banksia Street to the east of Dora Street / The Boulevard. The current route under the Yarra River Bridge is unsafe, subject to flooding and indirect. The proposed on road cycling route from Greensborough Hwy to Latrobe University is important but the selection of Moorwatha St / Braid Hill Rd / Chapman St is not supported due to steep inclines, narrow width and dangerous intersections.
Borlase reserve to be used for two purposes -insufficient room	<p>Unclear if WSUD and Flood retention at Borlase Reserve – constraints / competing land uses.</p> <p>There is limited space for WUSD treatment proposed north of Lower Plenty Road to treat water before discharging into Banyule Creek.</p> <p>There is a loss of open space amenity for the residential interface associated with these proposed changes in use.</p>	Clarify and agree on all issues raised. Council is concerned with these matters being left to EPRs and Tenderer designs.

Land bridges do not adequately support access to open space	It is stated that land bridges will enhance open space, and connect open space areas. This is not reflected in the current proposal, as the land bridges are not in appropriate numbers or locations that support these connections and it is not clear that they will be able to support needed open space functions due to size, location, amenity issues etc.	More accurately describe the role of the land bridges and acknowledge that the quantity and locations are still under consideration.
Landscaping design unsatisfactory	Given the amount of civil construction (road pavement, sound walls, elevated road crossings etc.) the need to allow adequate space for meaningful landscaping is critical.	Landscaping must be considered along the entire length of the road alignments and include large spreading canopy trees of a commensurate scale to the road reservation. VicRoads clear zones will need to be considered. Where sufficient space cannot be provided to satisfy clear zone requirements guard rails will need to be provided. Boulevard planting must be considered a key priority to ensure a high level of visual amenity.
Translocation site for the Matted Flax Lily	Translocation Sites - Marigolds reserve, South East Cnr of the Simpson Army Barracks is a Council Conservation Reserve that should be considered a priority recipient site for translocated Matted Flax Lilly. Harry Pottage Reserve is on the list but it would be better to have Marigold Reserve on there as first pick as the diversity of understory isn't as high as Harry Pottage Reserve. Mostly dominated by Microlaena stipoides therefore less disturbance to diversity.	The Proponent to explore option of Marigold Reserve as recipient site in Banyule.
Impacts on sport and recreation facilities	<p>The EES Map book highlights AK Lines Reserve, Gabonia Reserve and Winsor Reserve as potential construction compound sites.</p> <p>Council has consulted the affected sporting clubs and have identified alternate relocation sites.</p> <p>The EES includes a preliminary assessment to determine impacts and identify options that may be available to relocate sporting clubs. There was a commitment to consult with clubs and key stakeholders to refine these options.</p> <p>Council has meet with all directly affected sporting clubs and discussed the options presented on the EES.</p>	<p>Provide improvements to Whatmough Park, Greensborough Park, Binnak Park, Greensborough College and De Winton ovals.</p> <p>Reinstate and provide improvements to AK Lines, Gabonia Reserve and Winsor Reserve following the occupation.</p> <p>The preferred relocation sites for displaced clubs are:</p> <ul style="list-style-type: none"> • A.K. Lines • Whatmough Park • Greensborough Park • Binnak Park • Gabonia Reserve

	<p>Through this consultation phase four of the six clubs directly affected identified alternative relocation sites.</p> <p>Council supports these preferred relocation sites given the issues that each individual club has raised during the additional consultation stage</p>	<ul style="list-style-type: none"> • Greensborough College <p>As per the Masterplan identified in the EES</p> <ul style="list-style-type: none"> • Winsor Reserve • Macleod College • De Winton Reserve <p>BCC supports the reinstatement of the following venues:</p> <ul style="list-style-type: none"> • A.K. Lines • Gabonia Reserve • Winsor Reserve
Complementary Projects	<p>There is a lack of complementary projects identified within the EES in support of the Project.</p>	<p>A general provision of projects should include, but not be limited to:</p> <ul style="list-style-type: none"> • Public Transport Upgrades • Cycling and pedestrian paths • Road network improvements • Biodiversity enhancements • Support for economic viability of activity centres • Land use, sporting reserves and recreational facilities • Public Realm and community asset upgrades

