

Public Environment Report

Attachment VIII

Submissions report

September 2019



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Attachment VIII

Submissions report

1 Background

North East Link is being assessed by the Australian Government's Department of the Environment and Energy under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). On 13 April 2018, a delegate of the Minister for the Environment and Energy determined that North East Link was a 'controlled action', and would be assessed by Public Environment Report (PER) due to the likely significant impacts on the following matters of national environmental significance (MNES) that are protected under Part 3 of the EPBC Act:

- Listed threatened species and communities (Sections 18 and 18A)
- Listed migratory species (Sections 20 and 20A)
- The environment of Commonwealth land (Sections 26 and 27A).

As required by Section 98(1)(c) of the EPBC Act, the draft PER exhibited in mid-2019 together with an invitation for interested persons and organisations to provide NELP written submissions on the draft PER. The period within which submissions could be made on the draft PER was more than 30 business days between 16 April and 31 May 2019.

Written notice of exhibition of the draft PER was provided as described in Table VIII-1 below.

Table VIII-1 Written notice of public display of the draft PER

Type of advertising	Details
Statutory advertising as required and approved by the Department of Environment and Energy	<p>State and national newspapers:</p> <ul style="list-style-type: none"> • Tuesday 16 April – Herald Sun and The Australian • Wednesday 17 April – The Age <p>Local newspapers:</p> <ul style="list-style-type: none"> • Tuesday 16 April – Whittlesea Leader, Heidelberg Leader, Lilydale Yarra Valley Leader, Progress Leader • Wednesday 17 April – Manningham Leader, Whitehorse Leader, Diamond Valley Leader <p>North East Link website:</p> <ul style="list-style-type: none"> • Tuesday 16 April (474 visits during exhibition period)

Type of advertising	Details
North East Link Project newsletter	Distributed week commencing 15 April 2019 to 240,000+ homes and businesses within the project boundary
Email broadcasts to North East Link Project eNews subscribers	Three emails sent to 9,475+ recipients: <ul style="list-style-type: none"> Tuesday 16 April – advice draft PER on exhibition for public comment Friday 10 May – reminder EES and draft PER on exhibition for public comment Saturday 25 May – reminder submissions closing soon for EES and draft PER
North East Link social media channels	Three Facebook posts that reached 4,400+ people: <ul style="list-style-type: none"> Tuesday 16 April – advice draft PER on exhibition for public comment Thursday 16 May – reminder draft PER submissions closing Monday 27 May – reminder draft PER submissions closing Three Twitter posts that reached 1,400+ people: <ul style="list-style-type: none"> Tuesday 16 April – advice draft PER on exhibition for public comment Wednesday 15 May – reminder draft PER submissions closing Sunday 26 May – reminder draft PER submissions closing
North East Link website	<ul style="list-style-type: none"> Tuesday 16 April – Statutory advert posted (as described above) Thursday 23 May – reminder draft PER submissions closing

North East Link Project (NELP) invited the public to make written submissions on the draft PER via:

- Online submission at jointheconversation.northeastlink.vic.gov.au/epbc

- Hard copies to:

Environment Manager North East Link
GPO Box 4509
Melbourne Vic 3001.

The draft PER including all Attachments and Technical Appendices was made available without charge online at <https://northeastlink.vic.gov.au/environment/Environment-Protection-Biodiversity-Conservation-Act/view-the-draft-per> and at the following locations:

- Banyule City Council, 1 Flintoff Street, Greensborough
- Eltham Library, Panther Place, Eltham
- Ivanhoe Council Library, 255 Upper Heidelberg Road, Ivanhoe
- Rosanna Library, 72 Turnham Avenue, Rosanna
- The State Library of Victoria, Corner Little Lonsdale Street and Russell Street, Melbourne
- Watsonia Community Information Hub, 17 Watsonia Road, Watsonia
- Department of Environment and Energy, Canberra; by email request to the department at [mail to:EPBC.Referrals@environment.gov.au](mailto:EPBC.Referrals@environment.gov.au).

The draft PER was also made available electronically on a USB drive upon request. Community members and stakeholders could request a USB containing a full copy of the draft PER.

All submissions received during the exhibition period were reviewed and are considered in this report. This Submissions Report provides a summary of all public submissions received and where relevant, how they have been addressed in the final PER.

2 Public submissions

A total of 84 submissions on the draft PER were received from individuals, businesses, groups and organisations during the exhibition period. One submission was withdrawn at the submitter's request during the exhibition period, and so the final number of submissions is considered to be 83.

A submission was considered to be any written document relevant to the draft PER that was submitted online, via the advertised address, or received through other means which was clearly intended to be a submission to the PER. Single submissions from user-groups, businesses, individuals, clubs and non-government and government agencies were considered as individual submissions. Each petition (a submission with multiple signatures) was treated as a single submission. Template submissions (individually signed and pre-composed letters) were treated as separate submissions, made by each person providing a template submission.

Submissions were handled by NELP in accordance with the *Privacy and Data Protection Act 2014* (Vic), including the collection, handling and maintenance of any personal information included within any submission.

2.1 Submission review process

A standardised approach was used where each submission was collected, registered, stored and reviewed consistently. Each submission was date stamped, allocated an individual submission number, photocopied (where required), and stored on a digital file to be reviewed.

The process of reviewing submissions on the draft PER was:

- Submissions were entered into a digital database and each comment or issue raised was assigned into predetermined categories and themes. The PER submission categories and themes are presented in Section 3.2
- A summary report was generated for each individual submission, to assist in identifying relevant categories and themes for each submission. Each submission was linked by submission number relevant categories and themes in a summary spreadsheet
- The issues were then reviewed to determine if they necessitated change to the draft PER or required further investigation or research to be undertaken. The criteria against which submissions were analysed for possible amendment to the draft PER are set out in Section 2.2
- Following analysis and consideration of all PER submissions, amendments were made to the draft PER where required.

The analysis of submissions to the draft PER by category and theme is presented in Section 4.

Comments in submissions were addressed and taken into account by NELP, as appropriate, when finalising the PER. Multiple staff members were involved in the analysis process, with cross checking carried out to ensure a consistent approach was taken.

2.2 Criteria for draft PER amendment

Amendments were made to the draft PER where a submission:

- Provided additional information that corrected inaccuracies or clarified unclear information in the draft PER
- Proposed strategies that are feasible and which improve environmental outcomes
- Identified further information or research that was required to adequately determine the impacts of North East Link.

Amendments to the draft PER were not made where a submission:

- Clearly supported North East Link
- Offered a neutral statement or no change was sought
- Addressed issues beyond the scope of the PER, or issues within the scope of the North East Link Environment Effects Statement (EES) only
- Included statements that were factually incorrect
- Raised issues or made comments on information that had already been considered and addressed in the draft PER
- Suggested project alternatives beyond the scope of the PER or North East Link.

Where an out of scope issue raised by a submission is addressed in the EES, the submission response includes a cross-reference to the relevant EES Chapter or EES Technical Report for further information.

3 Submission summary

3.1 Submission origin

The 83 submissions were made by businesses, community groups, local councils, government departments, Members of Parliament (MPs) and other individuals. The table below lists the number of submissions from each submitter type.

Table VIII-2 Submission origin

Submission origin	Number of submissions
Business	7
Community group	7
Council	3
Government departments	1
Member of Parliament	1
Other individual	64

3.2 Submission categories and themes

Key issues and comments from the 83 submissions were assigned categories and themes for consideration.

Categories were created to reflect the focus areas of the PER (Matters of National Environmental Significance, and the environment of Commonwealth land), and likely nature of the issues raised. General categories were created for other common issues.

Themes were assigned to each category based, to provide additional detail within the categorisation process and refined during the submission period to include more relevant themes as they were raised by submissions.

The number of comments or concerns by category are listed in Table VIII-3 below. Most submissions raised multiple comments or concerns. Responses against each category are provided in the tables in Section 4.

Table VIII-3 Number of instances a category was raised in submissions

Category	Number of instances
Flora and Fauna	144
Groundwater	16
Surface water	13
Commonwealth land	119
Legal and procedural	35
Community and stakeholder consultation	32
General comments about the project	12
Design alternatives	58
Out of scope	66

4 Response to PER submissions

Responses to comments and issues raised in submissions are set out in the tables below. Specific categories of issues are set out in separate tables. Where an issue raised by a submission is addressed in the PER, a cross-reference to the relevant section is provided. In some instances, a summary response is provided. In such cases, if there is any difference between the summary response and the detail contained in the main report, the detail contained in the main report should be taken to represent NELP's position on the issue.

4.1 Flora and fauna submissions response

Table VIII-4 Flora and Fauna submissions response

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF1	Concerned with the lack of significant aquatic surveys. These surveys are needed in all areas where works are proposed and should include standard techniques such as electrofishing, fyke netting, bait traps and EDNA.	46	The extent of field surveys and information available from other sources is adequate for the purpose of identifying potential impacts of North East Link on aquatic values. As described in PER Technical Appendix A (Flora and fauna, Section 5.3.6), electrofishing and netting were used to detect threatened fish in accordance with the Survey Guidelines for Australia's threatened fish (DSEWPAC, 2011). Fish surveys were not undertaken for species in waterways where the presence of that species is presumed (eg Australian Grayling and Macquarie Perch in the Yarra River). For further detail on the targeted surveys conducted for Macquarie Perch and Australian Grayling, refer to PER Chapter 5 (Description of the environment, Section 5.1.4).
FF2	The impact on listed species in Banyule Flats are not adequately assessed on the assumption that a tunnel under this area would not impact wildlife. However the Ecology report in PER Chapter 7 (Impacts on listed threatened species and ecological communities and on migratory species) indicates drawdown in Banyule Flats could significantly change the Latham's Snipe habitat.	53	Groundwater drawdown in the Banyule Flats area is modelled to be less than 0.1 m and so the potential for harm to this Groundwater Dependent Ecosystem was assessed as negligible. PER Chapter 7 (Impacts on listed threatened species and ecological communities and on migratory species) explains that the residual impacts on Latham's Snipe from North East Link in this area and elsewhere was assessed to be negligible and non-significant. To mitigate potential impacts to Groundwater Dependent Ecosystems, a Groundwater Dependent Ecosystem Monitoring and Mitigation Plan for North East Link would be required.

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF3	Recommends considering how the loss of woodland at Simpson Barracks would impact fauna at Borlase Reserve. Concerned that animals displaced from Commonwealth land would perish rather than 'move on'.	61	<p>Borlase Reserve supports modified habitats which differ from those within Simpson Barracks. Habitats in Borlase Reserve are likely to attract and support common species, mostly birds and possums, and less likely to attract threatened or migratory species.</p> <p>PER Technical Appendix A (Flora and fauna) identified a minor impact on fauna on Commonwealth land. For resident fauna at Simpson Barracks, proposed loss of woodland habitat at Simpson Barracks was considered to most likely displace fauna further into Simpson Barracks (to the east) or birds to other sites. For fauna that visit Simpson Barracks, a range of alternative habitats nearby would likely be used.</p> <p>For small fauna with limited mobility, measures will be put in place as part of the Construction Environmental Management Plan (CEMP) to minimise impacts.</p>
FF4	Concerned about the scope of ecological investigations and fieldwork. Failure to address EES scoping requirements and planning provisions with reference to the ecological report by Dr Graeme Lorimer, dated 1 October 2018, titled 'Peer Review of North East Link EES Technical Report – Ecology' (attached to Submission 071).	71	<p>The extent of field surveys and information available from other sources is adequate for the purpose of identifying North East Link's potential impacts on ecological values.</p> <p>The PER is a separate statutory process to the EES and the EES scoping requirements do not apply to the PER. The PER is prepared in accordance with the PER Guidelines.</p>
FF5	Queries why only species/communities with moderate likelihood of being in the project were identified compared with all threatened species, and which species were not assessed.	73	In accordance with the PER Guidelines and as described in PER Chapter 6 (Impact assessment) and PER Technical Appendix A (Flora and fauna, Section 2), the purpose and scope of the PER is to assess potential impacts on Matters of National Environmental Significance (MNES) as defined under the EPBC Act, and the 'whole of environment' on Commonwealth land. For fauna, all EPBC Act-listed threatened and migratory species were considered and all fauna species were considered for Commonwealth land.

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF6	<p>States the claim the Yarra River would not be impacted is incorrect.</p> <p>States there is a lack of up-to-date fish surveys for the Yarra River and surrounding billabongs. States that referenced reports within PER Technical Appendix A (Flora and fauna) have no evidence of fish surveys within the Yarra River or billabongs within the project boundary and so can't be used as support.</p> <p>States the survey work on the Plenty River (one spot, over two single samples in Autumn and Spring) is inadequate to assess presence of listed species, especially as the Victorian Biodiversity Atlas shows Murray Cod, Macquarie Perch as present, with Australian Grayling also being reported in Plenty River (Melbourne Water, 2012).</p> <p>The survey data that North East Link is relying on is highly out of date and not relevant, as data is at least 30 years old. Recommends that proper fish survey work should be done over 12-month period, and in Yarra River billabongs if they contain water over that 12 months.</p> <p>States that PER Technical Appendix A (Flora and fauna) claims that no native fish species are in residence at the billabongs, but this is guesswork. There is no evidence of referenced surveys being done specifically in the billabongs when they contained water. As such it cannot be concluded that fish would not reside there at certain times.</p>	82	<p>As discussed in PER Chapter 7 (Impacts on listed threatened species and ecological communities and on migratory species), tunnelling beneath the Yarra River and its associated floodplain habitats greatly reduces the potential for North East Link to impact most terrestrial and aquatic fauna species across the Melbourne area.</p> <p>The extent of field surveys and information available from other sources is adequate for the purpose of identifying North East Link's potential impacts on ecological values.</p> <p>The aquatic fauna surveys undertaken were based on the Survey Guidelines for Australia's threatened fish (DSEWPAC, 2011). These include specific survey methods and habitats to be targeted for detecting fish listed as threatened under the EPBC Act. Refer to PER Technical Appendix A (Flora and fauna, Section 5.3.6) for more information on the field assessments.</p> <p>As noted in PER Technical Appendix A (Flora and fauna, Section 8.2), MNES aquatic fauna are not expected to be in disconnected water bodies such as Bolin Bolin Billabong. Australian Grayling and Macquarie Perch fish species are main channel specialists and unlikely use billabong habitat. Fish surveys of billabongs were therefore not included in PER Technical Appendix A (Flora and fauna).</p> <p>EES Technical Report Q (Ecology) contains information on a fish survey undertaken at Bolin Bolin Billabong and results were similar to those from a separate fish survey commissioned by Melbourne Water (Ecology Australia, 2018), with a fish community dominated by exotic species (European Carp, Eastern Gambusia, Oriental Weatherloach) and one native fish species (Short-finned eel). No MNES species were present.</p> <p>Wayne Koster was consulted on 4 September 2018 about potential impacts to Australian Grayling from construction activities.</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
	NELP should contact Wayne Koster and Tarmo Raadik at the Arthur Rylah Institute as they are experts on Australian Grayling, Macquarie Perch and other species relevant to North East Link.		
FF7	The PER Technical Appendix A (Flora and fauna) rejects that North East Link would have significant impacts on ecology. The report not thorough enough to provide appropriate impacts/mitigation.	84	<ul style="list-style-type: none"> The PER includes detailed and appropriate assessment of ecological impacts, in accordance with Section 2.5 of the PER Guidelines and as described in PER Chapter 06 (Impact assessment). The finalised PER incorporates further groundwater modelling and further assessment of impacts on Studley Park Gum. 44 Studley Park Gum (excluding juveniles) are expected to be directly lost from inside the project boundary on Commonwealth land and a further three Studley Park Gum large trees have the potential to be lost from outside the project boundary on Commonwealth land due to groundwater drawdown. These impacts will be mitigated and offset by: <ul style="list-style-type: none"> Implementing a Groundwater Dependent Ecosystem Monitoring and Mitigation Plan Implementing a Studley Park Gum Management Framework Providing native vegetation offsets based on the Victorian Guidelines (DELWP, 2017a). <p>For further detail on potential impacts, proposed mitigation measures and offsetting, refer to PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land), Chapter 11 (Offsets) and PER Technical Appendix A (Flora and fauna, Section 11.1).</p> <p>To reflect this, PER Chapter 18 (Conclusion) has been updated to clarify that measures would be implemented to mitigate this impact as appropriate.</p>
FF8	Maps in PER Technical Appendix A (Flora and fauna) do not disclose that impacts on waterways would travel down the Yarra River into Port Phillip Bay, and do not show impact to those habitats.	84	As discussed in PER Technical Appendix A (Flora and fauna, Section 9.4.1) water quality impacts on downstream catchments from turbidity or pollution are expected to be minimal due to proposed measures including water sensitive urban and road design and implementation of a Construction Environmental Management Plan (CEMP) and Spoil Management Plan (SMP).

