

5 June 2019

North East Link Project Inquiry and Advisory Committee
c/- Planning Panels Victoria

Online submission via Engage Victoria

To the Committee,

Submission on the North East Link Project Environment Effects Statement

- 1 This submission is made by Manningham City Council (**Council**) in relation to the Environment Effects Statement (**EES**) for the North East Link Project (**Project**).
- 2 Council supports the Project in principle, recognising that it has the potential to provide significant benefits to the Melbourne metropolitan area and the north-east in particular. That said, Council is unable to support the Project in the form of the reference design (including, for the purposes of this submission, the alternative design for the Manningham Road interchange), due to its impacts on the Manningham municipality and surrounds.
- 3 The purpose of this submission is to outline Council's primary areas of concern. It is not practically possible, given the length of the EES and the complexity of the matters raised in it, for Council to comprehensively address all the matters which impact on its municipality. Council reserves the right to raise additional matters in the course of the hearing.

Evaluation of risk

- 4 As an overarching matter, Council is concerned that the risk ratings adopted for the Project are overly optimistic and appear in many instances to:
 - a) underestimate the likely risk of an event occurring;



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- b) underestimate the consequences of events that may occur; and
 - c) overestimate the efficacy of mitigation strategies in minimising risk.
- 5 This is particularly so in relation to a number of areas where there would appear to be significant data gaps that make it difficult to make credible predictions. In the circumstances, it is appropriate to approach the risk ratings adopted with some caution.

Environmental and open space impacts

Bulleen Park

- 6 Council considers that the reference design will have unacceptable impacts on Bulleen Park within the Yarra River corridor.
- 7 Bulleen Park provides significant active and passive recreation facilities next to the Yarra River that serve a diverse range of recreational pursuits from football, soccer and cricket to archery and aeromodelling. It also supports walking trails, playgrounds, barbeque and picnic facilities.
- 8 Council considers the EES to understate the severity of the reference design's impacts on the multiple clubs and facilities at Bulleen Park. These impacts include:
- a) the acquisition and permanent loss of public open space including an AFL oval (Oval 1);
 - b) temporary and permanent restrictions on access to, and parking at, the balance of Bulleen Park; and
 - c) temporary and permanent relocation of multiple sports facilities to accommodate displacements in both Manningham and Boroondara.
- 9 The open space that will be lost forms part of the multi-million-dollar Bolin Integrated Water Harvesting Facility completed in 2017 by the Cities of Manningham and Boroondara and Carey Baptist Grammar School with support from Melbourne Water, Parks Victoria and the state and federal government.

- 10 Council considers the relocation proposal to provide Boroondara City Council with public land in the Manningham municipality in order to remedy impacts that the reference design will have in Boroondara to be unacceptable and unjustified. The EES does not provide sufficient evidence to demonstrate that the impacts on Boroondara cannot be addressed without disadvantaging Manningham residents. Rather, the proponent's solution (identified as option 3 in the sports and recreation assessment in the EES) appears to have been preferred because it is the most convenient option for the proponent.

Koonung Creek corridor

- 11 Council considers that the impact of the reference design on the Koonung Creek corridor requires further mitigation (or avoidance).
- 12 Koonung Creek Linear Park and the reserves within the creek corridor are a significant passive recreation asset to the community in the southern part of Manningham.
- 13 The EES identifies substantial proportions (up to 100%) of these reserves to be required for construction activities and compounds for up to six years. The EES acknowledges there are no alternative recreational trails in proximity to some sections of the Koonung Trail.
- 14 Residential properties adjacent to these reserves that currently enjoy views onto parkland will instead look directly onto construction. Council is particularly concerned with respect to properties in Estelle Street, Bulleen.
- 15 Council considers the footprint identified for construction activities is excessive and should be scaled back in areas.
- 16 Council is also seeking appropriate mitigation and management measures, such as upgrades to nearby public open space and sequencing or spacing of construction activities to ensure residents have access to adequate recreational facilities at any given time during the construction phase.