Schedule 3 Boroondara City Council – Council Specific Concerns

Topic of Concern	Issue/Concern	Council's position/Recommended approach
Undergrounding of Koonung Creek	<p>Council does not support the covering/undergrounding of Koonung Creek.</p> <p>Melbourne Water and local Councils have been working to restore Koonung Creek over past decades and want to see Koonung Creek 'day-lighted' and want to restore ecological benefits, and amenity benefits to residents consistent with best practice management of waterways.</p> <p>There is also concern about the consequences upstream and downstream resulting from covering of Koonung Creek as well as potentially compromising the ecological functionality of the Reserve.</p>	<p>Alternatives to the undergrounding of Koonung Creek should be explored to restore the creek consistent with Melbourne Water's approach to managing waterways.</p>
Impact of vegetation removal on function of Koonung Creek Reserve	<p>Council does not support the removal of vegetation.</p> <p>The reference design shows that the widening of the Eastern Freeway will require acquisition of approximately 6-7 hectares of Koonung Creek Reserve (KCR). Koonung Creek functions as a viable ecological corridor. Much of what is being removed is revegetation and remnant vegetation. If the KCR is used as a construction laydown site, it is likely that more native vegetation may be removed or damaged.</p>	<p>Removal of native vegetation along the Koonung Creek corridor should be avoided to the greatest extent possible.</p>
Relocation of Tennis Centre	<p>Council does not support Option 3 of the Bulleen Park Assessment prepared by the Proponent.</p> <p>The relocation of the Boroondara Tennis Centre (BTC) must allow for continuity of service and access during the construction phase of the Project, must have acceptable environmental impacts and must be located within Boroondara, not just on land owned by Boroondara.</p> <p>Option 3 for the Bulleen Park Assessment proposes the BTC sits over an undergrounded section of Koonung Creek. Implications of this potential siting of the BTC on the ecological and hydraulic regimes have not been properly investigated or documented. The flooding potential of the proposed new location of the BTC has not been investigated or documented.</p>	<p>Council does not support the relocation of the BTC to sit over and cover the Koonung Creek.</p>
Doncaster busway	<p>There is no detail about how the Doncaster busway protects and preserves the Doncaster Rail reservation. The heavy rail line is supported by Manningham and Boroondara councils and will provide good quality public transport connections for the sections of our municipalities that are transport poor.</p>	<p>Provide information and details about how the Doncaster busway protects and preserves the Doncaster Rail reservation, including details about how the busway can be retrofitted to accommodate heavy rail.</p>

Topic of Concern	Issue/Concern	Council's position/Recommended approach
	<p>The proposed access and egress arrangements to and from the proposed Bulleen Park and Ride (P+R) facility are inappropriate.</p> <p>There are no clearly defined walking and cycling access routes from south of the Eastern Freeway to the P+R. Active transport to the P+R is critical and cannot be ignored.</p> <p>The vehicle egress from the P+R facility is left out only onto Thompsons Road with no ability for vehicles to travel west to Bulleen Road and then south into Boroondara.</p> <p>It is completely unreasonable to expect anyone living south of the Eastern Freeway to drive east along Thompsons Road to Doncaster Road to cross the Eastern Freeway to properties on the south side.</p>	<p>Provide good quality walking and cycling access to the Bulleen Park and Ride facility from all directions.</p> <p>Provide high quality and suitably located bike parking at the Bulleen Park and Ride facility.</p> <p>Provide right and left out movements from the Bulleen Park and Ride facility to ensure equitable access and egress for all potential users of the facility.</p>
Lack of meaningful consultation	<p>The statement..."It is considered that a selection of a cross section of the community - residents and infrastructure facilities across the entire study area was representative to provide insights into community baseline and potential impacts from the project. It is expected that additional feedback may be received following preparation of this social impact assessment." (5.7 Rationale, p.27 of Technical Report I: Social).</p> <p>Observation: This means there could have been fewer than 10 Boroondara residents consulted at the workshop (See also Section 5.4 - page 20, Technical Report I: Social).</p> <p>This was raised in response to the draft EES - changes made have not addressed or acknowledged the insufficient community engagement.</p>	Address and acknowledge the insufficient community engagement.
Insufficient surveys of threatened and endangered species	<p>Freeway Golf Course has not been adequately surveyed for threatened flora and fauna. A portion of the golf course will be acquired for the Project, so the golf course will need to be redesigned to create a new 18-hole playable course. Surveys need to be undertaken across the golf course to check for threatened and endangered species and identify 'no-go' zones - for example around billabongs. Note that Freeway Golf Course was identified in the <i>Inventory and Assessment of Indigenous Flora and Fauna</i> in Boroondara as a site of state biological significance.</p> <p>Of particular concern, there were no targeted surveys undertaken for the EPBC listed Latham's Snipe, Australasian Bittern and Glossy Grass Skink. Latham's Snipe has been recorded at Freeway Golf Course (Practical Ecology 2010).</p>	<p>Undertake flora and fauna surveys at Freeway Golf Course to search for threatened species and identify 'no-go' zones during construction.</p> <p>Undertake targeted surveys for Latham's Snipe, the Australasian Bittern and the Glossy Grass Skink.</p>
Loss of trees and associated amenity and ecosystem services	The loss of trees through the project footprint will not be easily mitigated in the 15 year time frame set as the target for canopy restoration. For this reason, retention of existing high quality trees within the project footprint (outside the road zone) must be made a priority.	<p>Reduce number of large trees to be removed.</p> <p>Ensure a clear statement is made about retention of juvenile trees as part of the project's maximum practicable retention of trees.</p>