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF9	States that the reliance on eBird and Victorian Biodiversity Atlas for general bird data is insufficient given the public (who contribute to these databases) has no access to Simpson Barracks. States that a formal bird surveillance study of the area should be undertaken.	39	<p>The extent of field surveys and information available from other sources is adequate for the purpose of identifying potential impacts from North East Link on ecological values.</p> <p>Fieldwork was undertaken for North East Link within Simpson Barracks.</p> <p>Targeted threatened fauna surveys for EPBC Act-listed species were undertaken in accordance with species-specific survey guidelines, as identified in the Department of Environment and Energy Species Profile and Threats (SPRAT) Database, and as explained for relevant species in PER Technical Appendix A (Flora and fauna, Section 5.3.11).</p>
FF10	Concerned about removal of Inland Scribbly Gum.	29	Inland Scribbly Gum does not occur naturally near Melbourne and is not a listed species under Victorian or Commonwealth legislation. The Inland Scribbly Gum was therefore not assessed as a significant species in the PER ecology assessment.
FF11	PER Chapter 5 (Description of the environment, p. 15) does not define the significance of remnant vegetation existing as a 'highly fragmented mosaic' and whether it has the ability to withstand further threatening processes and if there is a need to consider enhancing the remaining remnant vegetation.	53	<p>PER Chapter 5 (Description of the environment) summarises the description of the environment that North East Link may impact, with further detail provided in PER Technical Appendix A (Flora and fauna, Section 6). Included in PER Chapter 5 (p. 15) is a description of the known threats to, and an assessment of quality and importance of species or habitats of communities in the study in accordance with PER Guideline 2.4.</p> <p>PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land) summarises the assessment of the potential ecological impacts with detail provided in PER Technical Appendix A (Flora and fauna, Section 9). The potential impact to remnant vegetation is discussed in PER Technical Appendix A (Section 9.1.1), including proposed avoidance and mitigation measures. The proposed avoidance and mitigation measures are also outlined in PER Technical Appendix A (Section 9.1.1).</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF12	<p>Concerned about loss of native/indigenous flora and fauna (including habitat) on Simpson Barracks.</p> <p>Concerned about the irreversible removal of habitat on Simpson Barracks – Banyule Creek and so many trees, including a population of significant Studley Park Gum Trees and other endangered species of flora and fauna.</p>	74, 40, 43, 48	<p>Potential impacts on flora and fauna values at Simpson Barracks have been adequately assessed. During detailed design the project's footprint would be minimised to minimise removal of native vegetation and habitat at Simpson Barracks and a Tree Protection Plan would be implemented for trees to be retained in accordance with AS4970-2009 Protection of Trees on Development Sites. For further detail on mitigation measures to minimise impacts, refer to PER Attachment III.</p> <p>It is noted the PER incorporates further groundwater modelling and further assessment of impacts on Studley Park Gum.</p> <p>For further detail on potential impacts and proposed mitigation measures, refer to PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land) and PER Chapter 11 (Offsets) and PER Technical Appendix A (Flora and fauna, Section 11.1). PER Technical Appendix A (Flora and fauna) has been updated with the additional assessment of Studley Park Gum within the Executive Summary and Sections 5, 6, 9 and 11. Relevant updates have also been made to the PER chapters including Chapter 9 (Impacts on the whole of the environment on Commonwealth land) and Chapter 11 (Offsets).</p>
FF13	<p>Concerned that North East Link would cause Australian Grayling and Macquarie Perch habitat fragmentation along the Yarra River.</p> <p>Also long-term impacts due to traffic noise and pollution, and the widening of the Eastern Freeway.</p>	84	<p>Fragmentation impacts are considered in PER Technical Appendix A (Flora and Fauna, Section 9). Habitat fragmentation impacts on the Yarra River floodplain would be avoided by tunnelling under this area. No works are proposed within the Yarra River.</p> <p>Operational noise impacts are also discussed in Section 9 and have been considered when assessing the potential for significant impacts on MNES in Section 10. North East Link would be designed to achieve set traffic noise objectives at properties adjacent to the alignment. This would assist in mitigating noise impacts on fauna and their habitat.</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF14	<p>Population of Macquarie Perch in the Yarra River was translocated primarily from waterways in the Goulburn River catchment from the 1850s and is very important to the future recovery of this endangered species. Macquarie Perch are visual feeders and any decrease in water quality particularly turbidity and suspended solids would impede feeding. Works may also restrict movement during spawning migrations in Spring/Summer.</p> <p>Recommended referring to the National Recovery Plan for the Macquarie Perch published 2018.</p> <p>There is no data on the Macquarie Perch and Australian Grayling populations in the Yarra River or discussion of possible impacts. For example, impacts to water quality and water flow in the tributaries of the Yarra River from polluted runoff from road surfaces and muddy water from construction sites.</p> <p>The Macquarie Perch is a visual feeder and the Australian Grayling undertakes seasonal breeding migration triggered by water flows in the Yarra River.</p> <p>Concerns regarding impacts to water quality in the Yarra River and impacts on native fish. Concerns regarding impacts to Macquarie Perch.</p>	46, 53, 62, 63	<p>The Australian Grayling (Section 7.11.3) and Macquarie Perch (Section 7.10.1) populations in the Yarra River are presumed and considered to be important. Impacts to Macquarie Perch and Australian Grayling habitat would be avoided by tunnelling beneath the Yarra River.</p> <p>Potential indirect impacts of construction that could affect aquatic habitat quality for these species would be mitigated with implementation of a Construction Environmental Management Plan (CEMP) and a Spoil Management Plan (SMP), which would include measures to prevent sedimentation, contamination and runoff from entering the drainage network.</p> <p>Refer to PER Technical Appendix A (Flora and fauna, Section 10.3.1 and Section 10.3.2) for further details of proposed avoidance and mitigations.</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF15	PER does not identify mitigation measures for impacts to aquatic habitat.	71	The PER assesses the potential impacts on MNES and the whole environment on Commonwealth land and proposed avoidance and mitigations measures, including measures to avoid and mitigate impacts on aquatic habitat, are set out in PER Technical Appendix A (Flora and fauna, Section 10.3.1, Section 10.3.2 and Section 13).
FF16	<p>The Yarra River billabongs are very important native fish habitat, providing refuge and nurseries, and the billabongs are especially important during high river flows and floods which often pollute the water with road and agricultural runoff.</p> <p>Concerned the cut and cover construction on the flood plain between Manningham Road and the Eastern Freeway (along Bulleen Road) would impact the Bolin Bolin Billabong and any native fish species there.</p> <p>Especially concerned about cut and cover construction along Bulleen Road, as the area is a floodplain which increases risk of rains causing sedimentation.</p>	82	<p>PER Technical Appendix A (Flora and fauna) identifies that Yarra River billabongs in the project boundary, including the Bolin Bolin Billabong, do not support threatened fish and do not contain important habitat for MNES. This is based on historical fish survey records in the Victorian Biodiversity Database, a literature review of fish surveys, results of fish survey undertaken in 2018 by Melbourne Water (Ecology Australia 2018), and fish surveys undertaken as part of the existing conditions assessment.</p> <p>Potential indirect impacts of construction that could affect aquatic habitat quality would be mitigated with implementation of a Construction Environmental Management Plan (CEMP) and Spoil Management Plan (SMP), which would include measures to prevent sedimentation, contamination and runoff from entering the drainage network.</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF17	<p>States that assessment against significant impact criteria for Macquarie Perch (PER Technical Appendix A – Flora and Fauna, Table 10-20) and Aust Grayling (Table 10-22) that comments about no work occurring in the Yarra River are incorrect, as there would be significant works on the Yarra River banks for the Eastern Freeway widening works.</p> <p>Further impacts to Australian Grayling possible from Eastern Freeway widening works. Specifically, pile driving would impact on its seasonal migration, as it would avoid good habitat to avoid noise. Table 10-22 in PER Technical Appendix A states that work would not create barrier to fish migration/degradation to habitat or water quality, but noise from pile driving and siltation would impact on species.</p>	82	<p>Waterway crossings where works would occur are described in PER Chapter 3 (Description of the action). Works over the Yarra River are described in PER Chapter 3 (Section 3.2.3) and would involve bridge strengthening works at Eastern Freeway and the associated shared use path crossing immediately upstream. Works would be limited to the banks of the river and not be undertaken within the waterway.</p> <p>Proposed avoidance and mitigation measures for Macquarie Perch and Australian Grayling are set out in PER Technical Appendix A (Flora and fauna, Section 10.3.1 and Section 10.3.2). Intense construction noise and vibration impacts in or near the Yarra River from activities such as pile driving are to be avoided, to the extent practicable, during critical migration or breeding periods for the Australian Grayling. Refer to PER Technical Appendix A (Flora and Fauna, Section 9.1.7) for further details.</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF18	<p>Comments that the Macquarie Perch and Australian Grayling are only found in the Yarra River is unproven without further surveys. PER Technical Appendix A (Flora and fauna) states that breeding cycles won't be disrupted, but this is unknown.</p> <p>PER Technical Appendix A (Flora and fauna) states that recovery of species is not reliant on habitat in project boundary, but not enough survey work has been done to prove this.</p>	82	<p>The extent of field surveys and information available from other sources is adequate for the purpose of identifying potential impacts on North East Link on aquatic values. Refer to PER Technical Appendix A (Flora and fauna, Section 5.3.12) for details of the aquatic ecology field assessment undertaken. Australian Grayling are known to occur in the Yarra River and the Yarra River is the only waterway in the region that supports this species.</p> <p>PER Technical report A (Flora and fauna) explains that habitat assessments and further surveys were undertaken in other waterways where impacts to aquatic habitat would or could occur. Electrofishing and netting were used and are both standard techniques to detect threatened fish (as per EPBC Fish Survey guidelines, DSEWPAC, 2011). These surveys did not detect the presence of MNES in the project boundary other than the known populations in the Yarra River.</p> <p>Assessment of impacts to breeding cycles was based on current understanding of species biology, as outlined in the National Recovery Plans for Macquarie Perch (2018) and Australian Grayling (2008). These plans were also used as basis for assessment of importance of habitat for the recovery of the species.</p>
FF19	<p>Commentary of water sensitive urban design (WSUD) preventing runoff, however WSUDs often won't fit into design, therefore not protecting aquatic MNES.</p>	82	<p>Adoption of water sensitive urban and road design is an avoidance and mitigation measure that would form part of North East Link, as set out in PER Technical Appendix C (Surface water, Section 10).</p> <p>Potential indirect impacts of construction that could affect aquatic MNES would be mitigated with implementation of a Construction Environment Management Plan (CEMP) and a Spoil Management Plan (SMP), which would include measures to prevent sedimentation, contamination and runoff from entering the drainage network.</p>
FF20	<p>Concerned that spoil stockpiles would lead to sedimentation of nearby waterways which would impact listed species, specifically Macquarie Perch and Australian Grayling.</p>	82	<p>Potential indirect impacts of construction that could affect waterways would be mitigated with implementation of a Construction Environment Management Plan (CEMP) and a Spoil Management Plan, which would include measures to prevent sedimentation, contamination and runoff from entering the drainage network.</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF21	States that increase to water turbidity and pollution would travel down the Yarra, damaging estuary habitat and habitat in Port Phillip Bay. Macquarie Perch and Australian Grayling habitat in the Yarra, Plenty River, and Merrie Creek may be affected, even by minor impacts, and so drive them to extinction.	84	Potential indirect impacts of construction that could affect waterways would be mitigated with implementation of a Construction Environment Management Plan (CEMP) and a Spoil Management Plan (SMP), which would include measures to prevent sedimentation, contamination and runoff from entering the drainage network. These measures would avoid and mitigate impacts on downstream estuaries and habitat in Port Phillip Bay. Proposed avoidance and mitigations measures for Macquarie Perch and Australian Grayling are set out in PER Technical Appendix A (Flora and fauna, Section 10.3.1 and Section 10.3.2). The residual impacts on these species are expected to be negligible and non-significant.
FF22	Concerned about the potential drop in water table at Bolin Bolin Lagoon, which would impact on habitat and reduce the use of the area as a refuge/breeding area for threatened species.	84	PER Technical Appendix A (Flora and fauna) identifies that Yarra River billabongs in the project boundary, including the Bolin Bolin Billabong do not support threatened fish species, and do not contain important habitat for MNES. Bolin Bolin is not considered refuge or a breeding area for aquatic MNES.
FF23	Concerned that loss of habitat at Simpson Barracks would impact on species including Growling Grass Frog.	40	Potential impacts on fauna from loss of habitat at Simpson Barracks are discussed in PER Technical Appendix A (Flora and fauna, Section 9.1). Simpson Barracks does not provide habitat for the Growling Grass Frog.
FF24	Concerned over habitat impacts leading to loss of Macquarie Perch and Australian Grayling.	43	Impacts on the Macquarie Perch and Australian Grayling are assessed and proposed avoidance and mitigations measures for these species are set out in PER Technical Appendix A (Flora and fauna, Section 10.3.1 and Section 10.3.2). The residual impacts on these species are expected to be negligible and non-significant.

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF25	<p>Important Matted Flax-lily habitat would be lost. The calculations in the PER are likely to have overestimated the number of Matted Flax-lily outside the project boundary and understated the importance of Matted Flax-lily habitat within the project boundary. This is relevant to text in PER Chapter 5 (Description of the environment) and PER Chapter 7 (Impacts on listed threatened species and ecological communities and on migratory species).</p> <p>The assessment of the residual impact of North East Link on Matted Flax-lily assuming successful translocation does not consider loss of habitat. Although the individual Matted Flax-lily plants may survive in an artificially managed context, there would be loss of key habitat that supports this endangered species.</p>	41, 53, 58, 59	<p>Further work has been undertaken since the exhibition of the draft PER to assess the number of Matted Flax-lily on the eastern side of Simpson Barracks.</p> <p>The finalised PER reflects this additional work in PER Technical Appendix A (Flora and fauna, Section 5.3.6). Expected impacts on Matted Flax-lily, including adverse effects on habitat critical to the survival of a species, is outlined in PER Chapter 7 (Impacts on listed threatened species and ecological communities, and on migratory species, Section 7.2) and PER Technical Appendix A (Flora and Fauna, Section 10.1.2, Table 10-4).</p> <p>The residual impact on Matted Flax-lily is expected to be non-significant with implementation of a successful Salvage and Translocation Plan.</p> <p>The following documents have been updated to reflect the additional field work undertaken as well as the revised expected impacts on Matted Flax-lily. PER Chapter 7 (Impacts on listed threatened species and ecological communities and on migratory species) and Chapter 17 (Information sources) and PER Technical Appendix A (Flora and fauna).</p>
FF26	PER is inconsistent with Matted Flax-lily recovery plan.	71	<p>It is considered unlikely that North East Link would increase the risk of Matted Flax-lily becoming extinct in the wild. It is not known if the population at Simpson Barracks is self-sustaining, but North East Link would not disrupt the population on the east side of the Simpson Barracks site. Salvage and translocation is a specific action identified under the National Recovery Plan for Matted Flax-lily. With translocation and a commitment to achieving a net gain in the number of Matted Flax-lily plants/patches, as discussed in the PER, a decline in the species is not expected. For further detail refer to PER Technical Appendix A (Flora and fauna, Section 10.1.2).</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF27	<p>States that North East Link would result in significant impacts to this MNES, including a large and significant population on Simpson Barracks, with or without the Salvage and Translocation Plan.</p> <p>North East would s likely result in the loss of a third of the known Matted Flax-lily population, including one of the oldest known specimens in the world.</p> <p>States the assessment against the significant impact criteria are all incorrect due to the reliance on the Salvage and Translocation Plan, which is inadequate. Specifically it fails to consider the loss of habitat as significant. Submission includes own assessment against each impact criteria for Matted Flax-lily.</p>	83	<p>PER Chapter 7 (Impacts on listed threatened species and ecological communities and on migratory species) and PER Technical Appendix A (Flora and fauna, Section 10.1.2) assess the potential for significant impacts on the Matted Flax-lily against the EPBC Act Significant Impact Guidelines 1.1 – Matters of National Environmental Significance. The assessment is that with translocation/mitigation, significant impacts are possible for two criteria: ‘Adversely affect habitat critical to the survival of a species’ and ‘Reduce the area of occupancy of the species’.</p> <p>However, the residual impact on Matted Flax-lily is expected to be non-significant with implementation of a successful Salvage and Translocation Plan. Refer to PER Technical Appendix A (Flora and fauna, Section 10.1.2).</p> <p>The updated Salvage and Translocation Plan has been attached to PER Technical Appendix A (Flora and fauna).</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF28	<p>The scale of the proposed translocation relative to the total known Matted Flax-lily population means that failure at any point in the process would have serious consequences.</p> <p>Translocation of this species is a relatively new approach and whether it creates viable populations in the long term is an open question.</p> <p>PER Chapter 7 (Impacts on listed threatened species and ecological communities and on migratory species) cites survival rates at past translocation sites as evidence of successful translocation. These results could also be interpreted as an indication of the steady decline of Matted Flax-lily that would see the complete loss at the majority of the translocation sites over several decades.</p> <p>Experiences have also shown that even though sites were assessed as suitable they did not provide habitat of a quality comparable to that which was lost.</p> <p>The research proposed by NELP ecologist to address the lack of public peer review research at the sustainability workshop needs to be completed prior to further translocation.</p>	53, 58	<p>PER Technical Appendix A (Flora and fauna, Section 10.1.2) includes detailed consideration of potential translocation of Matted Flax-lily. Translocation is a proven and successful measure for Matted Flax-lily if undertaken using appropriate procedures.</p> <p>The residual impact on Matted Flax-lily is expected to be non-significant with implementation of a successful Salvage and Translocation Plan, so on this basis no offsetting for the removal and translocation of Matted Flax-lily is proposed.</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF29	Concerned that translocation sites would not recreate the existing Matted Flax-lily habitat being lost. Concerns that translocation sites where Matted Flax-lily does not currently exist would not be suitable as absence of the species indicates the presence of factors detrimental to their survival. Concerns translocation would lead to Matted Flax-lily 'farms' replacing rare remaining natural habitat.	59	<p>PER Technical Appendix A (Flora and fauna, Section 10.1.2) includes detailed consideration of potential translocation of Matted Flax-lily. This indicates that translocation is a proven and successful measure for Matted Flax-lily, if undertaken using appropriate procedures.</p> <p>The residual impact on Matted Flax-lily is expected to be non-significant with implementation of a successful Salvage and Translocation Plan and on this basis, no offsetting for the removal and translocation of Matted Flax-lily is proposed.</p>
FF30	<p>States that the Salvage and Translocation Plan is inadequate, and residual impacts to the species is still significant. Edge effects of recipient sites are not considered, and the performance benchmark of ensuring genetic diversity cannot be measured as the Salvage and Translocation Plan doesn't have a monitoring component for genetic diversity.</p> <p>States that none of recipient sites in Salvage and Translocation Plan are suitable due to: not being located in the correct bioregion, are too small (only 2.75 ha in new areas, as opposed to the 20 ha current habitat) and so subject to edge effects, weed invasion, biomass accumulation, runoff pollution, human damage, and Simpson Barracks is unsuitable as it already supports the remainder of the significant population at high density.</p>	83	<p>PER Technical Appendix A (Flora and fauna, Section 10.1.2) includes detailed consideration of potential translocation of Matted Flax-lily. This indicates that translocation is a proven and successful measure for Matted Flax-lily if undertaken using appropriate procedures.</p> <p>The genetic diversity would be maintained with respect to the original population. The residual impact on Matted Flax-lily is expected to be non-significant with implementation of a successful Salvage and Translocation Plan, and on this basis no offsetting for the removal and translocation of Matted Flax-lily is proposed.</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF31	Concerned about Latham's Snipe whose conservation status is Vulnerable.	6	Under the EPBC Act, Latham's Snipe is listed as Migratory, but is not listed as a threatened (or vulnerable) species. It is listed as Near Threatened (which is not a category of threat) on the DELWP Advisory List of Threatened Vertebrate Fauna in Victoria (DSE 2013). It is not listed as a threatened species under the Flora and Fauna Guarantee Act 1988 (Vic). Potential impacts to Latham's Snipe are assessed in PER Technical Appendix A (Flora and fauna, Section 10.4).
FF32	<p>Concerned about construction noise and air quality impacts from January to March when Yarra River colony moves closer to Eastern Freeway.</p> <p>Concerned about noise and dust generated by heavy construction machinery around the freeway bridge affecting colony during birthing months of September to February. Concerned that proximity of construction to roosting bats would stress bats to the point of endangering pup survival rates.</p> <p>Request that works from freeway bridge to 500 m west, do not occur during August to March.</p> <p>Request installation of noise walls along this stretch of freeway.</p>	17	<p>Potential impacts on the Grey-headed Flying-fox are assessed of PER Technical Appendix A (Flora and fauna, Section 10.2.5) and the residual impact on the Grey-headed Flying-fox is expected to be minor and non-significant.</p> <p>Potential construction impacts would be mitigated with implementation of a Construction Environment Management Plan (CEMP), Spoil Management Plan (SMP), Construction Noise and Vibration Management Plan and a Dust and Air quality Management Plan – refer to PER Technical Appendix A (Flora and fauna, Section 13).</p>
FF33	The assumption that the site may never be a roost or breeding site for the Swift Parrot, Grey-headed Flying fox or Powerful Owl because it is currently not is unsupportable given the existing vegetation. References PER Technical Appendix A (Flora and fauna, p. 31).	24	<p>The extent of field surveys and information available from other sources is adequate for the purpose of identifying potential impacts of North East Link on ecological values at Simpson Barracks.</p> <p>For further detail, refer to PER Technical Appendix A (Flora and Fauna, Section 7) which provides a description of the existing conditions relating to fauna at Simpson Barracks.</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF34	<p>The impact on the surface water and groundwater at Banyule Flats is uncertain and this could impact Latham's Snipe habitat. Impacts may be from overflow from the water treatment facility (north of Lower Plenty Road) which may affect the water quality and reed beds in Banyule Swamp or water draw down which may significantly change their habitat.</p> <p>PER Chapter 5 (Description of the environment, Figure 5.11(i)) does not show the known habitat for Latham's snipe at Banyule Flats.</p>	53	<p>PER Technical Appendix B (Groundwater) contains groundwater modelling results which suggest that drawdown in the Banyule Flats area is likely to be less than 0.1 m. This is not expected to impact Latham's Snipe or its habitat in this location and the residual impact on Latham's Snipe is expected to be negligible and non-significant. Refer to PER Technical Appendix A (Flora and fauna, Section 10.4).</p> <p>It is noted that Section 5.1.3 and Figure 5-11 in PER Technical Appendix A has been updated to improve clarity and distinguish between where targeted searches were done and where threatened species may occur, in the finalised PER.</p>
FF35	<p>Concerned the use of habitat at Simpson Barracks by Grey-headed Flying-foxes has not been addressed in the PER.</p> <p>Concerned about impacts to Swift Parrot habitat.</p> <p>Concerns about claim that water treatments features may provide increased habitat for Latham's Snipe.</p>	62, 63	<p>The extent of field surveys and information available from other sources is adequate for the purpose of identifying potential impacts of North East Link on ecological values at Simpson Barracks.</p> <p>Grey-headed Flying-fox and Swift Parrot are known or expected to use habitats in Simpson Barracks at least occasionally, as stated in the PER. However, the habitat within the area of proposed impact is not considered to provide a particularly important resource for either species and represents a common form of foraging habitat that occurs throughout Melbourne's suburbs. There would be new stormwater treatment facilities constructed as part of North East Link, and some of these may attract Latham's Snipe, however, habitat for Latham's Snipe is not expected to decrease.</p> <p>For further detail, refer to PER Technical Appendix A (Flora and Fauna, Section 7) which provides a description of the existing conditions relating to fauna at Simpson Barracks.</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF36	<p>States the Yarra River and its corridor habitat is habitat for the few remaining terrestrial and aquatic species in the area.</p> <p>States that increase to water turbidity and pollution would travel down the Yarra River, damaging estuary habitat and habitat in Port Phillip Bay.</p> <p>Concerned about long term impacts due to traffic noise and pollution to species along the Yarra River.</p>	84	<p>Potential indirect impacts of construction that could affect waterways would be mitigated with implementation of a Construction Environment Management Plan (CEMP) and a Spoil Management Plan (SMP), which would include measures to prevent sedimentation, contamination and runoff from entering the drainage network. These measures would avoid and mitigate impacts on downstream estuaries and habitat in Port Phillip Bay.</p> <p>Operational impacts on fauna are assessed in PER Technical Appendix A (Flora and fauna, Section 9.2.5 and Section 9.2.6) and have been considered when assessing the potential for significant impacts on MNES (PER Technical Appendix A, Section 10).</p>
FF37	<p>Concerned over loss of native vegetation and habitat for MNES including Australian Painted Snipe, Australasian Bittern, Growling Grass Frog, Latham's Snipe.</p>	43	<p>Potential impacts on all relevant MNES have been assessed in the PER. Refer to PER Technical Appendix A (Flora and fauna, Section 10) for further details.</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF38	Concerned about loss of the population of Studley Gums which are unique to the Banyule area and found nowhere else in the world.	6, 61	<p>The finalised PER incorporates further groundwater modelling and further assessment of impacts on Studley Park Gum. Studley Park Gum (excluding juveniles) are expected to be directly lost from inside the project boundary on Commonwealth land due to North East Link. A further three Studley Park Gum large trees have the potential to be lost from outside the project boundary at Commonwealth land due to groundwater drawdown.</p> <p>These impacts will be mitigated and offset by:</p> <ul style="list-style-type: none"> • Implementing a Groundwater Dependent Ecosystem Monitoring and Mitigation Plan • Implementing a Studley Park Gum Management Framework • Providing native vegetation offsets based on the Victorian Guidelines (DELWP, 2017a). <p>For further detail on potential impacts, proposed mitigation measures and offsetting, refer to PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land), Chapter 11 (Offsets) and PER Technical Appendix A (Flora and fauna, Section 11.1).</p> <p>PER Technical Appendix A (Flora and fauna) has been updated with the additional assessment of Studley Park Gum within the Executive Summary and Sections 5, 6, 9 and 11. Relevant updates have also been made to the PER chapters including Chapter 9 (Impacts on the whole of the environment on Commonwealth land) and Chapter 11 (Offsets).</p>
FF39	Due to its DELWP endangered status, it is likely the removal of vegetation on Simpson Barracks would have catastrophic impacts on Studley Park Gum population numbers in Vic, and accelerate extinction of the species.	9, 41, 53, 62, 63	<p>The finalised PER incorporates further groundwater modelling and further assessment of impacts on Studley Park Gum. 44 Studley Park Gum (excluding juveniles) are expected to be directly lost from inside the project boundary on Commonwealth land due to North East Link. A further three Studley Park Gum large trees have the potential to be lost from outside the project boundary at Commonwealth land due to groundwater drawdown.</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
	<p>Impacts would be eliminated to Studley Park Gum if the northern portal is moved north to Grimshaw Street.</p> <p>PER Technical Appendix D (Commonwealth land, p. 55) notes further field surveys would be conducted to improve understanding of the impact and number of trees impacted at Simpson Barracks. Table 5-2 in PER Technical Appendix D does not acknowledge this uncertainty. No decisions should be made until there is a complete understanding of the extent of the Studley Park Gum population at Simpson Barracks.</p> <p>Offsets: It is unlikely suitable offsets would be available given the rarity of this tree.</p> <p>Replanting: Planting propagated individuals outside their natural range would not mitigate their loss at Simpson Barracks. The Studley Park Gum is a rare and naturally evolving hybrid of parent species the River Red Gum and the Swamp Gum. The Simpson Barracks is considered the most viable urban forest containing a thriving and viable naturally evolving population of this threatened eucalypt hybrid. Replanting does not recreate the intact and evolving hybrid habitat. This eucalypt hybrid only exists in Victoria and its last remaining viable stand exists in Simpson Barracks. The current project alignment would destroy much of the only viable stand of the Studley Park Gum in the nation and may lead to the hybrid's extinction.</p>		<p>These impacts will be mitigated and offset by:</p> <ul style="list-style-type: none"> • Implementing a Groundwater Dependent Ecosystem Monitoring and Mitigation Plan • Implementing a Studley Park Gum Management Framework • Providing native vegetation offsets based on the Victorian Guidelines (DELWP, 2017a). <p>For further detail on potential impacts, proposed mitigation measures and offsetting, refer to PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land), Chapter 11 (Offsets) and PER Technical Appendix A (Flora and fauna, Section 11.1).</p> <p>PER Technical Appendix A (Flora and fauna) has been updated with the additional assessment of Studley Park Gum within the Executive Summary and Sections 5, 6, 9 and 11. Relevant updates have also been made to the PER chapters including Chapter 9 (Impacts on the whole of the environment on Commonwealth land) and Chapter 11 (Offsets).</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF40	Swift Parrot found in the Banyule area during winter. There are only 1,000 breeding pairs left and they only exist in our corner of the world. Areas of habitat include the Watsonia Army Barracks and the Macleod Station.	6	Potential impacts on the Swift Parrot is assessed in PER Technical Appendix A (Flora and fauna, Section 10.2.1). With implementation of mitigation measures, the residual impact on the Swift Parrot is expected to be minor and non-significant.
FF41	<p>There is no guarantee the Swift Parrot's habitat would be protected – there is no commitment to avoid impacts to the Swift Parrots habitat at Macleod Station.</p> <p>Considers the trees around Macleod Station are priority habitat.</p> <p>The statement in PER Chapter 5 (Description of the environment, p. 8): 'there is no evidence to suggest that any area within the study area is favoured or visited regularly by this species'. is inconsistent with PER Chapter 7 (Impacts on listed threatened species and ecological communities and on migratory species) describing the trees in that area as 'priority habitat' and (Figure 5-11(g) and Figure (5-11(h).</p> <p>The statement 'North East Link would unlikely impact nor interfere with the recovery of the species' is not correct.</p>	53	<p>Potential impacts on the Swift Parrot is assessed in PER Technical Appendix A (Flora and fauna, Section 10.2.1). With implementation of mitigation measures, the residual impact on the Swift Parrot is expected to be minor and non-significant. Every effort will be made to avoid ecological impacts in locations that are known to provide high habitat value for Swift Parrot and other significant fauna species.</p> <p>PER Chapter 5 (Description of the environment) has been updated to be consistent with PER Chapter 7 (Impacts on listed threatened species and ecological communities and on migratory species) and now reads: 'Other than the trees at Macleod Station, there is no evidence to suggest that Swift Parrots rely on other particular trees in the study area, or use them regularly or frequently'.</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
	The National Recovery Plan for the Swift Parrot includes habitat loss and climate change as a threat to recovery. North-east Melbourne has been providing good enriching food due to varied and healthy eucalypt species. We believe loss of trees and increase in hard surfaces would exacerbate the threat of climate change. It seems outrageous to encroach on any trees visited regularly such as those at Macleod Station.		
FF42	Concerned that loss of habitat at Simpson Barracks would impact on species including Swift Parrot.	40	<p>Potential impacts on the Swift Parrot is assessed in PER Technical Appendix A (Flora and fauna, Section 10.2.1). The impacted habitat at Simpson Barracks is not considered to provide a particularly important resource for the Swift Parrot and with implementation of mitigation measures, the residual impact on the Swift Parrot is expected to be minor and non-significant.</p> <p>PER Technical Appendix A (Flora and Fauna), identifies a minor impact on fauna on Commonwealth land. For resident fauna at Simpson Barracks, proposed loss of woodland habitat at Simpson Barracks is considered most likely to displace fauna further into the barracks (to the east), or for birds to other sites. For fauna that visit Simpson Barracks, a range of alternative habitats nearby are likely to be used. For small fauna with limited mobility, measures will be put in place as part of the Construction Environmental Management Plan (CEMP) to minimise impacts.</p>
FF43	Concerns/comment about impacts on Swift Parrot.	41	Potential impacts on the Swift Parrot is assessed in PER Technical Appendix A (Flora and fauna, Section 10.2.1). With implementation of mitigation measures, the residual impact on the Swift Parrot is expected to be minor and non-significant.