Underground diversion of Koonung Creek

- 17 Council opposes the diversion of sections of Koonung Creek underground into pipes.
- 18 It is clear from the EES that the reference design proposes to divert sections of Koonung Creek underground and into pipes and return some currently piped sections to a naturalised open channel. The location and extent of those works is unclear in the EES. However, Council understands that one section of the creek is proposed to be covered to accommodate the relocation of the Boroondara Tennis Centre.
- 19 Council acknowledges the habitat along Koonung Creek has been compromised, particularly as a result of the construction of the Eastern Freeway. However, as the EES notes, most of the sites along the creek within Manningham remain in a substantially unmodified condition dominated by indigenous species, providing valuable habitat for movement of fauna species including birds.
- 20 The covering (and shading) of sections of the Koonung Creek would degrade, and potentially destroy, the aquatic habitat quality and create additional barriers to fish passage. The underground diversion of Koonung Creek would also adversely impact on users of the Koonung Trail and the community who enjoy this public open space. Council considers these outcomes to be unacceptable.
- 21 Council submits that the reference design, including the location of the Boroondara Tennis Centre, should allow for the open flow of the creek.

River Red Gum

- 22 Council opposes the removal of a large and historic River Red Gum on Bridge Street in Bulleen as part of the construction of the Manningham Road interchange.
- 23 The EES acknowledges this tree is a local landmark and is understood to be at least 300 years old. It is included on the National Trusts of Australia Register of Significant Trees and subject to a Heritage Overlay in the Manningham Planning Scheme (HO24). It has recently been voted the National Trust's 2019 Victorian Tree of the Year.

- 24 Council understands that removal is proposed due to the alignment of the tunnel and geometry of the ramps. There is no evidence, however, that the tree could not be retained if some other design or construction methodology were adopted for the interchange. Given the heritage and community significance of the tree, Council considers that other design approaches should be considered and that removal should be avoided.

Removal of native vegetation

- 25 Council is concerned about the extent of the native vegetation removal proposed and, in particular, the ability to provide suitable offsets.
- 26 The reference design would result in the loss of more than 52 hectares of native vegetation across the Project area, which is a significant ecological impact.
- 27 The EES includes a DELWP-generated native vegetation removal report for the reference design but no statement demonstrating that offsets have been identified and can be secured in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017) (**DELWP Guidelines**).
- 28 An offset statement is a requirement of the DELWP Guidelines and without it there is no assurance that the Project can achieve the Victoria Planning Policy objective of ‘no net loss’.
- 29 The offset prescription identified in the native vegetation removal report is substantial and Council considers it will provide a significant challenge for the Project.
- 30 Instead of providing an offset statement, the EES outlines a process whereby an offset strategy will be defined and offsets confirmed once a project design has been finalised and approved. This is contrary to State and Commonwealth policy and procedure and provides no assurance that the required offsets will in fact be provided.

- 31 The Project should be required to demonstrate that the offset requirements for the reference design can be met so that it is clear the Project is capable of meeting the ecological assessment evaluation objective and State and Commonwealth policies.
- 32 An associated issue is the requirement for local offsets imposed by the Environmental Significance Overlay applicable to land where native vegetation is proposed to be removed. The Overlay would ordinarily require a proponent to provide local offsets in addition to any offsets required under clause 52.17 of the Victoria Planning Provisions. Given the scale of the proposed removal, Council is concerned that the offsets required under clause 52.17 are likely to be provided outside the municipality and thus provide no benefit to the municipality. In these circumstances, Council considers that it is important that the Project provide local offsets in accordance with the ESO, as Council would expect from any developer.