Topic of Concern	Issue/Concern	Council's position/Recommended approach
	<p>The project proposes to dispose of a large number of tree assets belonging to several councils. These trees have their own intrinsic value and perform ecosystem services in their environment. Compensation for lost trees should be provided to and set aside by Councils specifically to ensure ongoing maintenance of replacement trees at the end of Proponent's commitment to managing the landscape.</p> <p>The Arboriculture Report also rationalises that the removal of semi-mature, mature and over-mature trees has a lower adverse effect than the removal of mature trees. Juvenile trees have the longest useful life expectancy (ULE) and if they are established and display good health and structure, should be included with medium to long term value (MTLV) trees. While there is a view that small trees are more easily replaced, the sustainability aims and restoration of lost canopy are likely to be better met by working to retain existing trees in the project footprint.</p>	<p>Implement larger tree protection zones (TPZs) around a group of trees to provide most protection to the trees in the centre - as well as potential protection to juvenile trees.</p> <p>Use standard valuation methods such as iTree to calculate compensation for councils for the amenity and ecosystem services to be lost when trees are removed.</p> <p>Provide a proactive tree replacement strategy to commence day 1 of project to minimise canopy loss.</p>
Loss of ecosystem function – lack of assessment of climate change impacts	<p>The report does not consider the impacts of climate change on waterways and terrestrial ecosystems which compounds other threatening processes.</p> <p>It may be interesting to refer to the CSIRO paper - Dunlop et.al https://www.nccarf.edu.au/sites/default/files/attached_files_publications/Dunlop_2013_Climate-ready_conservation_objectives.pdf which discusses the importance of maintaining landscape and ecosystem function in a time of changing climate.</p>	<p>Further consideration is required on the impacts of climate change such as extended periods with no rain and extreme rain events and the impacts of this on the reinstatement of vegetation and trees following construction. The paper referenced considers the most important aspects of preserving the environment in a changing climate is to maintain ecosystem function. The Project will result in loss of ecosystem function including removal of native vegetation, undergrounding of Koonung Creek and loss of in-stream aquatic vegetation.</p>
Loss of open space.	<p>Council is concerned about the large amount of public open space that will be lost in the Koonung Creek Reserve as a result of the project and the impacts on amenity and opportunities for passive and active recreation.</p>	<p>Reduce the acquisition of public open space, particularly in the Koonung Creek Reserve.</p>
Construction laydown areas	<p>The use of public open space as construction laydown areas is not supported or considered appropriate. In particular, the Koonung Creek Reserve (KCR) is a critical community asset that provides significant health and wellbeing benefits to the community. The permanent loss of approximately 20% is significant. The 'temporary loss' of approximately 80% to construction compounds for the duration of the construction period, which is unknown at this point in time, is concerning.</p> <p>The proposed use of two local streets to access the proposed KCR site compound from Doncaster Road is also not appropriate or supported.</p>	<p>The use of public open space, in particular the KCR as a construction laydown area is not appropriate or supported. Similarly, the use of narrow local streets to access the proposed construction laydown area is not considered appropriate or supported.</p> <p>Reconsider the use of the KCR and local streets for construction purposes.</p>