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF44	There can be no offset to make up for the loss of the woodland with the Matted Flax-lily and old Studley Park Gums that has probably existed since before Europeans arrived. And no replacement of vegetation can make up for the loss of habitat the woodland currently provides.	24	<p>North East Link would include a range avoidance and mitigation measures, including the ecology specific measures summarised in PER Technical Appendix A (Flora and fauna, Section 13.1). These impacts will be mitigated and offset by:</p> <ul style="list-style-type: none"> • Implementing a Groundwater Dependent Ecosystem Monitoring and Mitigation Plan • Implementing a Studley Park Gum Management Framework • Providing native vegetation offsets based on the Victorian Guidelines (DELWP, 2017a). <p>The residual impact on MFL is expected to be non-significant with the implementation of a successful salvage and translocation program.</p>
FF45	<p>That biodiversity would be significantly affected with the loss of Studley Park Gum and Matted Flax-lily habitat.</p> <p>Refer to PER Chapter 11 (Offsets).</p> <p>Offsets do not compensate for the impact to local biodiversity and habitat. Offsetting the loss of Studley Park Gum is not feasible. Also refer to category Flora and Fauna – Concerns/comments about impacts to Studley Park Gum.</p> <p>There is no reference to the policies and plans of Banyule Council regarding increasing vegetation cover.</p>	53	<p>North East Link would include a range avoidance and mitigation measures, including the ecology-specific measures summarised in PER Technical Appendix A (Flora and fauna, Section 13.1).</p> <p>Offsetting removed native vegetation would occur in accordance with the DELWP Guidelines for the removal, destruction or lopping of native vegetation (2017).</p> <p>A Tree Canopy Replacement Plan would be developed and implemented to replace the loss of canopy cover and achieve a net gain in tree canopy cover by 2045. The Tree Canopy Replacement Plan would show the location, size and species of replacement trees, in consultation with relevant land managers.</p> <p>Tree replacement and landscaping would occur using locally indigenous species (utilising seed collected from species within the project boundary where possible) which are suited to the landscape profile and setting being revegetated, and which maximise habitat value and connectivity, where appropriate for the landscape and location.</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
	<p>Refer to PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land, Section 9.2.1, Table 9-1) native vegetation clearance – the loss of vegetation (including trees) from clearance and of those affected by drawdown would be offset. The assessment does not mention the loss of habitat occupied by the native trees affected by the drawdown. The loss of canopy trees would modify the area and would also need to be offset.</p> <p>Clarification needed to confirm if watering trees to prevent indirect tree loss is possible. In PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land, p. 3) mitigation of indirect tree loss by watering is proposed. However PER Chapter 8 (Water related impacts, p. 29) notes that watering is not a feasible or realistic long-term mitigation option and that trees would be regarded as a loss. (Note also classified in PER Technical Appendix D, Commonwealth land – Flora and fauna).</p>		<p>As discussed in PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land), approximately 10.98 ha of Plains Grassy Woodland, including a number of Studley Park Gum, are expected to be lost from Commonwealth land from land clearing required for North East Link. An additional eight large trees (including three Studley Park Gums) may be indirectly impacted due to groundwater drawdown during operation. These impacts would be mitigated and offset by:</p> <ul style="list-style-type: none"> • Implementing a Groundwater Dependent Ecosystem Monitoring and Mitigation Plan • Implementing a Studley Park Gum Management Framework • Providing native vegetation offsets based on the Victorian Guidelines (DELWP, 2017a). <p>For further detail on potential impacts and proposed mitigation measures for plants within Simpson Barracks, refer to PER Technical Appendix A (Flora and fauna, Section 11.1).</p>
FF46	Concerned that no mention is made to providing habitat linkages or bridges across Lower Plenty Road and further to Banyule wetlands. Concerns that many animals would perish due to fragmentation.	61	Potential impacts of fragmentation of terrestrial wildlife corridors creating barriers to terrestrial fauna movement is assessed in PER Technical Appendix A (Flora and fauna, Section 9.1.8).

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF47	<p>States there is no clarity of repatriation of land with cleared native vegetation and that the vegetation at Simpson Barracks site is a critical component contributing to local ecology and amenity.</p> <p>Concerned that major tree replacement programs may not occur in the project boundary and may not occur on-site as there is no obligation under State legislation.</p> <p>Concerned about tree planting/canopy replacement, tree planting sites.</p>	66, 71	<p>North East Link would include a range avoidance and mitigation measures, including the ecology-specific measures summarised in PER Technical Appendix A (Flora and fauna, Section 13.1).</p> <p>Offsetting removed native vegetation would occur in accordance with the DELWP Guidelines for the removal, destruction or lopping of native vegetation (2017).</p> <p>Tree replacement and landscaping would occur using locally indigenous species (utilising seed collected from species within the project boundary where possible) which are suited to the landscape profile and setting being revegetated, and which maximise habitat value and connectivity, where appropriate for the landscape and location.</p> <p>The project has committed to extensive replanting and landscaping within the project boundary following construction. As much of the canopy replacement as possible would occur within the project boundary.</p>
FF48	Provides suggestions for offset sites.	71	Offsetting removed native vegetation would occur in accordance with the DELWP Guidelines for the removal, destruction or lopping of native vegetation (2017). For further detail on offsets proposed, refer to PER Chapter 11 (Offsets, Section 11.3).
FF49	Concerned that while indigenous fauna may be relocated, it would not mitigate loss in the local area.	74	The PER has assessed impacts on MNES and the environment on Commonwealth land in accordance with the EPBC Act Significant Impact Guidelines 1.1 – Matters of National Environmental Significance and Significant Impact Guidelines 1.2 – Actions on, or impacting upon, Commonwealth land and actions by Commonwealth agencies. North East Link would include a range avoidance and mitigation measures, including the ecology-specific measures summarised in PER Technical Appendix A (Flora and fauna, Section 13.1).

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF50	<p>States that a compensatory offset must be secured for Matted Flax-lily due to North East Link's residual impact which should be significant.</p> <p>Two types of impact that must be offset are the loss of individuals, and the loss of habitat. The PER does not properly consider these impacts or the required offsets.</p> <p>EPBC offsets to compensate for the loss of Matted Flax-lily individuals should be provided as a contingency due to the unlikely to succeed translocation.</p> <p>If the Salvage and Translocation Plan is successful it would only mitigate the loss of individuals, it would not mitigate the loss of Matted Flax-lily habitat. Disagrees with the PER that habitat for Matted Flax-lily would be offset in accordance with Victorian processes, as Victorian processes do not require Matted Flax-lily to be present in the habitat designated as offset (eg not like for like). Therefore, Victorian processes do not meet EPBC requirements.</p> <p>Twenty hectares of high quality Matted Flax-lily habitat at Simpson Barracks should be offset with 100 ha of similar habitat following the EPBC offsets assessment guide. This is unlikely to be found, and therefore avoidance of impact should be prioritised.</p>	83	<p>PER Technical Appendix A (Flora and fauna, Section 10.1.2) includes detailed consideration of potential translocation of Matted Flax-lily. This indicates that translocation is a proven and successful measure for Matted Flax-lily, if undertaken using appropriate procedures.</p> <p>The residual impact on Matted Flax-lily is expected to be non-significant with implementation of a successful Salvage and Translocation Plan, and on this basis no offsetting for the removal and translocation of Matted Flax-lily is proposed.</p>

No.	Flora and fauna issue	Submissions raising this issue	NELP response
FF51	Concerned that root systems of large eucalypts cannot be accommodated in replanting after cut and cover technique (performed at Simpson Barracks).	56	The North East Link project footprint would be minimised to during detailed design minimise removal of native vegetation. A Tree Protection Plan would be implemented for trees to be retained in accordance with AS4970-2009 Protection of Trees on Development Sites.
FF52	Does not support locations of potential construction compounds at Site 6 (Yarra Flats), Site 7 (Musca Street Reserve, Site 9 (Yarra Flats) and 10 (Koonung Creek Reserve) due to impacts to native vegetation and habitat for Grey-headed Flying Fox, Swift Parrot and Powerful Owl.	71	<p>The potential impacts associated with the construction compounds at these sites, including impacts to biodiversity, vegetation and habitat for MNES are discussed in PER Technical Appendix A (Flora and fauna, Section 9.1).</p> <p>Potential impacts would be mitigated through a number of measures including requirements to minimise and offset native vegetation removal, including for the loss of potential foraging habitat for the Powerful Owl, Swift Parrot and Grey-headed Flying Fox. For further detail on mitigation measures to minimise impacts associated with construction compounds, refer to PER Attachment III.</p>

4.2 Groundwater submissions response

Table VIII-5 Groundwater submissions response

No.	Groundwater issue	Submissions raising this issue	NELP response
GW1	Considers a Class 2 model should be adopted (according to the Australian Groundwater Modelling Guidelines (2012)) and not Class 1 model which is insufficient for groundwater and associated impacts.	53, 58, 71, 82	<p>PER Technical Appendix B (Groundwater) describes the groundwater model applied for North East Link. Refer to the groundwater modelling report provided as Appendix A of PER Technical Appendix B (Groundwater, Section 4.4, p. 52) for further detail relating to the project characteristics of Class 1 to 2 confidence level.</p> <p>PER Technical Appendix B (Groundwater) is based on the EES Technical Report N (Groundwater), which was reviewed by Hugh Middlemis of HydroGeoLogic. The peer review independently confirmed the Class 1-2 classification was justified and suitable for the purpose of the EES and mitigation measures proposed. The PER presents a cogent and endorsed explanation of why confidence in the model is not low, with reference to best practice guidelines.</p> <p>It is not possible to reconcile the low confidence indicators within the 1 to 2-year timeframe available for the assessment of North East Link, or indeed without proceeding with the action and actually applying the hydrological stresses involved. A Class 2 model is therefore not achievable in the near term, in the sense of a strict application of the modelling guidelines (Barnett et al., 2012). This is why the uncertainty analysis methodology was applied to the groundwater assessment, to quantify the effect of uncertainties on the objectives of North East Link (ie echoing the definition of risk in the ISO 31000 Risk Management standard). This approach is consistent with the latest best practice guidance (Middlemis & Peeters, 2018), which recommends the modeller should indicate which confidence level indicators are satisfied and explain why others may not be satisfied and why this is relevant to the model objectives, outcomes and uncertainties. This is documented in the PER, as per the quotation in the previous point.</p>

No.	Groundwater issue	Submissions raising this issue	NELP response
GW2	States that PER Technical Appendix B (Groundwater) is only a preliminary study with various guesses of water table drawdown at Bolin Bolin Billabong.	84	<p>The PER describes the calibrated, independently peer reviewed groundwater model that was applied (for the EES) to determine the extent of change to the water table. This included predicting changes in groundwater levels at Bolin Bolin Billabong due to the impacts of tunnels and other long structures below the water table associated with North East Link.</p> <p>The intent of the modelling has been to test whether specific mitigation requirements are needed in this area. Modelling predicts that water level drawdown may extend to the deep pool of Bolin Bolin Billabong during construction as well as in the longer term.</p> <p>The groundwater modelling completed for the EES placed the drawdown between 0.1 m and 0.5 m. The modelling is only a preliminary step, and mitigation measures would be required such as implementing a groundwater monitoring program and developing and maintaining a numerical model to predict changes in groundwater levels. Furthermore, the ecological significance of groundwater level changes on the Bolin Bolin Billabong has been assessed and is discussed in PER Technical Appendix A (Flora and fauna) and mitigation measures are proposed proportionate to the risk.</p> <p>For further detail on impacts to groundwater at Bolin Bolin Billabong, refer to PER Technical Appendix B (Groundwater, Section 7.4.5 and Section 7.4.6) and for further detail on mitigation measures, refer to PER Attachment III. It is acknowledged in PER Technical Appendix B (Groundwater) that modelling complex natural processes can be uncertain, and so ultimately the model may not be correct.</p>

No.	Groundwater issue	Submissions raising this issue	NELP response
GW3	Seeks to determine whether additional mitigation strategies/design treatments can be implemented to minimise groundwater drawdown and impacts to significant vegetation at Simpson Barracks.	65	<p>The mitigation measures proposed in the PER would appropriately mitigate groundwater drawdown to the extent required. These mitigation measures require that groundwater is monitored, a predictive numerical model is maintained to predict changes in groundwater levels, and impacts are minimised. There are also additional measures that could be considered by the contractor to minimise groundwater drawdown or protect significant vegetation. These include measures such as fully tanking the structure, a groundwater recharge system, permeation grouting and surface irrigation. There are cost, practicability, effectiveness and other issues that would need to be considered in the design and construction of these mitigation measures. PER Technical Appendix B (Groundwater, Section 9.1) documents this.</p> <p>These mitigation measures propose to address relevant impact on MNES, Commonwealth land and groundwater, and are described in PER Technical Appendix B (Groundwater, Section 9.1) and in PER Attachment III.</p>
GW4	<p>Concerned about impacts to Large Old Trees, Ground Dependent Ecosystems (GDEs) and Studley Park Gums at Simpson Barracks as a result of groundwater drawdown.</p> <p>The impact on groundwater and resultant changes to habitat are uncertain.</p>	53, 62, 63	<p>The potential for impacts on Large Old Trees, GDEs and Studley Park Gums at Simpson Barracks has been assessed and findings presented within the PER Technical Appendix A – Flora and fauna. It is noted that the PER has been updated to incorporate additional groundwater modelling and updated assessment of impacts on Studley Park Gum. Approximately 10.98 hectares of Plains Grassy Woodland, including a number of Studley Park Gum, are expected to be lost from Commonwealth land due to North East Link due to land clearing. An additional eight large trees (including three Studley Park Gums) may be indirectly impacted due to groundwater drawdown during operation. These losses would be offset along with the rest of the vegetation lost due to the action (that is outside Commonwealth land) under the State process administered by DELWP.</p> <p>PER Technical Appendix B (Groundwater) assesses predicted changes in the groundwater condition as a result of the construction and operation of North East Link. Potential impacts to existing groundwater users from water level decline are detailed in PER Technical Appendix B (Groundwater, Section 7.3.2 and Section 7.4.1).</p> <p>The groundwater modelling has been undertaken in accordance with best practice. It is acknowledged that there is uncertainty in modelling, and potential impacts on species are discussed in this light.</p>

No.	Groundwater issue	Submissions raising this issue	NELP response
			<p>A Groundwater Dependent Ecosystem Monitoring and Management Plan would be developed and implemented to mitigate adverse impacts on groundwater dependent ecosystems Refer to PER Attachment III – EES Environmental Management Framework and Environmental Performance Requirements. Refer to PER Technical Appendix B (Groundwater, Section 9.1) for further detail on mitigation measures proposed to mitigate groundwater impacts.</p> <p>For more information about impacts to Large Old Trees, GDEs and Studley Park Gums, refer to Section 4.1 (Flora and fauna submissions response).</p> <p>As a result of the issues identified in this submission issue, the following sections of the PER have been updated. PER Technical Appendix A – Flora and Fauna includes an updated discussion of impacts to groundwater dependant ecosystems and large trees. PER Technical Appendix B – Groundwater includes updated modelling results. PER chapters 8 and 9 have been updated to reflect the changes to PER Technical Appendix A – Flora and Fauna and PER Technical Appendix B – Groundwater.</p>