Matted Flax-lily

- 33 The ecological assessment prepared for the Project's referral under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* concludes that the Project would likely have a significant impact on at least one matter of national environmental significance, being the Matted Flax-lily. This relates largely to the Project's impact on Simpson Barracks in Macleod (within the City of Banyule).
- 34 The EES proposes one offset strategy for this species, being a salvage and translocation plan. Council questions whether translocation alone will provide a satisfactory offset under the EPBC Act, noting that previous translocations of this species have not resulted in self-sustaining populations.
- 35 Further, the EES does not identify any appropriate recipient sites for translocation. Council is concerned the estimated offset requirement for the impact to the Matted Flax-lily habitat would be difficult to secure.

Bolin Bolin Billabong

- 36 Council is concerned about the potential impact of the Project on Bolin Bolin Billabong.
- 37 Bolin Bolin Billabong has high cultural significance and ecological value as one of the few wetlands in this part of Melbourne in its pre-European settlement condition. The recently completed Bolin Bolin Integrated Water Harvesting Facility represents a significant investment in its protection. The deep pool of the billabong is maintained by groundwater and is regarded as a permanent wetland that dries occasionally.
- 38 The EES notes that the Project's underground infrastructure will continue to influence nearby groundwater conditions during operation. In particular, it anticipates a groundwater drawdown between 0.1 and 0.5 metres at Bolin Bolin Billabong.
- 39 The EES concludes that the predicted drawdown at Bolin Bolin Billabong is within the acceptable limit, being 10% of the available drawdown, in accordance with the *Groundwater Management Strategy* (Rural Water Corporation, 1993).
- 40 The conceptualisation of Bolin Bolin Billabong in the EES shows the standing water level at approximately 5 metres below ground level. The available drawdown is accordingly 5 metres and the predicted drawdown at the maximum acceptable limit of 10%.
- 41 The EES notes the risk-based approach in the *Ministerial Guidelines for Groundwater Licensing and the Protection of High Value Groundwater Dependent Ecosystems* (DELWP, 2015) describes a water table decline of 0.1 to 2 metres as a moderate consequence.
- 42 The EES has chosen to utilise a Class 1 groundwater model (within the meaning of the *Australian Groundwater Modelling Guidelines* (2012) (**AGMG**)), which according to the AGMG 'has relatively low confidence associated with any predictions and is therefore best suited for managing low-value resources (i.e. few groundwater users with few or low-value groundwater dependent ecosystems) for assessing impacts of

low-risk developments or when the modelling objectives are relatively modest'. In addition, it appears that baseline monitoring for Bolin Bolin Billabong has not yet occurred.

- 43 Council does not accept that the Project is a 'low risk' development or that Bolin Bolin Billabong is a 'low-value resource'. Council considers that further modelling should be required before construction commences and that any modelling should, as far as practicable, achieve at least a Class 2 classification under the AGMG.
- 44 The further modelling should include impacts that may arise from the widening of the Eastern Freeway as well as from tunneling operations.

Flood waters

- 45 Council is concerned that the EES does not provide adequate information to evaluate the effect of the Project on flood extents.
- 46 The Project area traverses existing floodplains. The Project has the potential to impact on flood extents due to the displacement of floodwaters or obstruction of flows.
- 47 Council has requested the raw result grid files from the hydraulic modelling for both existing and developed conditions, which Council understands have been provided for EESs prepared for other projects. Access to these files will allow Council to consider the Project's impacts at a more detailed property scale.
- 48 The Project includes flood walls at the Manningham Road interchange and southern portal to manage the risk of flooding in the tunnels. Council considers the wall at the southern portal, at 9 metres in height and located in Bulleen Park, would result in unacceptable visual, access and safety impacts. Council submits that alternative mitigation should be provided to allow a reduction in height.