Topic of Concern	Issue/Concern	Council's position/Recommended approach
Ground and surface water impacts of tunnel portal construction	The impacts of flood plain changes around the southern tunnel portal are not clear.	Clarify the impacts of flood plain changes around the tunnel portal.
Groundwater drawdown (e.g. at Trinity Grammar Billabong) will be "last straw" for highly vulnerable flora	The River Swamp Wallaby-grass in the Trinity Grammar Wetlands is near the edge of its tolerance of dry conditions and will be vulnerable to potential disruption to flood frequency and height of the water table as a result of the Project construction activities.	Address how groundwater drawdown will impact River Swamp Wallaby-grass. Advise how the construction of the cut and cover tunnel through wetland B at Trinity Grammar School will impact on the River Swamp Wallaby-grass.
Ecological Values at Yarra Flats Reserve not adequately addressed	The project works should be confined to road reserve to avoid impacts on the EVC Flood Plain Riparian Woodland.	Create a no-go zone at Yarra Flats Reserve - near Burke Road to protect the native vegetation and ecological values of the site and nearby Yarra River. Shared path construction works should be the only exception to this no-go zone.
Road closures	The impacts of the proposed Doncaster Road bridge replacement works and associated temporary lane reductions and closures are not well articulated. There will be impacts on the Boroondara, Manningham and Whitehorse local road networks as motorists find alternative routes. The local impacts of the proposed Doncaster Road bridge replacement works need to be detailed and explained, along with suggested mitigation measures to protect the local streets and the amenity our residents enjoy.	Detail and explain the local impacts and suggested mitigation measures associated with the proposed Doncaster Road bridge replacement works.
Boroondara master plans and policies not adequately acknowledged	The Urban Design Strategy should acknowledge and identify actions from Council masterplans, strategies and action plans for Project-impacted parks, reserves and other areas. The Proponent must provide funding to Council for the delivery of same.	Provide funding to Council for the delivery, at a time convenient to Council, of actions from all relevant masterplans, strategies and action plans that are affected by the Project.
Reduced amenity of adjacent properties	The 'social impact' of the Project should be reassessed as significant. Overshadowing and noise will impact on the amenity and social wellbeing of residents. The broader range of potential impacts, will have a cumulative effect on those affected.	Consider and document the cumulative effect of overshadowing and noise on the health and wellbeing of the nearby community.

Topic of Concern	Issue/Concern	Council's position/Recommended approach
Loss of opportunity for recreation at several locations	Musca Street, Columba Street and Leonis Street are all categorised as Regional Reserves in the Boroondara Open Space Strategy. They attract a large number of users including users from outside of Boroondara. The temporary and permanent impacts of North East Link are likely to have significant effects on people's ability to use these locations for social purposes. The effect is likely to be higher still given all reserves may be affected simultaneously.	Reconsider the use of and impacts to the Regional Reserves.
Pedestrian and cyclist connectivity across project is poorly serviced	<p>Careful consideration needs to be given to the pedestrian and bicycle experience. New pedestrian bridges, land bridges and pedestrian crossings over a major road, including the North East Link trench and Eastern Freeway, deprioritise pedestrian use of space and prioritise car use, even if the intention is to connect to a public transport stop.</p> <p>Bridges result in longer and less direct pedestrian routes, include inclines which previously may not have existed, are exposed to elements and removed from social surveillance. While new connections may foster active travel for able bodied individuals, they may act as a barrier to those with poorer mobility or unable to make longer journeys by foot, which in many cases would also be those who are already limited from using other transport options.</p> <p>All design must integrate with and respect the existing context and needs of the walking and cycling community, as well as be sympathetic to the existing design. All design must follow best practice and mode separate all shared paths impacted, built, renewed or upgraded by the Project.</p>	<p>Avoid generalised assumptions of increasing walking behaviour, as pedestrian overpasses may increase journey time and deprioritise use of active transport methods in favour of car use.</p> <p>Use best practice design approaches when designing walking and cycling facilities.</p>
Health impacts poorly addressed	Whilst the Human Health Report identifies some groups who may be at increased vulnerability to health impacts, and whether these groups exist in the population, the report makes the generalised assessment of health impacts on a whole population. The report doesn't indicate if any effort or extra attention would be offered to mitigate the impacts experienced by vulnerable populations during or after construction.	Include a separate appraisal of the health impacts on the population cohorts identified as being at increased vulnerability to human health impacts, and develop a report on how these impacts will be mitigated for those individuals.
Sensitive vegetation and fauna not protected	There is concern about the project boundary incursion into Kew/Willsmere Billabong and nearby sites. Works along the Eastern Freeway must not disturb native vegetation and ecological values at Kew/Willsmere Billabong, between Willsmere Chandler Reserve and at Chandler Reserve. Kew/Willsmere Billabong should be declared a 'no-go zone'. The native vegetation which extends in a narrow band along the Yarra River between Willsmere Reserve and Chandler Park is at risk from construction of the busway and noise walls and should also be declared a 'no-go' zone.	Create 'no-go' zones to protect the native vegetation and ecological values at Willsmere Billabong and between Willsmere-Chandler Reserve.
Flooding Impacts	The report does not offer a strong commitment to ensuring no increase occurs to flood levels in existing developed areas.	Advise risk management protocol proposed to protect LGAs in event of flooding.