No.	Groundwater issue	Submissions raising this issue	NELP response
GW5	Concerned about groundwater pumping and drawdown impacts on MNES.	71	<p>PER Technical Appendix B (Groundwater) examines the predicted changes in the groundwater condition as a result of the construction and operation of North East Link. This includes groundwater resources on which MNES are dependent. The significance of the predicted response of ecological systems using or potentially using groundwater is discussed in PER Technical Appendix A (Flora and fauna).</p> <p>Groundwater changes during construction and operation are assessed in Section 9.2.12 and 9.2.7 of PER Technical Appendix A – Flora and fauna.</p> <p>It is noted that the PER has been updated to incorporate additional groundwater modelling and updated assessment of impacts on Studley Park Gum. Approximately 10.98 hectares of Plains Grassy Woodland, including a number of Studley Park Gum, are expected to be lost from Commonwealth land due to North East Link due to land clearing. An additional eight large trees (including three Studley Park Gums) may be indirectly impacted due to groundwater drawdown during operation. These losses would be offset along with the rest of the vegetation lost due to the action (that is outside Commonwealth land) under the State process administered by DELWP.</p> <p>For further information relating to impacts on MNES due to groundwater drawdown, refer to Section 4.1 (Flora and fauna submissions response).</p> <p>A Groundwater Dependent Ecosystem Monitoring and Management Plan would be developed and implemented to mitigate adverse impacts on groundwater dependent ecosystems Refer to PER Attachment III – EES Environmental Management Framework and Environmental Performance Requirements. Refer to PER Technical Appendix B (Groundwater, Section 9.1) for further detail on mitigation measures proposed to mitigate groundwater impacts.</p>

No.	Groundwater issue	Submissions raising this issue	NELP response
GW6	Concerned about the potential drop in water table at Bolin Bolin Billabong, which would impact on habitat and reduce the use of the area as a refuge/breeding area for threatened species.	84	<p>The PER describes the calibrated, independently peer reviewed groundwater model that was applied to determine the extent of change to the water table. This included predicting changes in groundwater levels at Bolin Bolin Billabong due to the tunnels and other long structures located below the water table associated with North East Link.</p> <p>The intent of the modelling has been to test whether specific mitigation requirements are needed in this area. Modelling predicts that water level drawdown may extend to the deep pool of Bolin Bolin Billabong during construction as well as in the longer term. The modelling completed for the EES placed the drawdown between 0.1 m and 0.5 m. The mitigation measures proposed in the PER would appropriately mitigate groundwater drawdown to the extent required. These mitigation measures require that groundwater is monitored, a predictive numerical model is maintained to predict changes in groundwater levels, and impacts are minimised.</p> <p>For information relating to the consequent impacts on Bolin Bolin Billabong to the extent this would impact on MNES, refer to Section 4.1 (Flora and fauna submissions response).</p>
GW7	<p>PER Chapter 8 (Water related impacts, Section 8.3.3) – there is inadequate detail of stormwater and groundwater management and treatment which raises concerns for protecting the aquifer quality and recharge. The lack of detail is worrying and includes:</p> <ol style="list-style-type: none"> 1 Stormwater capture and treatment – there is concern for protecting Banyule Flats Reserve wetlands. It is expected the aquifer quality and recharge would be rigorously monitored according to the Water Act 1989 (Vic). 	53	<p>PER Technical Appendix B (Groundwater, Section 9.1) describes avoidance and mitigation measures proposed to address relevant impact on MNES, Commonwealth land and groundwater. The appendix states that a key measure to mitigate impacts on groundwater would include developing and implementing a Groundwater Management Plan detailing measures to avoid and mitigate construction impacts, including measures such as:</p> <ul style="list-style-type: none"> • Identification, treatment, disposal and handling of contaminated groundwater plumes, groundwater seepage water and/or slurries including vapours in accordance with relevant legislation and guidelines • Treatment and disposal of groundwater consistent with EPA Victoria waste hierarchy and requirements.

No.	Groundwater issue	Submissions raising this issue	NELP response
	<p>2 The management plan for Bolin Bolin Billabong – this should be described and include evidence of Melbourne Water's commitment to manage the hydrological regime.</p> <p>3 Groundwater reuse – PER Chapter 8 (Groundwater) does not refer to any regulations about groundwater reuse.</p>		<p>NELP would comply with any and all monitoring requirements of licences issued under the Water Act 1989 (Vic) to extract groundwater or for aquifer recharge. In addition, groundwater at Banyule Flats reserve would be monitored in accordance with the requirements of EPA Victoria Publication 668, 669 and the State Environment Protection Policy (SEPP) 2018 (Waters). For further details relating to stormwater impacts on groundwater quality and proposed mitigation measures, refer to Technical Appendix B (Groundwater, Section 7.4.1).</p> <p>The numerical model was updated in mid-2019 to incorporate the longer groundwater level monitoring record that has been established since the release of the PER. Modelling predicts a mounding of 0.1 m to 0.5 m (nearest the structure) on the eastern side of the cut and cover structure north of Lower Plenty Road. This is within the estimated seasonal range of water level fluctuation. The predictive numerical groundwater model would also need to be maintained to predict changes in groundwater levels.</p> <p>Bolin Bolin Billabong would be managed as a part of the overall Groundwater Management Plan for North East Link. The management would also depend on the final design adopted. Melbourne Water as well as the Wurundjeri Cultural Heritage Aboriginal Council would be stakeholders in the development and approval of the Groundwater Management Plan.</p> <p>The reuse and/or disposal of groundwater must be consistent with the contractor's environmental management framework, the Environment Protection Act 1970 (Vic) and SEPP 2018 (Waters), and would be subject to independent review and environmental audit. This is discussed in PER Chapter 8 (Water related impacts, Section 8.3.2) and PER Technical Appendix B (Groundwater, Section 9.1).</p> <p>For further information regarding the Groundwater Management Plan and regulations regarding groundwater use refer to the mitigation measures in PER Technical Appendix B (Groundwater) and PER Attachment III.</p>

No.	Groundwater issue	Submissions raising this issue	NELP response
GW8	<p>Wastewater management – PER Chapter 8 (Water related impacts, Section 8.3.6) acknowledges there may be a cumulative impact if North East Link and the Metro Tunnel consider disposing wastewater from the tunnels to sewer.</p> <p>Warringal Conservation Society request evidence of a feasible Wastewater Management Plan that considers these cumulative impacts.</p>	53	<p>As discussed in PER Chapter 8 (Water related impacts, Section 8.3.2), any groundwater to be disposed to sewer would have to meet agreed waste acceptance criteria. Furthermore, as described by the mitigation measures, a trade waste agreement would need to be sought from the relevant water authority where disposal to sewer is required, or approval from EPA Victoria and the relevant water authority (as required) if discharge to waterways is determined to be appropriate.</p> <p>For further information about the Groundwater Management Plan, refer to PER Technical Appendix B (Groundwater) and for proposed mitigation measures, refer to PER Attachment III. Cumulative impacts would be considered as required by the relevant water authority that approves any disposal to sewer.</p>
GW9	<p>Concerned about monitoring of groundwater levels at Simpson Barracks.</p> <p>During construction, monitoring water levels must occur at all water bodies within the project boundary, not just at Bolin Bolin Billabong.</p>	62, 63, 53	<p>The PER describes proposed avoidance and mitigation measures, including for groundwater monitoring in PER Chapter 10 (Proposed avoidance and mitigation measures) and PER Technical Appendix B (Groundwater, Section 9.1).</p> <p>The groundwater monitoring program will take account of the final project design, and would be developed in consultation with relevant stakeholders such as Department of Defence, Melbourne Water and EPA Victoria. The monitoring program must be consistent with EPA Victoria Publication 668 Hydrogeological assessment groundwater quality guidelines, EPA Victoria Publication 669 Groundwater Sampling Guidelines, and the State Environment Protection Policy (Waters). Environmental monitoring programs are subject to review and audit by an Independent Reviewer and Environmental Auditor (IREA).</p> <p>For further information regarding groundwater monitoring for North East Link, refer to mitigation measures presented in PER Attachment III.</p>

4.3 Surface water submissions response

Table VIII-6 Surface water submissions response

No.	Surface water issue	Submissions raising this issue	NELP response
SW1	The impact on surface water and resultant changes to habitat are uncertain.	53	<p>PER Chapter 8 (Water related impacts) concludes that with appropriate management and controls, residual impacts on Matters of National Environmental Significance (MNES) from surface water impacts of North East Link during construction and operation are expected to be limited.</p> <p>The methodology applied to assess North East Link's potential impact on surface water is described in PER Technical Appendix C (Surface water, Section 5.4). For further detail on potential impacts on surface water, refer to PER Technical Appendix C (Surface water, Section 7 – Relevant impacts, Commonwealth land and Section 8 – Relevant impacts, MNES).</p> <p>It is expected there would be some residual impact to surface water-related habitat associated with the removal and underground diversion of existing open channels. The significance of the loss of this potential MNES habitat is assessed in PER Technical Appendix A (Flora and fauna).</p> <p>North East Link's performance with respect to its impact on surface water would be controlled by the mitigation measures. Mitigation measures include monitoring water quality, development and implementation of a Surface Water Management Plan and minimising impacts from waterway modifications. For further detail on mitigation measures proposed to address relevant impacts on MNES, Commonwealth land and surface water, refer to PER Technical Appendix C (Surface water, Section 10 –Avoidance and mitigation measures) and PER Attachment III.</p>

No.	Surface water issue	Submissions raising this issue	NELP response
SW2	There is no discussion on the impacts to water quality downstream in Banyule Swamp and the Yarra River if the water treatment area north of Lower Plenty Road overflows due to for example flash flooding.	53	<p>Impacts to water quality downstream are discussed throughout PER Technical Appendix C (Surface water).</p> <p>As part of the existing conditions assessment, PER Technical Appendix C (Surface water, Section 6 – Description of the environment) identifies how there are no formal spill capture or designed water treatment facilities to treat runoff from Greensborough Bypass and many of the open drains exhibit active erosion, which currently impacts water quality.</p> <p>North East Link would require the inclusion of appropriate spill containment and the provision of specific water treatment facilities. Therefore, despite the greater area of road pavement, the improved controls are expected to result in improved water quality.</p> <p>It is expected that this improvement in water quality would likely contribute to an improvement in water quality in the Yarra River. Flooding of Banyule Swamp is primarily from the local catchment and overflows from the Yarra River. Banyule Swamp is unlikely to benefit or experience any significant impact from change to the upper parts of Banyule Creek.</p> <p>For further detail, refer to PER Technical Appendix C (Surface water, Section 8.2 and Section 10) as well as PER Attachment III.</p>

No.	Surface water issue	Submissions raising this issue	NELP response
SW3	<p>Concerns regarding samples taken from Banyule Creek headwaters to inform the assessment of existing water quality, as Banyule Creek headwaters is an ephemeral waterway.</p> <p>Concerns regarding insufficient sampling points in the Yarra River between the Plenty River and the Chandler Highway to effectively establish background water quality in the River before NEL works commence.</p>	62, 63	<p>To determine the existing water quality of Banyule Creek, data was obtained from three monitoring stations (Waterwatch, 2018). The monitoring stations used are described in PER Technical Appendix C (Surface Water, Section 5.3.3 and Section 6.2.3).</p> <p>Water quality monitoring data was also obtained from two monitoring stations on the Yarra River (Melbourne Water, 2015). The water quality results are summarised in PER Technical Appendix C (Surface water, Section 6.3.3, Table 6-5).</p> <p>As described in PER Technical Appendix (Surface water, Section 5.3.3), this assessment of existing water quality is based on information available in Melbourne Water's Port Phillip and Westernport Regional River Health Strategy, and Melbourne Water's Index of River Conditions (IRC) ranking (Melbourne Water, 2007). Water quality was also assessed against the SEPP 2018 (Waters) objectives.</p> <p>The surface water assessment for the North East Link EES—which PER Technical Appendix C (Surface water) is based on—was peer reviewed by David Fuller who states in his peer review report: 'The methodologies and processes used are appropriate and the use of Australian standards is consistent with best practice' (EES Technical Report P – Surface water, Section 2.3.1, Appendix G – Peer review report).</p> <p>It should also be noted that as discussed in PER Technical Appendix C (Surface water, Section 10.1), a surface water monitoring program would be required before the works commence. This would require the project to 'Develop and implement a surface water monitoring program prior to commencement of and during construction to assess surface water quality a suitable distance upstream and downstream of works to establish baseline conditions'. This would enable assessment of construction impacts on receiving waters (see PER Technical Appendix C – Surface water, p. 90).</p>

No.	Surface water issue	Submissions raising this issue	NELP response
SW4	<p>Banyule Creek and Koonung Creek – covering these creeks is inconsistent with the current focus of rehabilitating creeks in Melbourne.</p> <p>Concerned that Koonung Creek and Banyule Creek would be barrel drained which would further degrade the waterways. Recommendation that Koonung Creek and Banyule Creek must be retained as open waterways.</p> <p>Confirm the long-term design of Banyule Creek – PER Technical Appendix C (Surface water) refers to the open flow path and PER Chapter 8 (Water related impacts) refers to two pipes and over land flow paths and retarding basins.</p> <p>Engineered solutions need to ensure some surface water can collect to sustain wildlife and fauna.</p> <p>PER Chapter 3 (Description of the action) does not acknowledge the significant modifications to Banyule Creek. The modifications include realigning and piping the creek and a new retarding basin north of Lower Plenty Road and installing water treatment and spill containment facilities that would require modification of Banyule Creek at the Lower Plenty Road interchange.</p>	46, 53, 71, 82, 84	<p>The reference project has considered the potential for undergrounding sections of Banyule Creek and Koonung Creek where space is limited, particularly during construction.</p> <p>Construction impacts associated with undergrounding are discussed in PER Technical Appendix C (Surface water, Section 7.1.1), PER Chapter 8 (Water related impacts, Section 8.5.2) and PER Chapter 3 (Description of the Action, Sections 3.2.1, 3.2.3 and 3.2.9).</p> <p>For further detail on the operation impacts of undergrounding of waterways, refer to PER Technical Appendix C (Surface water, Section 7.2.3 for Banyule Creek and Section 8.2 for Koonung Creek and the Yarra River).</p> <p>The reference project includes additional undergrounding for Koonung Creek and for Banyule Creek where space limitations prevent the retention of surface sections, noting that Koonung Creek is already a highly modified waterway with numerous underground sections. Project ecologists indicate the potential changes in these areas would be unlikely to significantly improve or reduce habitat which supports MNES. The final design will be required to minimise the extent of undergrounding retain or reinstate surface waterways are where space and adjacent land use permits.</p> <p>Impacts associated with works along Koonung Creek and Banyule Creek and proposed avoidance and mitigation measures associated with undergrounding waterways are described in PER Technical Appendix C (Surface water, Section 8 – Relevant impacts, MNES and Section 10 – Avoidance and mitigation measures) and PER Attachment III.</p>

No.	Surface water issue	Submissions raising this issue	NELP response
SW5	Confirm the design of the creek south of Lower Plenty Road. The EES Map Book shows an area immediately south of Lower Plenty Road designated for 'construction of drainage features'. PER Chapter 8 (Water related impacts) states there will be no alteration to Banyule Creek south of Lower Plenty Road.	53	<p>The PER Technical Appendix C – Surface water concludes that the project will not change or increase the current erosion in Banyule Creek downstream of Lower Plenty Road, and the reference project does not include any structures in this section of the creek. However, the current erosion issue could be addressed by and/or with the support of North East Link, as part of the project works.</p> <p>Any modifications would be undertaken in accordance with surface water mitigation measures identified in PER Attachment III, including in consultation with Melbourne Water.</p> <p>PER Technical Appendix C (Surface water, Section 7.1.3 and Section 7.2.3) provides further detail about potential impacts on Banyule Creek downstream of Lower Plenty Road during construction and operation, as well as proposed avoidance and mitigation measures.</p>
SW6	Yarra River stormwater management. Comment requests more detail about the location and capacity of stormwater treatment features and spill containment facilities because inadequate controls would impact Banyule Swamp, Yarra River and dependent species.	53	<p>PER Technical Appendix C (Surface water, Section 8.1.2) discusses surface water flow impacts on MNES. Operational risks such as generation of pollutants and spills would be appropriately managed to reduce the potential for adverse water quality outcomes. Contractors would be required to meet the SEPP 2018 (Waters) requirements for discharge and run-off from the project.</p> <p>Compliance monitoring will be undertaken during construction so that procedures are effective and allow for any deficiencies to be rectified. In general the standard of treatment will be better than under existing conditions with retained or replaced existing water quality assets to meet or exceed water quality treatment performance. Much of the urban catchment feeding Banyule Swamp will remain unaffected by the works.</p> <p>Potential impacts to Banyule Creek and the Yarra River would be mitigated through compliance with project-specific requirements described in PER Technical Appendix C (Surface water, Section 8.2.1 and Section 10 – Avoidance and mitigation measures) and PER Attachment III.</p>

No.	Surface water issue	Submissions raising this issue	NELP response
SW7	<p>Concerns regarding impacts on water quality in the Yarra River, including impacts on the Macquarie Perch and Australian Grayling. How would changes in water flow affect migration? Concerns regarding surface water impacts in the Yarra River.</p> <p>Concerned that run-off from construction works, including soil stockpiles placed at construction sites, and cut and cover construction at Bulleen Road, would lead to sedimentation and/or contamination from spoil, and this would impact aquatic fauna such as the Macquarie Perch and Australian Grayling.</p> <p>States that the Yarra River is, and continues to be, severely degraded.</p> <p>States that increase to water turbidity and pollution would travel down the Yarra River, damaging estuary habitat and habitat in Port Phillip Bay.</p> <p>Ongoing Yarra River impacts due to the widening of the Eastern Freeway.</p>	62, 63, 82, 84	<p>Details of the assessment of impacts to the Yarra River from the project are set out in Sections 7 and 8 of Technical Appendix C (Surface water). Section 6.3 of the report identifies that, while North East Link has the potential to result in surface water impacts within the Yarra River floodplain, it is unlikely these could have a measurable impact on MNES. The potential for water quality impacts to the Yarra River would be addressed by the requirement for the development and implementation of a surface water monitoring program before and during construction. In addition, Section 10 of Technical Appendix C (Surface water) describes mitigation measures proposed to address relevant impacts on surface water, including implementation of a Surface Water Management Plan that would require best practice management of erosion and sediment control and monitoring. Mitigation measures such as scheduling works to avoid interaction with significant flows, spill and sediment control measures, and water quality treatment (such as swales, treatment wetlands) would result in low residual impacts to water quality. Proposed mitigation measures are also included in PER Attachment III.</p> <p>Although unlikely to be significant to the Yarra River, widening of the Eastern Freeway has the potential for long-term beneficial impacts as a result of better water treatment, spill containment and management, as there is relatively little of these in the existing infrastructure. While the pavement area may increase, the level of treatment would also likely increase. For further detail on the assessment of impacts to the Yarra River, refer to PER Technical Appendix C (Surface water, Section 7 – Relevant impacts, Commonwealth land and Section 8 – Relevant impacts, MNES).</p> <p>The project would also be required to protect aquatic habitat through location of structures and construction. Key controls relating specifically to fauna are also listed in PER Technical Appendix A (Flora and fauna), Sections 10.3.1 and 10.3.2. For further detail on potential impacts to fauna, refer to Section 4.1 (Flora and Fauna submissions response).</p>

No.	Surface water issue	Submissions raising this issue	NELP response
SW8	Concern about the construction impacts on Banyule Creek.	48	<p>North East Link would likely impact Banyule Creek upstream of Lower Plenty Road, particularly during construction. During the operation of North East Link, the upper section of Banyule Creek and Borlase Reserve would likely be remodelled. The final form would depend on the detailed design. For further detail on proposed mitigation measures refer to PER Technical Appendix C (Surface water, Section 7.1 and Section 8.1).</p> <p>Downstream of Lower Plenty Road no changes to Banyule Creek are anticipated, although associated works may improve bank stability in localised locations. PER Technical Appendix C (Surface water, Section 7.1.3) provides further detail about potential impacts on Banyule Creek downstream of Lower Plenty Road during construction, as well as proposed avoidance and mitigation measures.</p>
SW9	Concern about the impacts to the Yarra River as water supply to vegetation along Banyule Creek.	70	<p>The Yarra River does not supply water to Banyule Creek. There are no significant changes proposed to flows within Banyule Creek downstream of Lower Plenty Road, and it is likely that water quality could improve. No adverse surface water effects are thus expected with respect to the Yarra River, which is in part fed by Banyule Creek.</p> <p>For further detail on impacts to water quality and proposed avoidance and mitigation measures, refer to PER Technical Appendix C (Surface water, Section 8.2.2 and Section 10).</p>
SW10	The PER does not provide details on the location and stormwater quality treatment performance of WSUDs for each municipality or demonstrate that SEPP 2018 (Waters) would be met for each receiving waterway.	71, 82	<p>The final location, details and scale of WSUD features will be determined during detailed design. More detailed analysis of the reference project is not feasible as the detailed design process will lead to refined constraints and opportunities and potentially different design solutions.</p> <p>As described in Section 10 of Technical Appendix C – Surface water. the final design would be required to be in accordance with proposed avoidance and mitigation measures including that:</p> <ul style="list-style-type: none"> • All discharges from WSUD features will have to comply with SEPP • The project adopt water sensitive urban and road design and integrated water management principles in the design of stormwater treatment • The project provide sufficient space for all required WSUD features.

