



Samantha Dunn MLC

State Member of Parliament for Eastern Metropolitan Region

Office of Samantha Dunn MLC Telephone: (03) 9850 8600
128 Ayr St, Doncaster VIC 3108 Fax: (03) 9850 8611

E: samantha.dunn@parliament.vic.gov.au **FB:** SamanthaDunnMP
W: greens.org.au/vic/mps/samantha-dunn **TW:** SamanthaDunnMP

From the Office of Samantha Dunn MLC



Friday 2 February 2018

The Hon Josh Frydenberg MP
Minister for Energy and the Environment
Email to: epbc.referrals@environment.gov.au

Dear Mr Frydenberg

Comment on EPBC Act Referral 2018/8142 – North East Link toll road

The Victorian Government's Department of Economic Development, Jobs, Training and Resources, represented by the North East Link Authority (NELA), has submitted a referral under the Environmental Protection and Biodiversity Conservation (EPBC) Act 1999 for the proposed North East Link toll road ("the Project") in Melbourne's northeast. The Project will have a significant impact on matters of relevance to the EPBC Act. The referral documentation provided by NELA do not adequately address all of these matters. I present below a non-exhaustive analysis of some of these shortcomings.

The impact of tunnelling on wetlands and the Yarra River

The Referral documentation claims that most environmental impacts on the Bolin Bolin Wetlands, Banyule Flats, the Yarra River and its local tributaries will be avoided by tunnelling. This ignores the impacts that a massive tunnel will have on the hydrogeology of the area. The hydrogeological is inconclusive in its assessment of these issues, stating:

Connection between the Yarra River and groundwater within the project area is expected to be variable along its reaches [...] this will be confirmed through geotechnical investigations.

Furthermore, it states that construction and operation dewater activities may:

[H]ave a measureable effect on smaller tributaries, and billabongs connected with the groundwater."

It notes such impacts will occur during both construction and operation, and:

[T]his could result in stress and degradation of ecosystem health, e.g. water levels could be lowered making groundwater less accessible to ecosystems.

There is a precedent for tunnelling under the Yarra River having unanticipated interaction with the River and interconnected groundwater. CityLink's Burnley Tunnel has had ongoing challenges with cracking and related seepage, and requires constant dewatering and weekly maintenance closures.

Unjustified classification of waterways

The referral also claims that the Plenty River, Banyule Creek, Merri Creek and Koonung Creek are in a degraded state without providing adequate substantiation.

It is claimed that Koonung Creek has “poor water quality, poor bed and bank condition, and significant pollution,” and provides “poor habitat for supporting good aquatic ecosystems”. The provided hydrology report does not support these claims with comprehensive data. The project will have major impacts on this waterbody, including conversion of the watercourse to a concrete-line drain, and increasing the pollution load. If such major impacts are to be allowed, the current state of Koonung Creek must be better understood.

Koonung Creek and its associated reserves are of major importance to the local community. These reserves provide space for recreation, a buffer between the Eastern Freeway and residential properties, and access to nature.

The hydrology report dismisses Banyule Creek as an “urban drain”, ignoring the importance of this waterway to the Banyule Flats reserve. The Hydrology Report attachment admits that no water quality assessment was undertaken due to a lack of data. The Project will have major impacts on this waterbody, as it will be covered or converted into a concrete-lined culvert.

Endangered Matted Flax-lily

The surveys indicate that the project area contains one of the largest Matted Flax Lily populations known consisting of about 84 plants. This population exists because the Banyule Creek area of the barracks is a rare area of remnant bushland habitat that suitable for the Matted Flax-lily.

The Translocation Plan for the endangered and EPBC-listed Matted Flax-lily (Attachment F) notes that the most significant population within the project site would need to be translocated. It provides a comprehensive draft methodology for Translocation, including required conditions of a translocation site. However, it does not identify an appropriate recipient site. Considering the Matted Flax-lily’s remaining habitat is mainly constricted to the Melbourne area, and the urban growth area has been extended, it is likely the natural vegetation of the Simpsons Army Barracks is the most densely populated habitat of Matted Flax-lily in Victoria. Hence this project is effectively removing all remaining appropriate habitat, and it is very likely that the reason that no appropriate translocation site can be identified is that none exists.