Topic of Concern	Issue/Concern	Council's position/Recommended approach
		Provide definitive statements committing to zero increase in impacts.
Traffic increases on local roads	Construction and operation of the Project will result in an increase in traffic on local roads.	Construction and operation must avoid increasing traffic on local roads. The Project should identify and upgrade alternative arterial routes to avoid impacts on local streets.
Noise during operation	<p>Once operational, the Project will result in excessive noise levels in some locations which will impact local residents, schools and users of local parks and reserves.</p> <p>The inclusion of noise walls along the Eastern Freeway is generally supported, however there is concern about overshadowing of properties near the walls and impacts on health and wellbeing of residents.</p> <p>“At property” attenuation for those properties that will not meet the projects 63db(A) target is considered unfair. These residents will not be able to use the private open space.</p>	<p>In accordance with Boroondara’s previous advocacy on traffic noise, traffic noise should be attenuated to no more than, and preferably less than 63db(A) and is measured at:</p> <ul style="list-style-type: none"> • first floor and ground floor level • anytime day and night
Complementary Projects	There is a lack of complementary projects identified within the EES in support of the Project.	<p>A general provision of projects should include, but not be limited to:</p> <ul style="list-style-type: none"> • Public Transport Upgrades • Cycling and pedestrian paths • Road network improvements • Biodiversity enhancements • Support for economic viability of activity centres • Land use, sporting reserves and recreational facilities • Public Realm and community asset upgrades

Schedule 4 Whitehorse City Council – Council Specific Concerns

Topic of Concern	Issue/Concern	Council's position/Recommended approach
Tree removal	<p>Council strongly objects to the number of trees planned and at risk of removal within Whitehorse, particularly mature trees.</p> <p>Impacts to lower and middle storey vegetation is not being considered or offset.</p> <p>The social impact of the tree removal is dismissed in the EES and shows a lack of appreciation that our community places on a green, leafy environment. There is likely to be levels of stress and anxiety in the community resulting from tree removal.</p> <p>Vegetation planted at Elgar Park was established for biodiversity purposes and therefore qualifies as native vegetation for the purposes of offsets, rather than being considered as amenity planting.</p>	<p>Significant reduction in the number of trees to be removed is to be achieved and vegetation at Elgar Park to be classified as native vegetation not amenity plantings.</p>
Adequacy of flood modelling	<p>Whitehorse Council has asked on a number of occasions through the TRG process for details of the full hydrological and hydraulic modelling (for existing and proposed conditions) for all storm events, so that Council can be confident that there will be no impact to Council and private assets and property. It appears that no local catchment flooding has been modelled.</p>	<p>This data has not been made available therefore there is no confidence that there will be no flooding impact/adverse effects within the City of Whitehorse (on Council or private land). Impacts of the Probable Maximum Flood (PMF) must be modelling at critical locations that affect safety.</p>
Impact on Council stormwater infrastructure	<p>It is not clear if Council stormwater pipes are impacted by this project. Council's infrastructure must not be removed or modified without approval from Council and constructed to Council standards and projected requirements/capacity.</p>	<p>Any stormwater assets that are proposed to be relocated must be constructed to Council standards and relocated to an appropriate point of discharge to the satisfaction of Council.</p>
Impact on Yarra River and Koonung Creek corridors – especially enclosure/ barrelling of Koonung Creek	<p>Council is extremely concerned about sections of the Koonung Creek that are proposed to be undergrounded or overshadowed. All efforts must be made to prevent the need for the Koonung Creek to be piped underground and any detrimental impacts to the wetlands.</p>	<p>It is unacceptable that sections of the Koonung Creek are proposed to be undergrounded or overshadowed. Koonung Creek should not be piped underground and there should be no detrimental impacts to these significant wetlands.</p>
Deterioration of local road performance &	<p>There is predicted to be a deterioration in local roads performance, with no plans to mitigate the situation. This is unacceptable. The Proponent's response is that they look for an overall intersection</p>	<p>Any deterioration of performance of arterial road and local road intersections is unacceptable.</p>