No.	Surface water issue	Submissions raising this issue	NELP response
SW11	States that concerns regarding water runoff treatment have not been fully considered in the draft PER.	66	The PER has assessed water runoff treatment in PER Technical Appendix C (Surface water) at an appropriate level. Runoff treatment has been assessed in accordance with best practice standard construction measures, and relevant EPA Victoria publications. For further detail on proposed avoidance and mitigation measures refer to PER Technical Appendix C (Surface water, Section 10 – Avoidance and mitigation measures).

4.4 Commonwealth land submissions response

Table VIII-7 Commonwealth land submissions response

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL1	States that concerns regarding future air quality have not been adequately considered in the PER.	66	<p>The PER assesses potential air quality impacts on the Simpson Barracks community in PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land, Section 9.2.2) and Section 14 of PER Technical Appendix D (Commonwealth land, Section 14 – Air quality). Scenarios were modelled for the opening year, and for 10 years after opening. Air emissions from the North East Link tunnel ventilation system were assessed against SEPP (AQM) Schedule A design criteria, as detailed in PER Technical Appendix D (Commonwealth land, Section 14.2.2, Table 14-2).</p> <p>During operation, air quality impacts from the ventilation structures will be managed in accordance with the requirements of the EPA Victoria Works Approval and the EPA Victoria Licence.</p> <p>Potential air quality impacts are also assessed in PER Technical Report A (Flora and Fauna).</p>
CL2	States that impacts to dust, noise, disturbance to flora and fauna, water runoff treatment, and traffic/community safety have not been fully considered in the draft PER.	66	<p>The PER adequately assesses all relevant impacts on EPBC Act protected matters in accordance with the PER Guidelines, PER Chapter 7/PER Technical Appendix A (Flora and fauna), PER Chapter 8/PER Technical Appendix B (Groundwater), PER Technical Appendix C (Surface water) and PER Chapter 9/PER Technical Appendix D (Commonwealth land). Potential impacts were assessed using the EPBC Act Significant Impact Guidelines 1.1 and 1.2.</p>
CL3	<p>Concerned about scope of assessment and use of qualitative assessment for business and social impacts.</p> <p>Failure to identify negative social and economic effects and material exaggeration of positive effects due to flaws in transport assessment and economic analysis.</p> <p>Concerned about social impact assessment including that there is no peer review.</p>	71	<p>The PER adequately assesses all relevant impacts on EPBC Act protected matters, in accordance with the PER Guidelines. Business and social impacts are adequately assessed in PER Chapter 16 (Economic and social matters) and PER Technical Appendix D (Commonwealth land).</p> <p>Local social and business impacts for North East Link are separately assessed in the EES Chapter 14 and Technical Report F (Business), and EES Chapter 17 and Technical Report I (Social).</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL4	<p>Concerned about accuracy of transport model.</p> <p>In summary the key issues are:</p> <ul style="list-style-type: none"> The failure to address the effects of North East Link on the Eastlink tunnels, and the future need for duplication of those tunnels, as a consequence of the 2036 project volumes The assumption of free flow conditions is unrealistic and fails to take account of queues and congestion at either end of the Eastern Freeway. Average travel times in the peaks would be much slower than described in the model The risk of toll avoidance, and its effect on travel times has not been properly assessed. The draft PER assessment is inconsistent with the Business Case The modelled increase of 100,000 vpd on the Eastern Freeway has not been properly justified. On its face, it appears unrealistic. 	71	<p>The traffic modelling that has informed the PER assessment is adequate for the purposes of assessing the impacts of the project on protected matters under the EPBC Act. The strategic transport model was peer reviewed by Willumsen Advisory Services. In the peer review report dated February 2019, the peer reviewer concluded that 'Having undertaken a review of the model, assumptions, the calibration and validation tasks, its parameters, the sensitivity and reasonableness tests and convergence levels, I conclude that the model is appropriate.</p> <p>The input assumptions which underpin the strategic modelling results (such as population and employment forecasts) were sourced from the Victorian Government. Consultation was undertaken with relevant authorities and stakeholders relating to traffic and transport. PER Technical Appendix D (Commonwealth land) lists specific engagement relating to traffic and transport undertaken for the PER.</p> <p>The PER describes the traffic and transport environment as relevant to actions on Commonwealth land. EES Technical Report A (Traffic and transport) provides a more detailed assessment of traffic and transport.</p>
CL5	<p>Concerned that impacts to Simpson Barracks have not been adequately classified and assessed.</p> <p>States that NELP has said the Simpson Barracks land is of little use and 'treats it in its report as no great loss'.</p>	76	<p>Impacts on Simpson Barracks are assessed in accordance with the PER Guidelines and the Significant Impact Guidelines 1.1 and 1.2: Actions on or impacting upon Commonwealth land and actions by Commonwealth Agencies (DSEWPAC, 2013). For an overview of the assessment of impacts on Simpson Barracks, refer to PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land) and PER Technical Appendix D (Commonwealth land). Each discipline assessment is accompanied by the methodology used to assess the impacts on Simpson Barracks.</p> <p>The PER does not state that Simpson Barracks is of little use and does not treat the land as being of no great loss. Impacts on Simpson Barracks and the environment on Commonwealth land has been a primary focus of the PER.</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL6	The assessment should identify Simpson Barracks as a 'no go zone'.	53	The PER has assessed the impacts of the referred action, which does not identify Simpson Barracks as a 'no go zone'. Feasible alternatives are addressed in PER Chapter 4 (Feasible alternatives) and PER Attachment IV (Options assessment), in accordance with the PER Guidelines. The potential impact to remnant vegetation is discussed in Section 9.1.1 of the PER Technical Appendix A (Flora and Fauna), including proposed avoidance and mitigation measures. During detailed design the project's footprint would be minimised to minimise removal of native vegetation and habitat at Simpson Barracks and a Tree Protection Plan would be implemented for trees to be retained in accordance with AS4970-2009 Protection of Trees on Development Sites. For further detail on mitigation measures to minimise impacts, refer to PER Attachment III. For further detail on potential impacts and proposed mitigation measures, refer to PER Chapters 9 (Impacts on Commonwealth land) and 11 (Offsets) and PER Technical Appendix A (Flora and fauna, Section 11.1).
CL7	Flora assessment: PER Technical Appendix A (Flora and fauna, Table 9-1) native vegetation clearance – the loss of vegetation (including trees) from clearance and of those affected by drawdown would be offset. The assessment does not mention the loss of habitat occupied by the native trees affected by the drawdown. The loss of canopy trees would modify the area and would also need to be offset.	53	Impacts on native vegetation from groundwater drawdown will be mitigated and offset by: <ul style="list-style-type: none"> • Implementing a Groundwater Dependent Ecosystem Monitoring and Mitigation Plan • Implementing a Studley Park Gum Management Framework • Providing native vegetation offsets based on the Victorian Guidelines (DELWP, 2017a). Discussion of offsets can be found in PER Chapter 11 (Offsets).
CL8	Request for compensation for residents living next to and close to the construction boundary (in this case properties south of Commonwealth land) for construction impacts.	4	This issue is not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL9	Concerned that vegetation to be cleared is a reminder of how the land used to be used before modern construction and land use.	60	No specific historical heritage associations or values have been identified with respect to this vegetation. PER Technical Appendix A (Flora and fauna, Section 6.3.2) shows that the area (including Simpson Barracks) was cleared pre-1945. The vegetation that now exists on Simpson Barracks is primarily regrowth. This is reinforced in PER Technical Appendix D (Commonwealth land, Section 18 – Historic heritage), which identifies that the Simpson Barracks comprises mainly recent vegetation with scattered older gum trees and a small number of large remnant trees that may date from the pre-contact period. Some of these remnant trees are visible along the Greensborough Road edge while others are located within the regenerating stands to the east.
CL10	Concerned about clearing of 11 hectares (or up to 13 ha) of vegetated land on Simpson Barracks. Concerned about destruction of 21% of land at Simpson Barracks.	47, 52, 68, 69, 70, 76	The potential impact to remnant vegetation is discussed in Section 9.1.1 of the PER Technical Appendix A (Flora and Fauna), including proposed avoidance and mitigation measures. During detailed design the project's footprint would be minimised to minimise removal of native vegetation and habitat at Simpson Barracks and a Tree Protection Plan would be implemented for trees to be retained in accordance with AS4970-2009 Protection of Trees on Development Sites. For further detail on mitigation measures to minimise impacts, refer to PER Attachment III. For further detail on potential impacts and proposed mitigation measures, refer to PER Chapters 9 (Impacts on Commonwealth land) and 11 (Offsets) and PER Technical Appendix A (Flora and fauna, Section 11.1).
CL11	Temporary and permanent acquisition of open space: New open space provided on the land bridges are not adequate compensation for permanent loss of open space Land bridges do not provide usable recreational space due to noise and vehicle emissions emanating from the trench.	53	The proposed land bridges are not intended to replace or compensate for loss of open space. The land bridges are proposed to provide unimpeded access for pedestrians and cyclists across North East Link as well as informal parkland for recreation. For further detail on the design of the proposed land bridges, refer to PER Chapter 3 (Description of the action). Tree replacement and landscaping will occur using locally indigenous species (utilising seed collected from species within the project boundary where possible) which are suited to the landscape profile and setting being revegetated, and which maximise habitat value and connectivity, where appropriate for the landscape and location. Loss of public open space is discussed in more detail in the EES documentation Refer to EES Chapter 13 and EES Technical Report E (Land use planning). For further detail on mitigation measures to minimise impacts, refer to PER Attachment III.

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL12	Concerned about impacts of transport of soil from construction of trench through Simpson Barracks.	71	<p>PER Technical Appendix D (Commonwealth land, Section 11.4) assesses the potential impact of construction activities on Commonwealth land users on local roads. The assessment considered spoil haulage and relevant mitigation measures such as Transport Management Plan(s). Transport Management Plans will minimise disruption to affected local land uses, traffic, car parking, public transport (rail, tram and bus), pedestrian and bicycle movements and existing public facilities during all stages of construction. For further detail on traffic and transport mitigation measures during construction, refer to PER Attachment III.</p> <p>PER Technical Appendix D (Commonwealth land, Section 28 – Contaminated land) assesses potential contaminated land impacts to the environment due to the earthworks on Commonwealth land. This includes activities such as excavation, stockpiling, transport and treatment/disposal of contaminated soil and acid sulfate soil and rock.</p> <p>To mitigate potential human health and environmental risks associated with excavation and spoil management, proposed avoidance and mitigation measures include the development of a Spoil Management Plan. A Spoil Management Plan for the project will mitigate potential human health and environmental risks associated with spoil management and disposal during construction. For further detail on the Spoil Management Plan, refer to PER Technical Appendix D (Commonwealth land, Part D – Culture and heritage values).</p>
CL13	Concerned relating to greenhouse gas emissions impacts, as there is no analysis or data stating that emissions from the North East Link will not be significant. Concerns about what percentage of Victoria's annual greenhouse emission is the North East Link projected to create during construction and operation, and what percentage of Victoria's annual emissions this accounts for.	53, 11	<p>A whole of project green gas analysis is provided in PER Technical Appendix D (Commonwealth land, Section 29 – Greenhouse gases).</p> <p>PER Technical Appendix D (Commonwealth Land, Section 29) includes the assessment methodology used to calculate the emissions, impact assessment and mitigation measures, and residual impacts. Four appendices are also attached (GHG 1-4) to support the report information.</p> <p>PER Technical Appendix D (Commonwealth land, Section 29.4.1) describes the contribution of North East Link's construction to Victoria's annual emissions as 0.22% (from 2016). PER Technical Appendix D (Commonwealth land, Section 29.4.2) states that operational emissions from North East Link would total 0.07% of the annual emissions (from 2016). Discussion of significance in the context of Victoria and Australia is provided in PER Technical Appendix D (Commonwealth land, Section 29, Table 29-8).</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL14	Concerned about council being required to deliver support for displaced businesses.	71	<p>As outlined in PER Technical Appendix D (Commonwealth land, Section 9 – Business), there were no businesses identified on Commonwealth land that would be displaced or impacted by North East Link.</p> <p>For more information on business impacts, refer to EES Chapter 14 (Business).</p>
CL15	Concerned over loss of green space at Borlase Reserve.	38, 42, 43	<p>Borlase Reserve is located outside of Commonwealth land but may be used by defence personnel and is discussed in PER Technical Appendix D (Commonwealth land, Section 10 – Social and community). Table 16-1 in Section 10.4 summarises potential impacts to the health, safety, welfare or quality of life of the defence community.</p> <p>The assessment found that defence personnel have considerable opportunity for active and passive recreation within Simpson Barracks and in the broader area.</p> <p>For more detail on assessment of impacts outside of Commonwealth land refer to EES Chapter 17 (Social) and EES Chapter 18 (Human health).</p>
CL16	Concerned about impact of widening road corridor near Simpson Barracks reducing social and economic links and precluding the potential for greater community integration and use of Simpson Barracks.	68, 69	<p>The PER considers how North East Link would impact the defence community's ability to and access a range of places safely and conveniently. This included access and connectivity to community infrastructure facilities such as Watsonia Village Neighbourhood Centre.</p> <p>PER Technical Appendix D (Commonwealth land, Section 10.4.7) explains large decreases in traffic volumes predicted along Greensborough Road would likely improve accessibility to and from community infrastructure facilities for defence personnel.</p> <p>Refer to EES Chapter 17 (Social) for a broader assessment of social impacts including for the community around Simpson Barracks.</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL17	<p>Concerned about impacts to community amenity as a result of native vegetation loss at Simpson Barracks.</p> <p>Concerned about loss of community amenity as a result of loss of Simpson Barracks land.</p>	40, 70, 74, 76	<p>PER Technical Appendix D (Commonwealth land, Section 10 – Social and community, and Section 20 – Transport) assess potential amenity impacts to people on Commonwealth land associated with loss of land and vegetation on Simpson Barracks. As noted in PER Technical Appendix D (Commonwealth land, Section 10.4 and Section 20.4), the existing vegetation to be retained Simpson Barracks is that residual visual and landscape impacts will not be significant. PER Technical Appendix D (Commonwealth land, Table 16-1 and Table 22-1) also summarises the performance of North East Link against the relevant significant impact criteria from the EPBC Act Significant Impact Guidelines 1.2, covering impacts related to Commonwealth land with reference to the health, safety, welfare or quality of life of the members of a community and the natural landscape features.</p> <p>The North East Link Urban Design Strategy will include place-specific requirements for the Greensborough Road/Simpson Barracks area which will assist in post-construction landscape and visual amenity for the public and the Simpson Barracks community.</p> <p>Refer to EES Chapter 16 (Landscape and visual) and EES Chapter 17 (Social) for the assessment of potential wider community amenity impacts associated with activities on Commonwealth land (such as removing native vegetation at Simpson Barracks).</p>
CL18	Concerned about social, health, noise, air quality, light spill, and landscape and visual impacts due to the removal of landscape interface along Greensborough Road.	71, 76	<p>This issue has been assessed in the PER to the extent relevant, in accordance with the PER Guidelines. Refer to PER Technical Appendix D (Commonwealth land, Section 10 – Social and community). A landscape and visual impact assessment was also conducted (Section 20 – Landscape and visual impact).</p> <p>For additional information refer to EES Chapter 16 (Landscape and visual) and EES Chapter 17 (Social).</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL19	States that ceremonial locations within Simpson Barracks that are proposed to be removed also have importance for the local community who have assembled there in the past and would like access in future. Asserts that their relocation would make this less likely in future.	39	<p>The historical assessment in PER Technical Appendix D (Commonwealth land, Section 18 – Historic heritage), included the Assembly Place and Lone Pine Commemorative Plantings at Simpson Barracks. The land proposed to be acquired for North East Link would include the Assembly Place and the Commemorative Plantings. The assessment concludes the Assembly Place is not of historical heritage significance, although it may hold social value to Simpson Barracks and its personnel. The Assembly Place is not presently publicly accessible.</p> <p>PER Technical Appendix D (Commonwealth land, Section 10 – Social and community) noted that removal of the Assembly Place and Commemorative Plantings is expected to result in a minor impact on defence personnel, assuming that the ceremonial and commemorative function of the Assembly Place is relocated and maintained elsewhere within Simpson Barracks.</p> <p>For more detail also refer to PER Technical Appendix D (Commonwealth land, Section 16 – Relevant impacts on people and communities).</p>
CL20	Construction of temporary haul roads on Commonwealth land would create noise impacts for local residents near and at Simpson Barracks.	66	<p>The PER assessed the noise impacts of the action on Commonwealth land on receptors located on Commonwealth land. The PER noise assessment in PER Technical Appendix D (Commonwealth land, Section 12 – Surface noise) included consideration of the potential effects of noise from construction on residents at Simpson Barracks.</p> <p>A project will include a Construction Noise and Vibration Management Plan which would manage impacts on the operational use of buildings on Simpson Barracks during construction. The plan would require monitoring and may include measures such as avoidance of scheduling noisy works concurrently and localised acoustic shielding on the construction site.</p> <p>Following the implementation of avoidance and mitigation measures, noise impacts are not considered to be significant.</p> <p>The potential for noise impacts on local residents near Simpson Barracks are considered in the EES. Refer to EES Chapter 11 (Surface noise and vibration).</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL21	Concerned about traffic management and potential additional congestion in Viewbank during construction.	4	<p>PER Technical Appendix D (Commonwealth land, Section 11 – Transport) assessed the traffic and transport impacts that North East Link may have on road users from Commonwealth land. Section 11 describes the potential traffic and transport impacts affecting road users from Simpson Barracks and includes roads outside the Commonwealth land boundary. Refer to Figure 11-1 in Section 11 for the PER traffic study area.</p> <p>The PER traffic study area includes a small section of Viewbank for the purposes of exploring the impacts to road users from Commonwealth land.</p> <p>The EES traffic and transport assessment considers road users from a large area around North East Link including Viewbank. Refer to EES Chapter 9 (Traffic and transport) for more detail.</p>
CL22	No attention given to the community wellbeing attributable to the proximity of the large remnant woodland close to the centre of Melbourne.	24	<p>This issue is not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act. As per the PER Guidelines, a social impact assessment for people and communities on Simpson Barracks is found in PER Technical Appendix D (Commonwealth land, Section 10 – Social and community).</p> <p>Refer to EES Chapter 17 (Social) for the EES assessment of potential impacts from on Commonwealth land on neighbouring communities.</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL23	Seeks further understanding of potential health risks for personnel at Simpson Barracks with respect to changes to air quality and noise levels.	65	<p>The PER assessed the potential noise and air impacts on the defence community at Simpson Barracks and measures to mitigate potential impacts. Refer to the following sections in PER Technical Appendix D (Commonwealth land):</p> <ul style="list-style-type: none"> • Section 12 (Surface noise) describes potential surface noise impacts on the defence community at Simpson Barracks. To mitigate potential impacts, a Construction Noise and Vibration Management Plan (CNVMP) would be developed which would include construction noise and vibration monitoring, to help reduce the potential for impacts from construction works (Section 12.3.1). • Section 14 (Air quality) describes the potential air quality impacts of North East Link on the defence community at Simpson Barracks and included consideration of potential dust emissions and combustion emissions from road vehicles. To mitigate potential impacts, a Dust and Air Quality Management and Monitoring Plan would be implemented during construction and include measures to minimise potential emissions to air including particulate matter (Section 14.4.1). • Section 15 (Human health) assesses cumulative air quality, social, noise and vibration impacts due to tunnel ventilation structures, emissions from major surface roads and construction works due to North East Link. Potential impacts would be mitigated by measures identified in PER Attachment III for relevant disciplines. • Section 16 (Relevant impacts on people and communities) and Section 22 (Relevant impacts on landscape and soil) summarise the performance of North East Link on Commonwealth land for the health, safety, welfare and quality of life of the Simpson Barracks community. • Section 28 (Contaminated land) identifies a Spoil Management Plan would be developed that would provide guidance for spoil management and disposal during construction to mitigate potential human health and environmental risks (Section 28.4.1). <p>For more detail on potential human health impacts on adjacent residents outside of Simpson Barracks associated with activities on Commonwealth land refer to EES Chapter 10 (Air quality) and EES Chapter 23 (Contamination and soil).</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL24	There would be no compensation for the loss of visual amenity of the treed habitat of the Simpson Barracks.	53	Proposed mitigation measures to minimise landscape impacts will include place-specific landscape and visual amenity requirements for the Greensborough Road/Simpson Barracks area. These requirements will include screen planting where appropriate to mitigate views to noise walls and road infrastructure, provide additional planting to enhance visual amenity and the existing 'Yallambie-Bundoora Plains' local habitat link, maintain and reinforce views from residential areas towards trees where possible; and prioritise the retention and enhancement of local views to the Simpson Barracks woodland.
CL25	Clearing almost 11 hectares of vegetated land within the Simpson Barracks would destroy the little natural beauty left on Greensborough Road. It would have a significant impact on the current visual amenity and landscape character of Greensborough Road, for the public and for Simpson Barracks staff.	9, 26, 29, 30, 32, 33, 36, 41, 44, 51, 60, 68, 69, 71, 74, 76, 78, 79, 80, 81	<p>Potential amenity impacts on Commonwealth land are assessed in PER Technical Appendix D (Commonwealth land, Section 20.4). The effect of retaining existing vegetation within Simpson Barracks is that residual visual and landscape impacts will 'not be significant'. Operational impacts to Defence staff, once post construction landscaping has started to take effect, will be negligible, to medium (mainly due to the new ventilation structure). The impacted ridgeline character would recover with the planting and landscaping that will be carried out as part of the project. The NEL Urban Design Strategy has place-specific requirements for the Greensborough Road/Simpson Barracks area which would assist in post-construction landscape and visual amenity for both the public and Barracks staff. These requirements include:</p> <ul style="list-style-type: none"> • Screen planting where appropriate to mitigate views to noise walls and road infrastructure • Improvements to landscaping by creating an avenue of native shade trees with seating opportunities • Provision of additional planting to enhance visual amenity and the existing 'Yallambie-Bundoora Plains' local habitat link • Maintenance of views from residential areas towards trees where possible and prioritise the retention and enhancement of local views to the Simpson Barracks woodland.