Economic and social impacts

Bulleen Industrial Precinct

- 49 Council has grave concerns about the impact of the reference design (and the alternative design) on the Bulleen Industrial Precinct and the adequacy of mitigation for this impact.
- 50 The Bulleen Industrial Precinct is the only industrial precinct in the Manningham municipality. Notwithstanding, the Project would require the acquisition of more than 80 businesses in the precinct for land to be used during construction. The precinct currently comprises approximately 110 businesses (including on the west and east sides of Bulleen Road) and provides approximately 1,000 jobs. It is unclear what proportion, if any, of this land will be available for industrial or other uses once the Project is complete.
- 51 The businesses that are not proposed to be acquired, on the east side of Bulleen Road, will be seriously affected by both the construction of the Project (including access restrictions) and the loss of most of the businesses in the precinct.
- 52 The displacement of these businesses would have significant economic and social impacts on the Manningham community. The EES notes the difficulty of finding new premises and that some of the businesses will close rather than relocate. Even if businesses do not close, they may choose to relocate outside the municipality, reducing the number of employment opportunities available within Manningham. Further, as the EES acknowledges, the use of scarce industrial land for non-industrial purposes is inconsistent with the Planning Policy Framework.
- 53 With the proponent's assistance, Council has commissioned an independent assessment of the viability of alternative employment land within Manningham and its potential for accommodating displaced businesses. That assessment will be made available before the hearing.

- 54 Ultimately, even if a significant proportion of displaced businesses are able to be accommodated elsewhere within the municipality, Council remains concerned that the reference design will have significant economic and social impacts on the community including through the loss of businesses, loss of work for employees, and the potential need for residents to relocate to find alternative work.

Transport impacts

Roads

- 55 Council acknowledges the Project is predicted to deliver a number of positive transport outcomes, including the reduction of traffic along arterial and local roads.
- 56 The EES includes two designs for the Manningham Road interchange – the reference design and the alternative design. Council considers both to include aspects that are convoluted and confusing and which fail to provide local residents (especially from north-east of the Project area) with good access to the North East Link. Council seeks a fully directional design with logical connections.
- 57 Further, the reference design fails to provide any access to the Bulleen Industrial Precinct, which will be critical to allowing the future use of that land to be realised. The alternative design provides limited access only. Neither design provides access to the former Bulleen Drive-In site.
- 58 Both Manningham Road interchange design options would result in changed access arrangements from Bulleen Road to Avon Street and Austin Street. Council requests that this element of the final design be determined in consultation with the affected residents and Council.
- 59 The EES projects an increase in traffic on Bulleen Road between the Eastern Freeway and Manningham Road but proposes a downgrade to its classification. Council seeks for this section of the road to be maintained as a State highway.

- 60 Council seeks the inclusion within the Project of the duplication of Templestowe Road, including turning lanes, signalised intersections and shared paths, noting the proposed relocation of sports facilities from Bulleen Park to this location to accommodate the southern tunnel portal infrastructure. Templestowe Road is the natural extension of Reynolds Road and will be an attractor to the Manningham Road interchange.
- 61 Council seeks a better exit arrangement for the proposed Bulleen Park and Ride facility. The reference design does not provide for a right turn onto Thompsons Road for commuters wishing to exit south-west towards Balwyn North.
- 62 Council has concerns regarding the proximity of the proposed access to the Doncaster Park and Ride facility to Hender Street. Council seeks a safe access arrangement that protects local residents.
- 63 Council supports the position of Heide Museum of Modern Art with respect to the Bridge Street access it is seeking.

Public transport

- 64 Council submits that the Project should include the provision of bus services:
- a) along Templestowe Road, noting the proposed relocation of sports facilities to this location to accommodate the southern tunnel portal infrastructure;
 - b) along Bulleen Road, to connect the Bulleen Park and Ride facility to the Heidelberg major activity centre and train station; and
 - c) from Templestowe Village to the Heidelberg major activity centre and La Trobe national employment and innovation cluster.
- 65 The Project proposes the provision of a Doncaster Busway along the Eastern Freeway. However, the EES does not:
- a) show footprints for the Busway;
 - b) provide any information on its stops;

- c) include the Eastern Freeway and Hoddle Street interchange within the Project boundary; or
- d) consider the future provision of bus rapid transit as part of an integrated transport network between the Melbourne CBD and Doncaster.