Topic of Concern	Issue/Concern	Council's position/Recommended approach
absence of mitigation plans	<p>performance at Level of Service (LOS) D, with no consideration of impacts to the local side streets. It is unacceptable to have average waiting times in excess of 5 minutes at some locations. Council has particular concerns regarding the following locations:</p> <ul style="list-style-type: none"> • Station Street/ Woodhouse Grove intersection • Grosvenor Street/ Surrey Road intersection • Katrina Street/ Middleborough Road/ Heathfield Rise intersection • Ashwood Drive/ Springvale Road intersection 	
Traffic impact on arterial roads	<p>High traffic volumes are predicted along arterial roads in Whitehorse. Analysis within the EES is high level and regional with no local impacts presented or discussed in great detail.</p>	<p>Council has concerns regarding impact of this on car and public transport travel times, particularly buses that travel along these arterial roads. Specific concerns are raised regarding the performance at the intersection of Whitehorse Road and Springvale Road Nunawading, as well as intersections that service rapidly growing Box Hill MAC, eg;</p> <ul style="list-style-type: none"> • Station Street and Whitehorse Road Box Hill • Elgar Road and Whitehorse Road Box Hill
Insufficient cycling and walking improvements	<p>Council strongly advocates for the predicted increase in traffic volume along arterial roads to be off-set with extensive walking and cycling improvements, particularly to and from the Box Hill Metropolitan Activity Centre. The State Government 'Strategic Cycling Corridors' should be implemented as a minimum. Minimal 'patching' works are proposed by the Proponent along the Koonung Creek Trail which is unacceptable given the level of intrusion the Project is causing to our community. The safety impacts on active transport users from higher vehicle volumes on the road network also needs to be addressed.</p>	<p>Construct a full upgrade of the Koonung Creek Trail, and adjacent walking and cycling infrastructure, including:</p> <ul style="list-style-type: none"> • construct the Strategic Cycling Corridor from Koonung Creek Trail to Box Hill (in the south) and to Doncaster (in the north) • grade separation of the path on the south side of the Eastern Freeway at the arterial roads of Middleborough Road, Surrey Road and Springvale Road • seal section of the path that are currently gravel • duplicate sections of the path where it is practical to separate cyclists from walkers • improve the connectivity of the Koonung Creek Trail on the east side of Middleborough Road Blackburn

Topic of Concern	Issue/Concern	Council's position/Recommended approach
		<p>North (concept plans for this project are available from Council)</p> <ul style="list-style-type: none"> • improve visibility and safety through creative lighting and line marking in all underpasses along the Koonung Creek path • improve wayfinding along the entire trail, in accordance with Council's signage strategy • install bike maintenance stations along the path, particularly in Elgar Park • make walking and cycling along the Koonung Creek Trail more comfortable through the • installation of further lighting, toilets, drinking fountains seating, and shelter • provide funding to Council to assist with the construction of the Whitehorse Easy Ride Routes.
Visual Assessment/ Overshadowing on residential properties	<p>The visual impact of freeway interfaces is a major concern, particularly for residents who will have their back fences within metres of the noise walls.</p> <p>There will be locations where noise walls will be higher and closer to private properties as well as the removal of the mature vegetation that currently softens the views.</p> <p>Overshadowing of residential properties appears to cover private open space and some parts of buildings in Whitehorse, which is unacceptable.</p>	Redesign/relocate noise walls/interfaces to reduce visual and overshadowing impact of freeway interface.
WSUD - output reuse	All attempts must be made for water runoff from the newly constructed road segments be captured and used for WSUD or for irrigation for sports fields and or gardens.	WSUD improvements to be made.
Modelling and analysis methods/results – too limited to allow adequate coping of project	Analysis of travel time changes is generally quite specific to a small number of routes or accessibility plots around a few centres. It is difficult to draw conclusions from this concerning the impacts on Whitehorse. Analysis in Appendix R suggests many locations in Whitehorse will experience longer vehicle delays with North East Link.	Present information on locations that will experience longer, and shorter vehicle travel times.