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL26	Draft PER inappropriately suggests landscape impacts are insignificant.	71	<p>The PER methodology for the landscape and visual assessment is described in PER Technical Appendix D (Commonwealth land) is specifically based upon the impact on the Simpson Barracks community.</p> <p>The impacts to Commonwealth land receptors during construction and operation are not considered to be significant—see PER Technical Appendix D (Commonwealth land, Table 20-2 and Table 22-1) based on the history of the site (vegetation is regrowth from the 1940s onward—see PER Technical Appendix A (Flora and fauna), the location of works on Commonwealth land, the retained vegetation during construction, and the mitigation required based on the Urban Design Strategy.</p> <p>PER Technical Appendix D (Commonwealth land, Section 20.4.3) also discusses how avoidance and mitigation measures would assist to interface with the existing character. The North East Link Urban Design Strategy for the project has place-specific requirements for the Greensborough Road/Simpson Barracks area which would assist in post-construction landscape and visual amenity for the public realm and the Simpson Barracks.</p>
CL27	Considers tree planting proposals for land bridges unrealistic due to inherent limitations of planting trees above covered trenches.	42, 48	<p>The land bridges will be required to have sufficient depth of soil and a suitable soil profile to support healthy long-term growth of vegetation. The Urban Design Strategy for the project will require appropriate selection of vegetation for each area of the North East Link.</p> <p>The open space over the cut and cover tunnels would also be designed according to the Urban Design Strategy, with the most appropriate vegetation selected for the area. For further detail on the requirements associated with the Urban Design Strategy, refer to PER Attachment III. The Urban Design Strategy is provided as EES Attachment II.</p>
CL28	Alterations to Banyule Creek and catchment may increase peak flows with potential for flooding.	50	Any alterations to Banyule Creek and catchment would be managed by the mitigation measures that will be implemented as part of North East Link. For further detail, refer to PER Technical Appendix C (Surface water, Section 7.1.1 and Section 7.2.1).

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL29	<p>Banyule Creek:</p> <ul style="list-style-type: none"> Confirm the long-term design of the creek (in Appendix C – refers to the open flow path and in Chapter 8 refers to two pipes and over land flow paths and retarding basins). Preference is for an open flow path because a covered water course is a drain and does not support life. (Also categorised in Surface water – impacts to MNES and surface water). Chapter 3, Table 3.6 – identify which catchments the new pipes along Banyule Creek would connect flows to. 	53	<p>The development of the reference project has considered the potential for undergrounding sections of Banyule Creek where space is limited, particularly during construction. PER Chapter 3 (Description of the Action, Section 3.2.9) discusses the proposed modifications to Banyule Creek. For further detail on the operation impacts of undergrounding of waterways, refer to PER Technical Appendix C (Surface water, Section 7.2.3).</p> <p>PER Technical Appendix C (Surface water) identifies that undergrounding would cause the greatest potential for changes to surface water associated habitat. As part of detailed design the extent of undergrounding will be minimised and surface waterways will be retained or reinstated to the extent possible based on space and adjacent land use constraints.</p> <p>Project ecologists indicate the likely changes in this area would be unlikely to significantly improve or reduce habitat which supports MNES. The final design would be required to comply with proposed avoidance and mitigation measures, in this case specifically to support environmental conditions including habitat, connectivity, refuge and hydraulic conditions, where waterway modifications are necessary.</p> <p>Impacts associated with works along Banyule Creek and proposed avoidance and mitigation measures associated with undergrounding waterways are described in PER Technical Appendix C (Surface water, Section 8 – Relevant impacts MNES and Section 9 – Facilitated impacts and cumulative impacts) and PER Attachment III.</p>
CL30	Concerned about impacts to Banyule Creek near Simpson Barracks as a result of cut and cover technique.	68, 69, 74	<p>Impacts to Banyule Creek and Simpson Barracks are likely to be localised and appropriate design and mitigation measures would be implemented to avoid any significant adverse effect on downstream waterways. Proposed mitigation measures are described in PER Technical Appendix C (Surface water, Section 10 – Avoidance and mitigation measures) and PER Attachment III.</p> <p>It is likely that waterway stability and downstream water quality could be improved as the result of North East Link. While Banyule Creek is of value, it currently receives polluted inflows from eroding open drains and there is potential for the waterway to be improved.</p> <p>The final location, details and scale of North East Link infrastructure would be determined during detailed design. For further detail on impacts to Banyule Creek on Commonwealth land, refer to PER Technical Appendix C (Surface water, Section 7 – Relevant impacts, Commonwealth land).</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL31	Concerned about flood runoff from Borlase Reserve and surrounding areas.	71	<p>The existing conditions at Borlase Reserve in relation to flooding are described in PER Technical Appendix C (Surface water, Section 6.2.2), as the 1% AEP flood extent is confined to Borlase Reserve from Drysdale Street to Lower Plenty Road.</p> <p>Runoff from Bolase Reserve and surrounding areas would be managed through appropriate design and mitigation measures. This would localise the surface water impacts to the upper sections of Banyule Creek, which would then be of no significance to Banyule Flats.</p> <p>For further detail on mitigation measures proposed to address relevant impacts on Commonwealth land and surface water, see PER Technical Appendix C (Surface water, Section 10 – Avoidance and mitigation measures). Refer to PER Attachment III for a full list of mitigation measures.</p>
CL32	Concerned about the potential problems associated with cut and fill within a floodplain to the Banyule Creek which is on the Simpson Barracks.	82	<p>PER Technical Appendix C (Surface water, Section 7.1) assesses potential surface water construction impacts on the environment in relation to actions affecting Commonwealth land.</p> <p>It is acknowledged that it will be important for the construction impacts to be appropriately managed and mitigated.</p> <p>The mitigation measures proposed to manage flows are described in PER Technical Appendix C (Surface water, Section 10 – Avoidance and mitigation measures). Refer to PER Attachment III for a full list of mitigation measures.</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL33	Insufficient weight has been given to the wider loss of ecological integrity due to the forecast death of the remaining remnant woodland area due to groundwater drawdown.	24	<p>PER Technical Appendix B (Groundwater) predicts changes in the groundwater condition as a result of North East Link's construction and operation. The mitigation measures proposed in the PER would appropriately mitigate groundwater drawdown to the extent required.</p> <p>PER Technical Appendix A (Flora and fauna, Section 6.3.3) provides an assessment of terrestrial woodland interaction with groundwater, including for the environment on Commonwealth land.</p> <p>As noted in PER Chapter 6 (Impact assessment) and PER Technical Appendix A (Flora and fauna, Section 5.4), the significance of impacts on Commonwealth land were assessed using the EPBC Act Significant Impact Guidelines 1.2 – Actions on, or impacting upon, Commonwealth land and actions by Commonwealth agencies.</p> <p>Eight trees may be indirectly impacted due to groundwater drawdown during operation of North East Link. These impacts would be mitigated and offset by:</p> <ul style="list-style-type: none"> • Implementing a Groundwater Dependent Ecosystem Monitoring and Mitigation Plan • Implementing a Studley Park Gum Management Framework • Providing native vegetation offsets based on the Victorian Guidelines (DELWP, 2017a). <p>Refer to PER Technical Appendix A (Flora and fauna, Section 11.1.1) for further detail.</p>
CL34	<p>Editorial comments:</p> <ul style="list-style-type: none"> • Chapter 9, Table 9.5: 'Two monitoring bores at Simpson Barracks (of unknown depth) are predicted to experience drawdowns of 0.5 to 2 metres during construction which would recover to 0.1 to 1.1 metres during operation, though these are not extractive'. • Should this be 0.1 to 1.1 metres? 	53	Yes. Table 9.5 in PER Chapter 9 has been updated to correct this.

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL35	<p>Concerned about impacts to groundwater near Banyule Creek as a result of cut and cover technique.</p> <p>Water mounding on the eastern side of the trench – the impact to vegetation or water volume flow in Banyule Creek is not explained.</p>	53, 68, 69, 74	<p>PER Technical Appendix B (Groundwater) assesses predicted changes in the groundwater condition as a result of North East Link construction and operation.</p> <p>Cut and cover construction can lead to a mounding of groundwater upstream of the structure, particularly when the structure is oriented perpendicular to the regional groundwater flow direction. In this area, groundwater flow is interpreted to be southwards, broadly consistent with a subdued reflection of the topography. This means the structures proposed as part of the reference project are sub-parallel to the regional groundwater flow direction, and the magnitude of mounding would likely be small. The impacts of groundwater mounding on Banyule Creek are assessed in PER Technical Appendix B (Groundwater) and the impact to vegetation is assessed in PER Technical Appendix A (Flora and fauna).</p> <p>Numerical groundwater modelling has been used to assess mounding potential and the modelling has predicted the potential for mounding is slight (ie 0.1 m to 0.5 m—nearest the structure). This is of a similar magnitude to the natural seasonal variation in groundwater levels. In dry years, water levels would be deeper and so the mounding may not be evident. In wetter years, the mounding may bring water levels nearer to the base of the waterway. This may lead to temporary spring flow discharge to the waterway. Flows in Banyule Creek may also be greater in wetter years and so the resultant effect may not be obviously evident.</p> <p>The mitigation measures proposed in the PER would appropriately mitigate groundwater impacts to the extent required. These mitigation measures require groundwater monitoring, a predictive numerical model that is maintained to predict changes in groundwater levels, and impacts to be minimised during construction works.</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL36	Supports Banyule Council's Option A2 to avoid habitat on the Barracks	5	<p>The PER has assessed the impacts of the referred action and feasible alternatives are addressed in PER Chapter 4 (Feasible alternatives) and PER Attachment IV (Options Assessment), in accordance with the PER Guidelines.</p> <p>NELP has separately considered Banyule Council's Option A2. NELP does not support Option A2 for a range of reasons, including because it would not significantly reduce impact on patches of native vegetation, Matted Flax-lily and Studley Park Gum.</p> <p>For further discussion around the viability of Banyule Council's Option A2, refer to Section 4.8 (Design alternatives submissions response).</p>
CL37	<p>Inland Scribbly Gum is found very rarely in Victoria (mostly in NSW) and removal of vegetation on Simpson Barracks for North East Link is likely to render extinct any remnant known specimens.</p> <p>Impacts would be eliminated to Inland Scribbly Gum if the northern portal is moved north to Grimshaw Street.</p>	9, 52	<p>In accordance with the PER Guidelines and as described in PER Chapter 6 (Impact assessment) and PER Technical Appendix A (Flora and fauna, Section 2) the purpose and scope of the PER is to assess potential for impacts on Matters of National Environmental Significance (MNES) as defined under the EPBC Act, and the 'whole of environment' on Commonwealth land.</p> <p>Inland Scribbly Gum is not an MNES and was not recorded within the project boundary for the flora and fauna assessment.</p> <p>For further discussion around design alternatives please refer to Section 4.8 (Design alternatives submissions response).</p>
CL38	Concerned about the clearing of vegetation on Simpson Barracks and the need to protect the remnant local bushland and habitat.	26, 29, 30, 42, 74	<p>The PER has assessed potential impacts on the environment of Commonwealth land in accordance with the PER Guidelines and the EPBC Act Significant Impact Guidelines 1.2 – Actions on, or impacting upon, Commonwealth land and actions by Commonwealth agencies. The North East Link project boundary project's footprint would be minimised during detailed design to minimise removal of native vegetation and habitat at Simpson Barracks. A Tree Protection Plan would be implemented for trees to be retained in accordance with AS4970-2009 Protection of Trees on Development Sites. For further detail on mitigation measures to minimise impacts, refer to PER Attachment III.</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL39	<p>Concerned the environmental value of the remnant redgum woodland has been seriously underestimated – no available offsets can compensate the loss.</p> <p>Concerned that due to losing the ecological integrity of the area, the risk of Redgum Basket Lerp would increase due to displacing the specie's predators.</p> <p>Offset action proposed for red gum woodland is insufficient with reference to the native vegetation report (8 February 2019) as there are not sufficient sites available and North East Link is not aligned with the EPBC Act Offsets Policy.</p>	24	<p>The PER has been prepared in accordance with the PER Guidelines and applicable requirements of the EPBC Act and adequately assesses the expected impacts on Simpson Barracks.</p> <p>No change is expected in lerp/psyllid abundance or impact at Simpson Barracks. The presence of birds (eg pardalotes, small honeyeaters, thornbills) that eat psyllids and their sugary shelters (lerp) is already reduced by the presence and dominance of aggressive bird species (Noisy Miners, Rainbow Lorikeet, Red Wattlebird) that tend to drive away the smaller birds.</p> <p>Native vegetation offsets would be provided in accordance with the DELWP Guidelines for the removal, destruction or lopping of native vegetation (2017), as proposed. A statement has been provided by Ecology and Heritage Partners, that the general offset units are available and there is a high level of confidence that species offsets can be met through discussions with landowners. Refer to PER Chapter 11 (Offsets) for further details.</p>
CL40	<p>The assumption the site may not currently be a roost or breeding site for the Swift Parrot or Powerful Owl is unsupportable given the existing vegetation.</p>	24	<p>The extent of field surveys and information available from other sources is adequate for the purpose of identifying potential impacts of North East Link on ecological values.</p> <p>Fauna observations have been undertaken within Simpson Barracks and targeted threatened fauna surveys for EPBC Act-listed species were undertaken in accordance with species-specific survey guidelines, as identified in the Department of Environment and Energy Species Profile and Threats (SPRAT) Database, and as explained for relevant species in PER Technical Appendix A (Flora and fauna, Section 5.3.11).</p> <p>Simpson Barracks is unlikely to be used for breeding by Swift Parrot (breeds in Tasmania) or Grey-headed Flying-fox (tends to breed in colonies, with a large colony currently along the Yarra River – this colony is not expected to move to Simpson Barracks). Deakin University information suggests that most if not all the current known breeding locations of the Powerful Owl species are along the Yarra River, with individuals moving out from the river habitats (including to Simpson Barracks) to forage and possibly roost.</p> <p>Refer to PER Technical Appendix A (Flora and fauna, Section 5.3) for detail of the surveys conducted.</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL41	Clearance of vegetation from Simpson Barracks would involve direct permanent removal of three threatened plant species and would impact the Assembly Place and Commemorative Plantings located south of Blamey Road within Simpson Barracks.	50	Potential impacts on flora and fauna values at Simpson Barracks have been assessed in PER Technical Appendix D (Commonwealth land) and PER Technical Appendix A (Flora and fauna). The North East Link project footprint would be minimised during detailed design to minimise removal of native vegetation and habitat at Simpson Barracks. A Tree Protection Plan would be implemented for trees to be retained in accordance with AS4970-2009 Protection of Trees on Development Sites. For further detail on mitigation measures to minimise impacts, refer to PER Attachment III.
CL42	To clear almost 11 ha of vegetated land within Simpson Barracks destroys such a huge amount of the indigenous flora and fauna along Greensborough Road, this is catastrophic and unacceptable. Impacts to the Matted Flax-lily, Inland Scribbly-gum and Studley Park Gum could be avoided by the viable alternative design.	48, 51	The North East Link project footprint would be minimised during detailed design to minimise removal of native vegetation and habitat at Simpson Barracks. A Tree Protection Plan would be implemented for trees to be retained in accordance with AS4970-2009 Protection of Trees on Development Sites. For further detail on mitigation measures to minimise impacts, refer to PER Attachment III. The PER has assessed the impacts of the referred action and feasible alternatives are addressed in PER Chapter 4 (Feasible alternatives) and PER Attachment IV (Options assessment), in accordance with the PER Guidelines. NELP has separately considered Banyule Council's Option A2. NELP does not support Option A2 for a range of reasons, including because it would not significantly reduce impact on patches of native vegetation, Matted Flax-lily and Studley Park Gum.
CL43	An existing native vegetation offset provided under Banyule Planning permit P933/06 to VicRoads, on land within Simpson Barracks would be impacted.	53	Native vegetation offsets would be provided in accordance with the DELWP Guidelines for the removal, destruction or lopping of native vegetation (2017). NELP will consult with DELWP as to whether any additional offsets are required to compensate for any loss of this planted native vegetation.