66 Council considers these matters should form part of the Project.

67 The EES states that the busway will not preclude the future provision of Doncaster rail. Council seeks detail on how the scope for the provision of Doncaster rail will be maintained. Council will continue to advocate for this provision.

Walking and cycling

68 Council seeks for the following infrastructure identified in the EES to be included in the reference design and delivered as part of the Project:

- a) the new shared paths along Bulleen Road;
- b) the new walking and cycling bridge across the Yarra River connecting Yarra Street and Banksia Park; and
- c) walking and cycling infrastructure in accordance with Council's endorsed Yarra River Corridor Concept Plan (including bridges and continuous walking paths between Bulleen Park and Finns Reserve in Templestowe Lower).

Noise

69 The EES identifies a number of locations predicted to experience exceedances of the noise management levels set for the Project, for both the construction and operation phases (although it does not specify operational noise levels for individual buildings). It identifies predicted traffic noise exceedances at 141 sensitive uses in the City of Manningham.

70 Council submits that improved mitigation measures must be provided for locations where noise is predicted to exceed the noise management levels.

- 71 Council is also concerned that the potential impact of construction noise may be underestimated in the EES for some locations in Manningham. The noise management levels for construction do not appear to have been developed in a way that is sensitive to the variation in background noise levels throughout the broader noise catchment areas. Further, the night-time noise management levels for all precincts is set at 5 dB above the background noise level in the relevant technical appendix. This is inconsistent with the stated approach in the EES for night-time works, being that construction noise levels should not exceed the background noise level.
- 72 Council additionally submits that the Project should require new noise walls to be constructed along the Eastern Freeway to be erected before existing noise walls are removed or any construction commences, so residents do not experience a gap in protection during the construction period.

Construction

- 73 The EES identifies two potential alternative launch sites for the tunnel boring machine: a southern launch site on Manningham Road or a northern launch site on Lower Plenty Road. Selection of the northern launch site would appear to reduce the duration of construction in Manningham with no impact to the duration of construction in Banyule and should be preferred on that basis.
- 74 During construction, access to the Trinity Grammar playing fields will be diverted from Bulleen Road to Barak Street. Council seeks the signalisation of the intersection of Barak Street and Thompsons Road to ensure safe and efficient access during this period.
- 75 The EES states that the proposed spoil haulage routes have been identified to minimise impact on local traffic and local roads where possible. Council considers appropriate further minimisation could be achieved by restricting access to:
- a) the Kampman Street construction storage compound to via Thompsons Road; and

b) the Katrina Street Reserve construction storage compound to via the Eastern Freeway.

76 Finally, Council notes that Fitzsimons Lane is part of Major Road Projects Victoria's Northern Roads Upgrade project. Council supports that project in principle but has concerns, including objection to the removal of the dedicated bus lanes on Williamsons Road in Templestowe between Porter Street and Foote Street. Council seeks sequencing measures to ensure the construction of the Manningham Road interchange would not coincide with the construction of that upgrade.

Urban Design Strategy

77 Council does not consider the Urban Design Strategy (**UDS**) to adequately respond to the Project's local context. Its requirements and benchmarks may be sound but could be applied to almost any road infrastructure project in any location.

78 While the UDS identifies three 'design character areas', its detailed requirements and benchmarks are relatively generic. They contain no specific guidance on matters such as plant species or materials and finishes that would complement the specific design character areas.

79 The UDS has not developed a consistent, site-responsive theme. The images in its figures are a miscellaneous collection of unrelated examples from geographically diverse areas. Council submits that the UDS should provide a 'family' of related examples.

80 Council is concerned that the broad principles in the UDS will not be sufficient to require the final design to deliver a high-quality design outcome.