Lack of detail on Project design

I note that the Referral documentation does not provide details on specific alignments. For the purposes of gauging environmental impact, the Referral documentation assumes all land within the project area will be cleared (except that above tunnelling). Without knowing the alignment of the toll road, the position and length of the tunnels, or the staging sites required for construction, there is insufficient information to determine the actual environmental impacts of this project.

Public concern over the project

I note that residents in Melbourne northeast that are affected by the Project have shown serious concern with the Project, its impact on their neighbourhood amenity, its environmental impact and its impact on Melbourne’s transportation networks. They have also shown concern that alternatives to a toll road have not been considered, such as a heavy rail line to Doncaster and upgrades to existing rail lines and bus networks. These concerns have been evident at public consultations hosted by NELA, which were attended to overflowing, with visible anger at the poor consultation

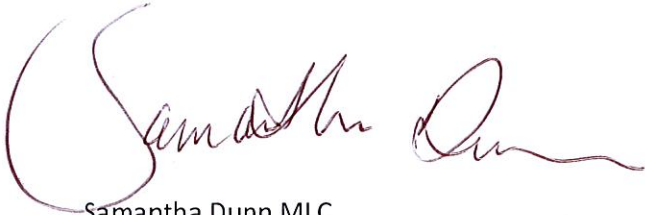
process, the lack of information in the public domain, and the perception of whitewashing the project by NELA. I note that attempts by members of the public to receive more information about the project, including through Victoria's Freedom of Information processes, have been rebuffed by NELA and the State Minister for Roads and Road Safety, Luke Donnellan MLA.

Conclusion

The project will definitely have major environmental impacts which at this point are not adequately assessed and therefore not fully understood. I note that, according to the assessment methodology for referrals as applied in the Attachment to this letter, on balance the North East Link should be subjected to an Environmental Impact Assessment. I look forward to your confirmation of the same.

If you have any questions regarding my submission, please do not hesitate to contact me at (03) 9850 8600.

Yours Sincerely



Samantha Dunn MLC
Member for Eastern Metropolitan
Greens Spokesperson for North East Link

Attachment: North East Link toll road rated against points for Ministerial/delegate consideration

Points that the Minister or Delegate considers when identifying the appropriate assessment approach	North East Link	Suggested Referral Outcome	Comment
Number of National Environmental Significance matters affected (# controlling provisions)	2 (according to Referral documentation) Likely 3+ (omitted in Referral documentation)	Assessment on Referral documentation Environmental Impact Assessment	The ecological surveys have not been sufficiently extensive to ensure that no other issues of National Environmental Significance will be significantly impacted.
Scale and nature of impacts and complexity of issues	High. Complex analysis required.	Environmental Impact Assessment	The North East Link is a major infrastructure project that will have wide-ranging environmental impacts. Understanding these impacts requires complex analysis.
Degree of confidence with which these impacts can be predicted	Medium-Low	Public Environment Report or Environmental Impact Assessment	As noted above, there are major deficiencies in the information provided in the referral document, such that there is low confidence in the predicated impacts. The referral documentation itself also notes that further investigations are necessary, particularly with respect to hydrogeology and the relocation of the Matted Flax-lily
The adequacy and completeness of the information	Low	Public Environment Report or Environmental Impact Assessment	There are major deficiencies in the adequacy and completeness of the information.
The extent to which potential relevant impacts have already been assessed under state legislation	Low	Public Environment Report or Environmental Impact Assessment	Relevant impacts have yet to be assessed under Victorian State legislation.

Attachment: North East Link toll road rated against points for Ministerial/delegate consideration

Points that that the Minister or Delegate considers when identifying the appropriate assessment approach	North East Link	Suggested Referral Outcome	Comment
The degree of public concern associated with the proposal	Very High	Environmental Impact Assessment	There has been a large public backlash to the North East Link, including its impact on the environment. The public consultations during the corridor selection process were very well attended, with many questions asked about environmental impact. The Residents United Against North East Link Option A group has over 1,600 members.