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL44	The War Services easement: Landscaping and replacing vegetation removed for construction is not discussed. The community will expect that vegetation damaged or removed would be replaced.	53	<p>The vegetation on the War Services easement is described in PER Technical Appendix A (Flora and Fauna, Section 6.3.2). The War Services easement contains four isolated trees and some minor amenity planting. Some of these are native species but their removal would not be considered medium or large-scale, and so it is not considered significant.</p> <p>North East Link would be delivered in accordance with Urban Design and Landscape Plans approved by the Minister for Planning, which would include provision for landscaping and replanting, as appropriate. Refer to PER Attachment III for further details.</p>
CL45	Clarification needed to confirm if watering trees to prevent indirect tree loss is possible. In PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land, p. 3), mitigation of indirect tree loss by watering is proposed. However PER Chapter 8 (Water related impacts, p. 29) notes that watering is not a feasible or realistic long-term mitigation option and that trees would be regarded as a loss.	53	<p>The PER notes that watering is one method that has the potential to alleviate impacts in the short term to groundwater dependant large trees. This would maximise the chance of survival for individual trees in the long term. However, watering is not a feasible or realistic long-term mitigation option.</p> <p>The PER notes that the large trees modelled to result in a moderate to high risk of death/decline over the long term would be regarded as a loss in accordance with the DELWP Guidelines for the removal, destruction or lopping of native vegetation and trees (2017) would be offset accordingly.</p> <p>PER Technical Appendix A (Flora and Fauna), PER Technical Appendix D (Commonwealth land), PER Chapter 8 (Water related impacts) and Chapter 9 (Impacts on the whole of the environment on Commonwealth land) updated with ground water dependent and Large Tree updates.</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL46	<p>Powerful Owl:</p> <ul style="list-style-type: none"> Deakin University GPS tracking data indicates the Powerful Owl uses Simpson Barracks more frequently compared with the assessment that the species is 'occasionally or rare'. No detection of Powerful Owls at Simpson Barracks indicates a limitation of NELP's survey methods. Loss of habitat at Simpson Barracks would reduce the hunting territory available to the Powerful Owl. 	53, 61	<p>PER Technical Appendix A (Flora and fauna, Section 5.3) explains species considered for targeted surveys at Simpson Barracks were species listed as threatened or migratory under the EPBC Act, or threatened under the Flora and Fauna Guarantee Act 1988 (Vic) or DELWP Advisory Lists (DSE, 2009a, DSE, 2013) and provides detail of the surveys conducted.</p> <p>Targeted surveys were completed for Powerful Owl at night on two nights. Radio-tracking data for Powerful Owl from Deakin University research team was used also. Deakin GPS data used for this assessment show that one bird visited Simpson Barracks once during the 34-day GPS tracking period. Once in 34 days has been assessed as occasional.</p> <p>It is not considered a limitation of the survey method that Powerful Owl was not detected, as this is a risk of targeted surveys. The conclusion determined is that Powerful Owl is possible to occur, not absent.</p> <p>While loss of habitat from Simpson Barracks may reduce the hunting territory available to the Powerful Owl, the species can still forage in large trees in the general area within and beyond the project boundary, so a significant impact is not expected.</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL47	Concerned that loss of Studley Park Gum on Commonwealth land may negatively impact Powerful Owl. Suggests that species is a frequent visitor to Simpson Barracks. Concerns the loss of pre 1945 trees would set hollow formation process back 70 to 120 years.	59	<p>The PER describes the potential impact to Powerful Owl in PER Technical Appendix A (Flora and fauna).</p> <p>Loss of woodland from Commonwealth land may negatively impact on the Powerful Owl through loss of occasional foraging habitat, but no evidence suggests the loss of Studley Park Gum in particular would cause disproportionate impacts on the Powerful Owl.</p> <p>Documented evidence suggests that Powerful Owl is an occasional visitor to Simpson Barracks. Deakin GPS data used for this assessment show that one bird visited Simpson Barracks once during the 34-day GPS tracking period. Once in 34 days has been assessed as occasional.</p> <p>Loss of older and larger trees would set back the hollow formation process in that part of Simpson Barracks. Whether that would affect future nesting by Powerful Owls is not certain, with the Deakin University findings suggesting that resident Powerful Owls in the Melbourne area tend to nest in large trees along the Yarra River, and move up into the leafier tributaries and other areas to forage, rather than to nest.</p> <p>Loss of habitat from Commonwealth land for North East Link is therefore not expected to reduce or fragment available habitat for a listed threatened species to the extent that it displaces a population, results in a long-term decline in a population or threatens the viability of the threatened species. For further detail, refer to PER Technical Appendix A (Flora and fauna, Section 11.2.4).</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL48	Concerned the loss of 11 to 13 ha of bushland from Simpson Barracks is a devastating result. Clearing 20 per cent of vegetated land is unacceptable.	60, 62, 63	<p>The PER has assessed the potential impact on flora and fauna values on Simpson Barracks in accordance with the EPBC Act Significant Impact Guidelines 1.2 –Actions on, or impacting upon, Commonwealth land and actions by Commonwealth agencies.</p> <p>As discussed in PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land) and PER Technical Appendix A (Flora and fauna, Section 11) the removal of native vegetation at Simpson Barracks is assessed as likely to constitute a significant impact on plants on Commonwealth land.</p> <p>Consequently, offsets are required under the EPBC Act Offsets Policy. These offsets would be provided in accordance with the Victorian DELWP Guidelines for the removal, destruction or lopping of native vegetation (2017). Refer to PER Chapter 11 (Offsets) for further details.</p> <p>The North East Link project footprint would be minimised during detailed design to minimise removal of native vegetation and habitat at Simpson Barracks. A Tree Protection Plan would be implemented for trees to be retained in accordance with AS4970-2009 Protection of Trees on Development Sites. For further detail on mitigation measures to minimise impacts, refer to PER Attachment III.</p>
CL49	Concerned removal of vegetation on Commonwealth land would destroy remaining natural beauty on Greensborough Road. Concerns regarding removal of remnant bushland and fauna habitat at Simpson Barracks.	61	<p>The PER has assessed the potential impact on the ‘whole of environment’ on Simpson Barracks in accordance with the EPBC Act Significant Impact Guidelines 1.2 – Actions on, or impacting upon, Commonwealth land and actions by Commonwealth agencies. This included assessing impacts on flora, fauna and landscape values.</p> <p>Refer to PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land) and PER Technical Appendix D (Commonwealth land, Section 5 and Section 20) for detail of impacts on vegetation, fauna, and landscape and visual impact on Commonwealth land.</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL50	Concerned that NELP gives the land at Simpson Barracks no biodiversity value. Concerned about the loss of large trees associated with groundwater drawdown and clearing, significant biodiversity and habitat connectivity loss for native fauna.	62, 63	<p>The PER has assessed the potential impact on flora and fauna values on Simpson Barracks in accordance with the EPBC Act Significant Impact Guidelines 1.2 –Actions on, or impacting upon, Commonwealth land and actions by Commonwealth agencies.</p> <p>Habitat connectivity for fauna that use Simpson Barracks is not expected to be lost. Simpson Barracks provides stepping-stone habitat connectivity for mobile, aerial fauna (birds and bats) at a landscape scale, and would remain as a major stepping stone patch of habitat for that purpose. There is no ground-level habitat connectivity from the west side of the Barracks, because of Greensborough Road. The current habitat 'corridor' that runs south along Banyule Creek is already very compromised by Lower Plenty Road, and likely to be unsafe for most fauna, except for mobile aerial fauna and very small fauna that can pass through the culverts beneath Lower Plenty Road. The main ground-level habitat connectivity into and out of Simpson Barracks is on the east side, where it joins habitats that connect directly to the Plenty River. This would not be compromised as a result of North East Link.</p> <p>Impacts on native vegetation from groundwater drawdown will be mitigated and offset by:</p> <ul style="list-style-type: none"> • Implementing a Groundwater Dependent Ecosystem Monitoring and Mitigation Plan • Implementing a Studley Park Gum Management Framework • Providing native vegetation offsets based on the Victorian Guidelines (DELWP, 2017a).
CL51	Concerned about impacts to flora and fauna at Borlase Reserve and surrounding areas.	67	<p>The PER has assessed the potential impact on flora and fauna values on Commonwealth land in accordance with the EPBC Act Significant Impact Guidelines 1.2 – Actions on, or impacting upon, Commonwealth land and actions by Commonwealth agencies, see PER Technical Appendix A (Flora and fauna, Section 11) and Technical Appendix D (Commonwealth land, Section 5).</p> <p>Borlase Reserve is not on Commonwealth land and does not contain any Matters of National Environmental Significance (MNES).</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL52	Concerned that land bridges near Commonwealth land would not be able to replicate lost habitat.	67	<p>Land bridges would not replicate lost habitat, but they may help to softening edge effects for remaining habitats. As per the North East Link Urban Design Strategy, land bridges must have sufficient depth of soil and a suitable soil profile to support healthy long-term growth of vegetation. The Urban Design Strategy also discusses plant selection. Appropriate selection of vegetation for each area of North East Link would be required.</p> <p>The open space over the cut and cover tunnel would also be designed according to the Urban Design Strategy, with appropriate vegetation selected for the area. Refer to EES Attachment II for the Urban Design Strategy.</p>
CL53	Concerned about impacts to flora and fauna on Simpson Barracks as a result of habitat loss.	68, 69, 70, 76	<p>The PER describes the potential impact to flora and fauna at Simpson Barracks in PER Chapter 7 (Impacts on listed threatened species and ecological communities, and on migratory species), PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land), PER Technical Appendix (Flora and fauna, Section 9-11) and PER Technical Appendix D (Commonwealth land, Section 5).</p> <p>For resident fauna, proposed loss of woodland habitat at Simpson Barracks is considered most likely to displace fauna further into the Barracks (to the east) or to other sites in the case of aerial species. For fauna that visit, a range of alternative habitats nearby are likely to be used. For small fauna with limited mobility, measures will be put in place as part of the Construction Environmental Management Plan (CEMP) to minimise impacts.</p> <p>The detailed design of North East Link would minimise the removal of native vegetation and fauna habitat, including at Simpson Barracks.</p>

No.	Commonwealth land issue	Submissions raising this issue	NELP response
CL54	Concerned that fauna impacted at Simpson Barracks would not be able to 'move on' and would perish.	76	<p>PER Technical Appendix A (Flora and fauna) identified a minor impact on fauna on Commonwealth land. For resident fauna at Simpson Barracks, proposed loss of woodland habitat at Simpson Barracks is considered most likely to displace fauna further into the Barracks (to the east), or for birds to other sites. For fauna that visit Simpson Barracks, a range of alternative habitats nearby are likely to be used.</p> <p>For resident fauna, proposed loss of woodland habitat at Simpson Barracks is considered most likely to displace fauna further into the Barracks (to the east), or to other sites in the case of aerial species. For fauna that visit, a range of alternative habitats nearby are likely to be used. For small fauna with limited mobility, measures will be put in place as part of the Construction Environmental Management Plan (CEMP) to minimise impacts.</p> <p>Fauna that may be displaced during construction in compliance with the Wildlife Act 1975 (Vic).</p>
CL55	Concerned about protecting significant flora values, local remnant native vegetation and bushland including Inland Scribbly Gum.	41, 44, 47, 54, 55, 57, 64, 78, 79, 80, 81	The North East Link project footprint would be minimised during detailed design to minimise removal of native vegetation and habitat at Simpson Barracks. A Tree Protection Plan would be implemented for trees to be retained in accordance with AS4970-2009 Protection of Trees on Development Sites. For further detail on mitigation measures to minimise impacts, refer to PER Attachment III.
CL56	States that North East Link would result in significant impacts to Matted Flax-lily, including a large and significant population on Simpson Barracks.	83	<p>PER Technical Appendix A (Flora and fauna, Section 10.1.2) includes detailed consideration of potential translocation of Matted Flax-lily. This indicates that translocation is a proven and successful measure for Matted Flax-lily, if undertaken using appropriate procedures.</p> <p>The overall residual impact on Matted Flax-lily is expected to be non-significant with implementation of a successful Salvage and Translocation Plan, and on this basis no offsetting for the removal and translocation of Matted Flax-lily is proposed.</p>
CL57	Concerned about impacts of cut and cover tunnel technique on eucalypts at Simpson Barracks.	56	The North East Link project footprint would be minimised during detailed design to minimise removal of native vegetation and habitat at Simpson Barracks. A Tree Protection Plan would be implemented for trees to be retained in accordance with AS4970-2009 Protection of Trees on Development Sites. For further detail on mitigation measures to minimise impacts, refer to PER Attachment III.

4.5 Legal and procedural submissions response

Table VIII-8 Legal and procedural submissions response

No.	Legal and procedural issue	Submissions raising this issue	NELP response
L1	The environmental impacts on Simpson Barracks land means this land should not be sold to the State Government or should be designated a 'no-go' zone.	50, 53	The PER provides a detailed assessment of potential environmental impacts on Commonwealth land and matters protected under the EPBC Act on Simpsons Barracks. As set out in the PER, and with the implementation of identified mitigation measures, the impacts are not of a magnitude or nature that warrant the exclusion of Simpson Barracks land from the Project.
L2	Wants protection and enhancement of the quality of water entering the Yarra River as an approval condition.	53	The project will be subject to detailed water quality requirements including requiring compliance with State Environment Protection Policy (Waters)) requirements for discharge and run-off from the project. Given the general application of these requirements to all waste water, a specific condition relating to the Yarra River would not be appropriate. Refer to PER Attachment III (EES Environmental Management Framework and Environmental Performance Requirements).
L3	Wants protection of Banyule Flats habitat from construction impacts such as draw down as an approval condition.	53	The project is proposed to be subject to detailed groundwater requirements including development of a groundwater model and preparation of and compliance with a Groundwater Management Plan that includes measures and/or controls to minimise groundwater inflow during construction to excavations and groundwater drawdown, including contingency measures in relation to adverse impacts. Given the proposed general application of these requirements, a specific condition relating to the Banyule Flats would not be appropriate. Refer to PER Attachment III (EES Environmental Management Framework and Environmental Performance Requirements).

No.	Legal and procedural issue	Submissions raising this issue	NELP response
L4	<p>Concerned that the Project has ignored the Yarra River Protection (Willip-gin Birrarung Murrn) Act 2017.</p> <p>The Yarra River Protection (Willip-gin Birrarung Murrn) Act 2017 protects the Yarra and its tributaries from private developments but it is inconsistent that public infrastructure development is exempt.</p>	53, 82	<p>The scope of the Yarra River Protection (Willip-gin Birrarung Murrn) Act 2017 is not directly relevant to the environment on Commonwealth Land or a matters protected under the EPBC Act.</p> <p>The Yarra River Protection (Willip-gin Birrarung murrn) Act 2017 and the Healthy Waterways Strategy have been considered in the preparation of the North East Link EES, primarily through preparation of assessments that respond to the evaluation objectives and EES scoping requirements. The Yarra Strategic Plan is expected to be publicly released in late 2019. The project design will have regard to strategic land use plans in consultation with Melbourne Water as the responsible authority.</p>
L5	<p>Concern about seeking Commonwealth approval prior to a final or refined design is determined, before IAC issue report based on reference design, and before impacts are fully understood.</p>	58, 66, 71. 82	<p>There is nothing in the EPBC Act that precludes an assessment of the Project pursuant to the EPBC Act by means of a reference design.</p> <p>Section 10 of the EPBC Act confirms that State legislation is intended to operate concurrently with the EPBC Act unless expressly provided otherwise. Assessment of the Project for the purposes of the EPBC Act by way of the EES assessment process was not an option because the project includes Commonwealth land and the bilateral agreement for assessment of EPBC matters through an EES do not apply to Commonwealth land.</p>
L6	<p>Recommends Commonwealth delay considerations of land acquisitions and approval under EPBC Act until concerns in submission have been addressed.</p>	66	<p>The timing of any land acquisition will be determined in consultation with the relevant Commonwealth agencies and is not a matter subject to the PER.</p> <p>Section 10 of the EPBC Act confirms that State legislation is intended to operate concurrently with the EPBC Act unless expressly provided otherwise. Assessment of the Project for the purposes of the EPBC Act by way of the EES assessment process was not an option by reason of the involvement of Commonwealth land, in respect of which no bilateral agreement is in place.</p>
L7	<p>Concern about auditing and monitoring oversight of the construction process, and contractor/NELP responsibility, including that with construction facilitated by the state will result in government effectively negotiating with itself to approve plans.</p>	66. 82	<p>The Environmental Management Framework clearly articulates roles and responsibilities on the part of the relevant authorities and project contractors, and makes specific provision for, and assigns various review, verification, and audit functions to, an independent environmental auditor to provide independent oversight.</p> <p>Refer to PER Attachment III (EES Environmental Management Framework and Environmental Performance Requirements).</p>

No.	Legal and procedural issue	Submissions raising this issue	NELP response
L8	Subdivision or perpetual lease of Simpson Barracks land should be referred as a separate controlled action due to impacts on remaining Matted Flax Lily population.	71	Impacts on the Matted Flax-lily population from the action have been assessed as part of the PER and do not require assessment as a separate controlled action. Actions will be contained within the area assessed.
L9	The failure to provide for specific offsets for 'Matted Flax-lily habitat' put the project in conflict with the EPBC Act Environmental Offsets Policy. The offsets chapter does not meet the requirements of the PER – that is to meet the requirements of the EPBC Offsets Policy. Concerns about approach to offsets, compliance with Offsets policy, proposed offset sites, use of existing offset sites. States that offsets proposed in the PER cannot account for damage to biodiversity on Barracks land.	71, 76, 83	The requirements of the EPBC Act Environmental Offsets Policy have been considered and taken into account in the preparation of the PER. Refer to PER Chapter 11 (Offsets).
L10	States that they are not able to get tree in their backyard taken down by Banyule Council but that 11 hectares of vegetated land at Simpson Barracks are to be cleared.	54	The removal of backyard trees by Banyule Council is not directly relevant to the PER. The proposed removal of vegetation at Simpson Barracks is appropriately assessed in the PER. Refer to PER Chapter 7 (Impacts on listed threatened species and ecological communities, and on migratory species), and PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land).
L11	Lack of clarity about how submissions will be reviewed and assessed and NELP will 'filter' or disregard submissions which highlight project shortcomings.	66	NELP will comply the requirements of Section 99 of the EPBC Act where the finalised report will contain a summary of comments received and how those comments have been addressed. A copy of all comments received is being provided to the Minister.

No.	Legal and procedural issue	Submissions raising this issue	NELP response
L12	Individuals and councils do not have enough information to make informed submissions and the extent of the documentation makes it difficult to find relevant information to make a fully informed submission.	82	<p>The PER is structured to provide accessible information to a range of audiences:</p> <ul style="list-style-type: none"> • The Executive Summary provides a high level summary of the key findings of the PER in an easy to read format • The PER main report provides a comprehensive overview of the project, the assessment process, the potential impacts and proposed mitigation • The Technical reports and Attachments provide detailed information from specialists to enable scrutiny of the methodology and findings of the specialist areas assessed.
L13	Concern about lack of governance framework for development and review of EPRs, including that the EPRs are in 'draft' status and will be negotiated in confidential contractual documents.	66	<p>EPRs are approved by the Victorian Minister for Planning following the approval of the Planning Scheme Amendment and prior to construction works commencing. The PER sets out the governance framework for development, review and enforcement of the environmental management measures for the Project.</p> <p>Refer to PER Chapter 10 (Proposed avoidance and mitigation measures) and PER Attachment III (EES Environmental Management Framework and Environmental Performance Requirements).</p>
L14	States that the EPRs are not adequate and/or doubts the EPRs will be achieved.	71, 73	<p>The EPRs inform the avoidance and mitigation measures that are designed to achieve the environmental outcomes developed for the project based on relevant environmental legislation and policy requirements, and project specific measures based on the findings of the EES and PER impact assessment processes. The EPRs define the minimum environmental outcomes that must be achieved during design, construction and operation of the project regardless of the solutions adopted.</p> <p>Technical specialists have assessed the expected or predicted effectiveness of avoidance and mitigation measures as part of their impact assessments. The predicted effectiveness of measures was taken into account when assessing the potential significance of impacts on MNES and Commonwealth land.</p> <p>Refer to PER Chapter 10 (Proposed avoidance and mitigation measures) and PER Attachment III (EES Environmental Management Framework and Environmental Performance Requirements).</p>

No.	Legal and procedural issue	Submissions raising this issue	NELP response
L15	States that PER includes technical reports from the EES and that these reports contain possibly misleading information and should be fully considered. Concerned that assertions in the PER have not been proven, are too vague, or are false and contradicted by other sections of the report.	73	The content of the PER is based on the EES assessments and separate PER Technical Reports that were prepared by technical specialists who are experts in their field. Comments received on the draft PER have been taken into account and addressed, as appropriate, as part of the finalisation of the PER in accordance with the requirements of the EPBC Act. NELP does not consider the content of the draft PER or technical reports to be misleading or contradictory in any material way.
L16	States that EES conclusions on decreases to air quality and increase in traffic volume contradict claims in the PER that air quality will be improved and traffic reduced.	73	The cited reference in the submission is a bullet point from the PER Executive Summary that sets out high-level socio-economic benefits of the project. Air Quality impacts are specifically considered in detail in other sections of the PER, including: PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land), and PER Technical Appendix D (Commonwealth land).
L17	Chapter 1, Section 1.2.3 – incorrectly describes the scope of works as 'south of the M80 Ring Road through to Watsonia'. The works will occur in Watsonia and Yallambie.	53	PER Chapter 1 Section 1.2.3 provides a general description of the extent of the project by reference to well understood local locations. It is correct that surface works south of the M80 Ring Road would occur in Yallambie and Macleod.
L18	PER Section 1.2.5 – How the action relates to other actions in the region affected by the action. This section does not refer to the Draft Yarra River – Bulleen Precinct Land Use Framework Plan. The area of this project overlaps with NEL.	53	The draft Yarra River – Bulleen Precinct Land Use Framework Plan outlines a vision and principles to guide land use and connections in the relevant study area over the long term. It is not considered in PER Section 1.2.5 as it is not a specific transport project that will interface with the project.
L19	Chapter 2, Table 2-3, Define minor surface works.	53	Details of the type of minor surface works in the 'conditional no-go zone' are provided in PER Technical Appendix A (Flora and fauna, Section 5.2.1).
L20	The reference design does not match the objectives of the action or the requirements of the Transport Integration Act 2017.	53	The PER sets out how the project is expected to address the project objectives and project principles, and each of the objectives of the Transport Integration Act 2010. Refer to PER Chapter 2 (Objective of the action).

No.	Legal and procedural issue	Submissions raising this issue	NELP response
L21	PER Section 6.3 Cumulative impacts – Historic disturbance and urbanisation are not valid reasons to avoid quantitative investigation of cumulative impacts. The assessment should be provided where data is available from projects with similar impacts.	53	Cumulative impacts on MNES have been identified and assessed in accordance with the PER Guidelines. Refer to PER Chapter 6, PER Technical Appendix A (Flora and Fauna), PER Technical Appendix B (Groundwater) and PER Technical Appendix C (Surface water).
L22	The submitter takes issues with the assessment against the principles of ecologically sustainable development listed under Chapter 1, Part 1, and Clause 3A of the EPBC Act. Noting there was no consideration for alternative design A2, impacts to the Studley Park gum do not meet the principles of ecologically sustainable development the environment will be degraded not maintained or enhanced. NEL is not consistent with the principles of ecological sustainable development because building freeways are not sustainable – they increase the rate of climate change.	53	The project has been assessed in the PER against the principles of ecologically sustainable development and the objects of the EPBC Act. Refer to PER Chapter 18 (Conclusion).
L23	States that the NELP Reference design does not meet the EPBC Act objectives.	62, 63, 68, 69	There is nothing in the EPBC Act that precludes an assessment of the Project pursuant to the EPBC Act by means of a reference design.

No.	Legal and procedural issue	Submissions raising this issue	NELP response
L24	Seeks that an Inquiry is appointed under s90 of the EPBC Act. Concerned that the reliance on a public environment report in the context of the Project simultaneously going through a public inquiry process in Victoria is a flawed process that may undermine the validity and legitimacy of any decision to approve the project under the EPBC Act.	71	Section 10 of the EPBC Act confirms that State legislation is intended to operate concurrently with the EPBC Act unless expressly provided otherwise. Assessment of the Project for the purposes of the EPBC Act by way of the EES assessment process was not an option by reason of the involvement of Commonwealth land, in respect of which no bilateral agreement is in place. NELP does not consider there to be any reasonable basis that would warrant a revocation by the Minister, under section 90 of the EPBC Act, of the decision to require assessment of the action by PER.
L25	Noncompliance with EPBC Act including s 139, PER Guidelines. Asserts that to the extent that the PER does not include information, reports or analysis represented in the EES, or address evidence to be adduced to the IAC, it should be regarded as deficient.	71	The PER has been prepared in accordance with the PER Guidelines and all applicable requirements under the EPBC Act.
L26	States that impacts of project not justified by benefits.	71	The PER contains a discussion of economic and social matters at Chapter 16, including a summary of the cost benefit analysis that was undertaken in respect of the Project in the North East Link Business Case, which is listed as a reference document in PER Chapter 16 and PER Attachment VII. The North East Link Business Case includes details of the costs and benefits of alternative options.
L27	Failure to undertake adequate cost benefit analysis, compared to feasible alternatives and no project alternative leading to a lack of proper justification of environmental impacts. Asserts that feasible alternatives and project options that avoid loss of important habitat must be considered and preferred.	71	The draft PER contains a discussion of economic and social matters at Chapter 16, including a summary of the cost benefit analysis that was undertaken in respect of the Project in the North East Link Business Case, which is listed as a reference document in Chapter 16 and Attachment VII of the draft PER. The North East Link Business Case included details of the costs and benefits of alternative options. Feasible alternatives are addressed in Chapter 4 and Attachment IV of the draft PER, in accordance with the PER Guidelines.