81 Further, Council considers aspects of the reference design to be inconsistent with the UDS, including:

a) the siting of ventilation structures and substations within public open space;

- b) the visual bulk and size of the ventilation structures, which do not respond to the landscape character of their locations;
- c) bulky concrete elevated road structures that have low aesthetic value and contrast with established landscape and neighbourhood settings and create spaces below that have not been addressed in relation to public space or solar access;
- d) imposing noise and flood walls that do not respond in form, texture or colour to adjoining areas; and
- e) the like-for-like replacement of existing Eastern Freeway pedestrian and cycling crossings, which does not improve current connections between communities across the freeway.

82 Finally, Council submits that the UDS should ensure the appropriate relocation of affected public artworks and the incorporation of new public art.

Landscape and visual impact assessment

83 The landscape and visual impact assessment (**LVIA**) within the EES relies on general mitigation measures and design guidance from the UDS to assess the specific residual impacts of the Project. Council's concerns with the UDS are noted above. Further, Council considers this reliance to be problematic because the LVIA does not assess whether the mitigation measures are achievable in individual situations.

84 Council considers the LVIA to employ an overly simplistic categorisation of the landscape character types throughout the Project area.

85 The LVIA describes its approach to assessment as 'conservative' but elements appear to be aspirational. For instance:

- a) The growth rates relied on for the representation of established vegetation are ambitious, particularly given planting plans have not been prepared and it is unlikely the landscape areas will be irrigated.
- b) Screen planting appears as a mitigation measure and design treatment for noise and flood walls in the UDS. However, in many cases, the sites at which viewpoints have been assessed do not have sufficient area to implement effective screen

planting. Council notes that screening is but one measure and a high-quality architectural response would also have a role in reducing visual impact.

- c) Assumptions about the forms and visual impact of proposed above ground elements appear to be based on images shown in the UDS, which are likely to represent the best-case scenario and not the range of above ground structures to be considered in this Project.

86 Although the EES states that shading impacts have been considered, this is not evident.

87 The methodology used to determine the scale of effects is skewed to reduce the final impact level. For instance, if three out of four criteria are measured as 'medium', 'high' or 'unacceptable' and the fourth criterion is measured as 'low', it is disingenuous to conclude that the visual impact is to be classified as 'low'.

88 The selection of viewpoint locations and fields of view are questionable. Several viewpoints do not appear to show the greatest extent of impact. For instance, there appears to be an overrepresentation of distant views compared to close views, such as of the portal structures at Bulleen Park. Viewpoints used to assess impacts along trails and from open space should consider the viewing direction and distance, the nature of the viewing experience and the potential for cumulative views of the Project.

89 The LVIA concludes that high impacts will be felt along much of the Project corridor, although few of the individual view location assessments identify a high visual impact. This inconsistency casts doubt on the veracity of the technical assessments.

90 Council considers the issues identified with the LVIA to illustrate the improvements required to the UDS.

Sustainability Approach

91 Council broadly considers the matters set out in the Sustainability Approach attachment to the EES to be reasonable. However, Council submits that the development of a sustainability strategy and the setting of targets using the Infrastructure Sustainability Council of Australia's Infrastructure Sustainability Rating Tool should be brought forward to apply to the reference design, to enable assessment as part of the EES process and that the standards used for the West Gate Tunnel project should provide a baseline on which the Project seeks to improve.

Design and Development Overlays

92 Draft Planning Scheme Amendment GC98 (**Amendment GC98**) proposes the introduction and application of two Design and Development Overlay (**DDO**) schedules to protect the structural integrity of the Project's tunnels and portal infrastructure:

- a) Schedule 14 in the Manningham Planning Scheme, which includes a range of exemptions to the planning permit requirement for buildings and works; and
- b) Schedule 15 in the Manningham Planning Scheme, which triggers a planning permit requirement for all buildings and works unrelated to the Project.

93 Council has a concern regarding the drawing of the boundaries between DDO14 and DDO15 and the drafting of these controls. Council officers can liaise directly with the proponent regarding this issue.

Council looks forward to addressing this submission in further detail at the public hearing.

Yours sincerely,



Andrew Day

Chief Executive Officer

Manningham City Council

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