Topic of Concern	Issue/Concern	Council's position/Recommended approach
<p>Shared path, walking and cycling connections are not adequately addressed in project scope</p>	<p>There is very little information on the performance of the walking and cycling network under no project and project scenarios. Without this data, there is concern about traffic performance being prioritised instead of minimising walking and cycling delays.</p> <p>The Proponent's response is that "it is not possible to forecast walking and cycling volumes to inform such an assessment."</p> <p>Council position is that some level of forecasting for walking and cycling (even a discussion on historical trends) should be included in the report. Nominal growth rates should be applied to existing volumes with performance results extracted from the micro-simulation model.</p>	<p>Council has concerns that within Whitehorse, the project is presenting as car focused at the expense of maintaining or enhancing quality sustainable transport options, including walking and cycling connections.</p>
<p>Eram Park</p>	<p>The former landfill site at Eram Park will be impacted by the Project. The land is also the preferred site by Yarra Valley Water (YVW) for a recycled water plant (to service Manningham residents). Council is aware that there has been discussions between the Proponent and YVW, however no advice has been given to Council regarding the combined impact on this Whitehorse Council owned land for both the Project and the water treatment plant.</p> <p>Details have not been provided to Council regarding the proposed management of the open space, including the dog-off lead area, within Eram Park during construction activities.</p>	<p>Council is opposed to YVW using Eram Park for the water treatment plant. A Council resolution has been passed (15/10/18) to advocate for the Proponent to influence the relocation of the YVW plant to a site being redeveloped as part of Project.</p>
<p>Elgar Park</p>	<p>Council does not support the proposal to use Elgar Park as a laydown area, due to the significant community impacts.</p> <p>EPRs need to adequately cover the impacts to community members using open spaces, particularly where the laydown area is proposed at the north east oval (similar conditions required for the separate proposed laydown area at Junction Road Reserve Nunawading), to ensure continuous access to and along the Koonung Creek Trail and across the Eastern Freeway for walkers and cyclists; and uninterrupted access and use of remaining parkland and sports facilities for continued community use. The interfaces between construction zones and public spaces must be</p>	<p>Council's preferred location for the laydown site is Eram Park rather than Elgar Park in order to reduce the impact on sport and recreation users.</p>

Topic of Concern	Issue/Concern	Council's position/Recommended approach
	managed appropriately (including urban design considerations) to Council's satisfaction.	
Elgar Park	Detailed hydrological and hydraulic modelling (for existing and proposed conditions) is required for Elgar Park to justify the need for the works proposed for the north west oval. Without this data, Council does not have confidence in the need to cause the community, social and health impacts from displacing sports teams and passive recreation activities, including dog off lead area. This data has been requested from the Proponent on a number of occasions.	Detailed hydrological and hydraulic modelling is requested for Elgar Park and the entire project area within Whitehorse.
	There is a Master Plan for Elgar Park that outlines development opportunities for the North East Oval. This oval will be temporarily acquired for the Project for up to 7 years during the construction phase. These timelines impact on Council's plans to develop the oval. Further strategic planning regarding this oval is required by Council, and funding is requested for this activity, given that the plans of Council are being disrupted. Funding is also requested to implement the upgrades for the oval in accordance with the Master Plan at the conclusion of the temporary occupation	The long term impacts of the occupation of Elgar Park is to be appropriately acknowledged through funding strategic planning studies and reinstatement of the north east oval to Council's satisfaction
Underassessment of impact of extremely long construction period on community	Temporary occupation is listed as only having a short to medium impact. While up to 7 years impact may be considered short to medium term for construction projects it definitely is not short to medium term for the community. Community members will have a degree of uncertainty due to vagueness of construction timeframes. Community members who will be particularly impacted include users of Elgar Park and Junction Road Reserve (both sites are planned to have a construction lay down area), as well as users of the shared use path network in the area, and residents whose properties abut the project boundary.	Provide further information regarding the impact of construction activities and offer compensatory actions to the community to offset the intrusion.
Detrimental impact on community facilities, and social fabric – leading to	The permanent loss of open space is a major concern for Council. The EES is dismissive of the significant social, environmental, visual and health impacts on our community from this loss of land.	Council strongly objects to the loss of open space within Whitehorse.

Topic of Concern	Issue/Concern	Council's position/Recommended approach
poor health impacts well beyond construction period		
Noise walls required	<p>Council has serious concerns regarding the impact of noise, particularly for nearby residents. The project must deliver noise reductions along the entire corridor. It is noted that there is predicted to a significant number of residents in Whitehorse that will not experience the target noise level of 63 db.</p> <p>Why are new noise walls not proposed east of Station Street , west of Middleborough Road, residential end of Joseph Street, and east of Surrey Road to Kett Street?</p> <p>The Victorian EPA noise policies and guidelines are undergoing significant changes to comply with EP ACT by July 2020.</p>	<p>It is unacceptable that there will be residents in Whitehorse that will experience higher noise levels. Even with 'at property mitigation', the impacts of noise on the enjoyment of private open spaces cannot be mitigated. Given the difficulties in achieving the required 63 db for many properties, justification is required as to why noise walls will not being upgraded in many areas in Whitehorse.</p> <p>The Proponent needs to confirm that the proposed use of the VIC EPA noise polices will be valid for the design year.</p>
Vegetation offsets must be located within Whitehorse	Vegetation removed in Whitehorse must be offset within Whitehorse rather than offsets being achieved or sourced in other municipalities.	Council insists on having detailed involvement in planning the location, species, quantity and quality of offsets in the City of Whitehorse.
Heavy vehicle volumes will increase in Whitehorse with no mitigation of impacts proposed	<p>There are forecast increases in truck volumes south of the Eastern Freeway. The predicted increase along Middleborough Road where 70 per cent of the predicted increases are heavy commercial vehicles. The EES assumes these vehicles will be accessing the Box Hill MAC. Local knowledge of the area would suggest that drivers of these vehicles are also likely to use Elgar Road to access the Box Hill MAC which will cause significant issues along this already heavily used, narrow arterial road.</p> <p>Use of arterial roads in Whitehorse by placarded loads is also a concern.</p>	Further assessment of the impact of heavy vehicles on arterial and local roads in Whitehorse is necessary.
Bus travel times	<p>A comparison of travel times for bus routes between the 2036 'with project' and 2036 'no project' simulations found the whole-of-route travel time for all bus routes in the project area including Smart Bus routes, improves between 5% - 10% in the AM peak due to decongestion of the arterial road network.</p> <p>However, the performance of individual movements at particular intersections used by bus routes (e.g. Elgar Road northbound approach at Belmore Road (routes 281, 293 and 302) and Katrina</p>	<p>Any decrease in public transport performance is not supported.</p> <p>The Proponent should conduct further assessment of the impacts on public transport in Whitehorse and provide advice of relevant actions to ensure no loss of service quality or function.</p>

Topic of Concern	Issue/Concern	Council's position/Recommended approach
	<p>Street westbound approach at Middleborough Road (route 270) worsen in the 'with project' scenario. No mitigating measures, such as bus lanes and priority at traffic lights, are proposed at these locations.</p> <p>This analysis is strategic and does not account for localised impacts. Analysis has been expanded to include orbital bus routes which is important and highlights potential travel time benefits across the route. The analysis doesn't include assessment at a local level and therefore the impact on Whitehorse is unclear.</p> <p>Council also understands that a Bus Network Study was prepared for this Project, however it has not been provided in the EES.</p>	<p>The Proponent should provide the Bus Network Study.</p>
<p>Construction impacts for walking and cycling</p>	<p>Neither Blackburn Road or Middleborough Road bridges across the Eastern Freeway provide adequate facilities for cyclists. It is therefore essential that the new pedestrian/ cyclist bridges across the Freeway be constructed before the existing bridges are demolished.</p>	<p>This is an important issue and should be a requirement of the construction of the project. There is otherwise a risk that the construction phase discourages cycling and encourages people to move back to driving as a legacy of the project.</p>
<p>Business impacts</p>	<p>There EES shows a lack of consultation with businesses in Whitehorse, therefore potentially dismissing impacts, e.g. there is no mention of Lexton Road Industrial Precinct in the report(this precinct is in closer proximity to the construction zone than other business precincts mentioned in the report).</p>	<p>The Proponent should fully consider and mitigate the impacts on businesses in Whitehorse.</p>
<p>Air quality</p>	<p>Worsening air quality is predicted within the City of Whitehorse, particularly along the Eastern Freeway and Middleborough Road.</p>	<p>Any decrease in environmental quality within the City of Whitehorse is not supported by Council and does not reflect our work towards a healthy and sustainable community.</p>
<p>Proposed stormwater treatments</p>	<p>Council is concerned that the proposed stormwater treatments will further reduce usable public open space, eg Eram Park. The proposal to use Eram Park for wetlands raises issues regarding its former uses as a landfill site and an orchard where pesticides could have been used.</p>	<p>Provide detailed information to Council regarding proposed stormwater treatments within Whitehorse, including compensation, future management and maintenance arrangements.</p>
<p>Sustainability</p>	<p>This is the State Government's opportunity to showcase its commitment to environmental sustainability and progress towards greenhouse reduction targets. The reports released by the</p>	<p>Council has targets to reduce energy consumption, greenhouse gasses and to be become carbon neutral. The Proponent does not support Council's work towards improved environment for our community.</p>

Topic of Concern	Issue/Concern	Council's position/Recommended approach
	Proponent lack specificity and commitment to measuring the impact of this project.	
Complementary Projects	There is a lack of complementary projects identified within the EES in support of the Project.	<p>A general provision of projects should include, but not be limited to:</p> <ul style="list-style-type: none"> • Public Transport Upgrades • Cycling and pedestrian paths • Road network improvements • Biodiversity enhancements • Support for economic viability of activity centres • Land use, sporting reserves and recreational facilities • Public Realm and community asset upgrades