No.	Legal and procedural issue	Submissions raising this issue	NELP response
L28	Description of action in PER is inaccurate as it makes no mention of the impacted Freeway Golf Course and acquisition of Boroondara Tennis Centre at the southern interchange, both have potential habitat for EPBC listed species which were not investigated.	71	PER Technical appendix A – Flora and fauna assessed potential impacts on MNES within the study area which extended five kilometres from the project boundary. All relevant impacts on MNES have been adequately assessed. Refer to PER Technical Appendix A (Flora and Fauna).
L29	Will appropriate and transparent parameters be identified, monitored and reported for air pollution, dust and noise?	25	The project will be required to comply with state environment protection policies relating to air quality and ensure that the air quality impacts of the project will be acceptably managed and mitigated. Refer to PER Attachment III (EES Environmental Management Framework and Environmental Performance Requirements).
L30	There needs to be a reliable system for transparent and timely reporting to the public such as a website providing live updates during construction and operation and an app for public to report breaches.	25, 53	The project will include ongoing community engagement including the development of a Communications and Community Engagement Plan that will identify how stakeholders can access information on project environmental performance. Refer to PER Attachment III (EES Environmental Management Framework and Environmental Performance Requirements).
L31	The project should develop an independent committee, to include representatives of community, local government and environmental monitoring experts to receive and review regular reports of air quality, water quality, hydrology, noise levels, construction incidents and complaints from the public.	53	The project will include ongoing community engagement including participation by contractors in the Community Liaison Group that has been established and managed by North East Link Project to facilitate community and stakeholder engagement for the construction phase of the project. This will include timely provision of relevant information, including responding to issues raised by the group. Refer to PER Attachment III (EES Environmental Management Framework and Environmental Performance Requirements).
L32	Supportive of an independent auditor for Groundwater/surface water management plan that has no conflicts of interest, such as the EPA.	53	The project will include the appointment of an Independent Environmental Auditor to audit the environmental performance of the project, including compliance with the Groundwater Management Plan and the Surface Water Management Plan. Refer to PER Attachment III (EES Environmental Management Framework and Environmental Performance Requirements).

No.	Legal and procedural issue	Submissions raising this issue	NELP response
L33	<p>Concerns that NELP has provided insufficient detail on how waste water would be managed, including:</p> <ul style="list-style-type: none"> Downplaying the impact on the Yarra River Overplaying the effectiveness of best practice sediment and erosion controls Avoiding and mitigating impacts requires effective monitoring and enforcement. 	62, 63	<p>Section 10 of PER Technical Appendix C – Surface Water describes measures to avoid, mitigate and monitor surface water impacts, including description of the likely residual impacts and environmental outcomes following the implementation of the mitigation measures. Waste water will be appropriately managed during construction and operation to prevent unregulated discharges to the environment and an Independent Environmental Auditor will audit the environmental performance of the project, including compliance with the Surface Water Management Plan.</p> <p>Refer to PER Attachment III (EES Environmental Management Framework and Environmental Performance Requirements).</p>
L34	<p>There needs to be clear set of EPRs that define the required monitoring, controls and mitigation treatments and requires the contract principal and its subcontractors to meet those requirements.</p>	66	<p>The Environmental Management Framework for the action, including the Environmental Performance Requirements, will be approved by the Victorian Minister for Planning and will apply to all sections and stages of the action.</p> <p>Refer to PER Attachment III (EES Environmental Management Framework and Environmental Performance Requirements).</p>
L35	<p>The project is inconsistent with the principles of ecologically sustainable development because the ecological integrity of the land within and adjacent to the project corridor is a paramount and fundamental consideration for decision making under the EPBC Act. Reliance on reactive or adaptive management does not provide sufficient certainty that the project will not have long lasting and significant impacts on the ecological systems within the project corridor.</p>	71	<p>The PER has been prepared in accordance with the PER Guidelines and all applicable requirements under the EPBC Act. The proposed avoidance and mitigation measures will ensure that the project's impacts on MNES and the environment on Commonwealth land is acceptably managed.</p>
L36	<p>Mitigation measures would be so extensive as to constitute a change in the Project, are beyond what can be dealt with in conditions.</p>	71	<p>There is no evidence to support the assertion that 'transformative' extensive conditions are required. Further, the Minister has a broad power to impose conditions under the EPBC Act.</p>

No.	Legal and procedural issue	Submissions raising this issue	NELP response
L37	Concern about length of time taken for tree replacement program.	73	Replacement planting should commence as soon as possible and in stages, once tree removal extent is confirmed and suitable replacement sites have been determined in consultation with relevant councils and authorities. Refer to PER Attachment III (EES Environmental Management Framework and Environmental Performance Requirements).
L38	Concern about how tree replacement and landscaping is determined appropriate for a given area.	73	Replacement planting will be determined by implementation of a Tree Canopy Replacement Plan which must show the location, size and species of replacement trees, in consultation with relevant land managers. Refer to PER Attachment III (EES Environmental Management Framework and Environmental Performance Requirements).
L39	Concern that PER does not mention providing habitat linkages or bridges across Lower Plenty Road to allow impacted animals to move to habitat further south.	76	To avoid inadvertent impacts to threatened or protected species during construction, a Construction Environmental Management Plan (CEMP) and Tree Protection Plan would be developed that clearly identify measures to guard against vegetation loss and, protect areas such as no-go zones and tree protection zones. Maximum possible tree retention would increase the likelihood of retaining all valuable habitat linkages and wildlife corridors, and minimise the removal of trees and vegetation that provide fauna habitat. Refer to PER Technical Appendix A (Flora and fauna, Section 9.1).
L40	Leaving the contractor to make decisions on surface water management in accordance with all management plans means the PER and EES assessments do not consider the final plans and potential impacts. More specific plans are needed in the process not unreasonable vague statements.	53, 73	The environment management framework for the project will include a combination of prescriptive and performance-based requirements that will reference and require compliance with applicable standards as appropriate, and which will provide flexibility in the means by which the Project can be delivered. Surface water will be appropriately managed during construction and operation to prevent unregulated discharges to the environment and an Independent Environmental Auditor will audit the environmental performance of the project, including compliance with the Surface Water Management Plan. Refer to PER Chapter 18 (Conclusion) and PER Attachment III (EES Environmental Management Framework and Environmental Performance Requirements).

No.	Legal and procedural issue	Submissions raising this issue	NELP response
L41	The EPBC Referral designates Banyule Flats as a 'Conditional No Go' area. The PER does not clearly identify this zone or provide a description of works permitted in the area. For example being used as a staging or water treatment area. Any surface works in this area (Banyule Flats and Warringal Parklands) should not start until an independent environmental auditor has reviewed the details and risk assessment.	53	PER Chapter 10 – Proposed avoidance and mitigation measures, Section 10.4 contains a 'No-go zones' map that clearly shows the Banyule Flats and Warringal Parklands area as a 'conditional no-go zone'. The accompanying text also notes that Worksite Environmental Management Plans (EMPs) would be prepared for each construction site, and each of these would be reviewed by the independent environmental auditor and certified as complying with all project requirements prior to works commencing. Details of the type of minor surface works in the 'conditional no-go zone', as well as a 'No-go zones' map are provided in PER Technical Appendix A (Flora and fauna, Section 5.2.1).
L42	Concern that other route options have not been fully assessed	73	Feasible alternatives are addressed in PER Chapter 4 and PER Attachment IV, in accordance with the PER Guidelines.
L43	Asserts that the Eastern Freeway Upgrades are part of a broader action that acquiesces in the future delivery of the East West Link. This is inferred by the fact that the scale of works in the Eastern Freeway are more than is required to accommodate demand in the 2036 Project Case. This means that the project should be assessed as part of a broader action, if it retains those excessive works and additional lanes.	71	East West Link is not a proposed, committed or funded project. It was not included in the strategic modelling that supported the Project. It has no relationship with the Project, let alone sufficient to require it to be assessed with the Project as part of a broader action.
L44	Concern that the project could prejudice the interest of future generations by undermining the proposed Suburban Rail Loop (SRL) and Doncaster Rail Link and that the ESD principles require these projects to be considered.	71	The SRL is currently subject to strategic assessment, and is intended to be developed in stages over multiple decades, with the first stage not in the area of the Project. It is premature to consider the potential implications of SRL or Doncaster Rail Link in relation to the Project.

4.6 Community and stakeholder engagement submissions response

Table VIII-9 Community and stakeholder submissions response

No.	Community and stakeholder engagement issue	Submissions raising this issue	NELP response
CS1	Concerned that North East Link Project (NELP) has not responded to community suggestions for tunnels to be extended further northwards. Moving the northern portal north to Grimshaw Street would mean a positive public consultation outcome, and validate the process.	9, 76	<p>NELP has undertaken a comprehensive programme of consultation with the community and relevant stakeholders.</p> <p>As outlined in PER Chapter 2 (Objectives of the Action, Table 2-2), one of the guiding principles for North East Link is to minimise impacts on communities. The guiding principles and objectives established the broad strategic direction for the reference project.</p> <p>In response to community feedback and with reference to the guiding principles, NELP investigated extending the tunnel further north to Grimshaw Street. Discussions with the Watsonia Traders Association and other community members who enquired about alternative designs have been undertaken outlining the reasons why this option has not been progressed. For information about the S.M.A.R.T Taxpayer Design (proposed by Fred Buono), refer to Section 4.8 (Design alternatives submissions response) and EES Inquiry and Advisory Committee Technical note 31 (S.M.A.R.T Taxpayers Design) submitted to the Independent Assessment Committee as part of the EES assessment process.</p> <p>Refer to PER Chapter 14 (Consultation) and EES Attachment IV (Stakeholder consultation report) for more information on community consultation.</p>

No.	Community and stakeholder engagement issue	Submissions raising this issue	NELP response
CS2	<p>Concerned that NELP has dismissed the Watsonia Traders Association's alternative design to extend the tunnel north, and has disregarded the best interests of the Watsonia community.</p> <p>NELP has not given reasons why the Community Design is unfeasible.</p> <p>Concerned that if this option is dismissed out of hand, proper consultation cannot be said to have taken place.</p>	26, 29, 32, 33, 35, 36, 40, 41, 44, 47, 51, 52, 54, 55, 57, 64, 74, 78, 79, 80, 81	<p>Consultation with the Watsonia community included addressing alternative proposals for the North East Link design with business and community groups.</p> <p>NELP met with the Watsonia Traders Association on numerous occasions. Community feedback regarding tunnel options for North East Link and community concerns over business impacts were initially considered in the August-October 2017 Community Engagement Report, and in subsequent engagement reports. In response to community feedback and with reference to the guiding principles, NELP investigated extending the tunnel further north to Grimshaw Street. Discussions with the Watsonia Traders Association and other community members who enquired about alternative designs have been undertaken outlining the reasons why this option has not been progressed. For information about the S.M.A.R.T Taxpayer design, please see NELP's Design alternatives submissions responses, and refer to EES Inquiry and Advisory Committee Technical note 31 – S.M.A.R.T Taxpayers Design, submitted to the Independent Assessment Committee as part of the EES assessment process.</p>
CS3	<p>Concerned that NELP has not followed its own engagement principles for effective public participation as outlined in EES Attachment IV (Stakeholder consultation report) including open communication, transparency, collaboration, awareness and information provided.</p>	53, 62, 63	<p>NELP has undertaken a comprehensive programme of consultation with the community and relevant stakeholders.</p> <p>The extensive communication and engagement program undertaken to support the development of the North East Link reference project has demonstrated NELP's commitment to the engagement principles as identified in EES Attachment IV (Stakeholder consultation report).</p> <p>Refer to PER Chapter 14 (Consultation) for relevant information on consultation undertaken for the PER as well as EES Attachment IV (Stakeholder consultation report) for more detail on the North East Link stakeholder consultation program and feedback received.</p>

No.	Community and stakeholder engagement issue	Submissions raising this issue	NELP response
CS4	<p>Concerned about failure of NELP to articulate the outcomes of previous consultative activities.</p> <p>Concern that community concerns conveyed to NELP over past 18 months have not been given response or adequate justification.</p>	62, 63, 66, 68, 69	<p>PER Chapter 14 (Consultation, Section 14.4) describes how feedback received from the community and stakeholders has informed technical assessments and contributed to the reference project or why it has not. The feedback gathered during 2018 is summarised according to key feedback themes. These themes include traffic and transport, noise, landscape and visual, social and air quality impacts.</p> <p>For further detail on how feedback was received and how this has been responded to see the North East Link Community Engagement reports, available on the North East Link website (<northeastlink.vic.gov.au>).</p> <p>For further detail on how feedback received has contributed to North East Link more broadly, refer to EES Attachment IV (Stakeholder and consultation report).</p>

No.	Community and stakeholder engagement issue	Submissions raising this issue	NELP response
CS5	<p>Concerned that there has been a lack of proper consultation and that the community's opinions and suggestions have not been considered.</p> <p>Concerned that the NELP reference project was prepared prior to undertaking any community consultation and has not fundamentally changed since.</p>	60, 61, 68, 69	<p>NELP developed a staged approach for engaging with a broad range of communities and stakeholders. The communication and consultation plan for the project is based on the <i>Victorian Auditor-General's Office Public Participation in Government decision-making</i> and outlines the program and identifies how the engagement process would be continually assessed and revised.</p> <p>NELP's commitment to the community about engagement is that relevant specialists will consider their comments, ideas, suggestions and issues raised, and that NELP will report on which have been incorporated into North East Link, which have not and if so why.</p> <p>At key stages of the development of North East Link, NELP has:</p> <ul style="list-style-type: none"> • Sought feedback from people who attended project information displays and workshops, participated on social media and the website, survey responses and market research to measure performance against the objectives outlined in the communication and consultation plan • Released reports to communities acknowledging feedback received and explaining how this information has been, or is still, being considered and responded to. <p>The project incorporates a number of changes that have been informed by feedback from communities received online, at information sessions, the CTDGs and in small group workshops including design of the M80 interchange, Lower Plenty Road and Manningham interchanges and shared use paths. There were also other changes as a result of community consultation such as the development of an alternative design around Watsonia railway station following concern about local connections around Watsonia railway station and shops.</p> <p>For further detail on how feedback was received and how this has been responded to see the publicly available North East Link Community Engagement reports, available on the North East Link website (<northeastlink.vic.gov.au>).</p> <p>For further detail on how feedback received has contributed to the North East Link reference project more broadly, refer to PER Chapter 14 (Consultation) and EES Attachment IV (Stakeholder and consultation report).</p>

No.	Community and stakeholder engagement issue	Submissions raising this issue	NELP response
CS7	Concerned that NELP has treated Community Liaison Group meetings and public information sessions as public relations exercises and refused to respond to public concern.	62, 63	<p>Implementation of the communication and consultation plan also saw two Community Liaison Groups established by NELP in April 2018 to facilitate community representation during the planning of North East Link and to work with NELP on a range of local issues and opportunities. The Community Liaison Groups represent the northern and southern parts of North East Link geographically.</p> <p>The Community Liaison Groups met regularly throughout 2018 and continue in 2019 to receive project updates and are able to raise and discuss issues, concerns and opportunities on behalf of the communities they represent. Topics to date have been determined based on discussion with Community Liaison Group members and have included the planning process and community engagement, public transport, walking and cycling, urban design, traffic and transport, and construction and constructability.</p> <p>For further detail on how feedback received has contributed to the project more broadly, refer to PER Chapter 14 – Consultation and the EES Attachment IV – Stakeholder and consultation report.</p>
CS8	Concerned that the consultative process for the PER has been less than optimal and piggybacked with other project communication programs.	66	<p>NELP has undertaken a comprehensive programme of consultation with the community and relevant stakeholders – refer to PER Chapter 14 (Consultation).</p> <p>A more comprehensive description of the wider North East Link stakeholder consultation and engagement program is outlined in in EES Attachment IV (Stakeholder consultation report).</p>
CS9	Concerned that government funding for North East Link has already been provided, when consultation is in its early stages and approval has not been achieved.	84	<p>Funding to deliver the project has not yet been allocated.</p> <p>NELP has applied a staged approach to engaging with communities and stakeholders about North East Link since early 2017 during development of the North East Link Business Case.</p> <p>Funding allocated for the planning phase of North East Link has facilitated a robust public consultation process.</p> <p>The public consultation process is described in PER Chapter 14 (Consultation) for the PER and EES Attachment IV (Stakeholder consultation report) for the wider project.</p>

4.7 General comments about the project submissions response

Table VIII-10 General comments about the project submissions response

No.	General comments about the project issue	Submissions raising this issue	NELP response
G1	Supportive of sustainable, low carbon emission technology for North East Link, and specifically for the tunnel ventilation system to reduce impacts. Supportive of the Sustainable Development Goals to track how North East Link would demonstrate its sustainability values, set the precedent and communicate how North East Link tracks against these.	27	NELP has set minimum sustainability objectives and targets for the project. The contractors for the project will be required to achieve these targets which will ensure that sustainability and greenhouse gas impacts of the project will be suitably managed to achieve acceptable outcomes.
G2	Seeks full community engagement specific to the tunnel ventilation system.	27	NELP has carried out a comprehensive program of communications and engagement to keep the community informed about North East Link's progress, provide opportunities to participate in design, and identify and respond to concerns. PER Chapter 14 (Consultation) outlines consultation undertaken with stakeholders, local government and the community. As discussed in PER Chapter 14 (Consultation, Section 14.4) feedback relevant to the PER about ventilation structures has centred on landscape and visual impacts and air quality during operation. In addition, EES Attachment II (Urban design strategy) includes detailed requirements for North East Link structures (including the ventilation structures). The Urban Design Strategy was shaped by feedback and values-based information from the community. Any further impacts would be managed by the implementation of mitigation measures such as the implementation of a Communications and Community Engagement Plan and the monitoring of in-tunnel air quality and ventilation structure emissions, and would require community engagement and public reporting of monitoring results.

No.	General comments about the project issue	Submissions raising this issue	NELP response
G3	<p>Concerned there would not be suitable sites for disposing of spoil that is not to be reused.</p> <p>Suggests an investigation should be undertaken into the use of quarries for storage facilities for the additional materials generated during construction.</p>	27, 82	<p>The PER assesses relevant construction impacts on Commonwealth land in PER Chapter 3 (Description of the action, specifically Section 3.3.10). Section 3.3.10 clarifies that North East Link would generate spoil during construction which would be used within the EPBC boundary or transported away via designated haulage routes. PER Technical Appendix D (Commonwealth Land, Section 28) includes an assessment of potential contaminated land impacts to human health and the environment from excavation, stockpiling, transport and treatment/disposal of contaminated soil and acid sulfate soil and rock. This concludes that spoil from Commonwealth land would represent a relatively small proportion of the total spoil that would be generated by North East Link's construction.</p> <p>To mitigate potential environmental risks associated with excavation and spoil management, proposed avoidance and mitigation measures include the development of a Spoil Management Plan (SMP). The SMP would be developed in consultation with EPA Victoria and would guide spoil management and disposal during construction, based on a waste management hierarchy where landfill disposal is the least favoured option. A number of potential disposal sites have been identified for surplus spoil and other opportunities may be identified as part of detailed design and construction. During detailed design, the contractor would be required to adopt waste management practices consistent with the <i>Environment Protection Act 1970</i> (Vic) when assessing options for spoil management. For further detail on the Spoil Management Plan, see PER Technical Appendix D (Commonwealth Land, Part D).</p> <p>For information related to spoil management for North East Link as a whole, refer to the EES. EES Chapter 23 and Technical Report O (Contamination and soil) assess potential construction impacts on public health, environment and amenity as a result of contamination and soil.</p>

No.	General comments about the project issue	Submissions raising this issue	NELP response
G4	Concerned about the health and wellbeing of communities as a result of acquisition, changes to access, and amenity and character, noise, air quality, vibration and light impacts.	61	<p>The PER has assessed relevant impacts to the health and wellbeing of communities in Technical Appendix D (Commonwealth land, Section 10), with specific reference to personnel located at Simpson Barracks. Section 10 describes potential social impacts to personnel as a result of land acquisition, amenity changes, noise and vibration, lighting and air quality, and includes suggested mitigation strategies for each impact. Section 10 concludes that while there would be social impacts during the construction, the social impacts would be positive once North East Link was operating.</p> <p>For assessment of health and wellbeing impacts to the wider community as a result of North East Link as a whole, refer to the EES. The EES discusses property acquisition and associated impacts within the project boundary in EES Chapter 11 and Technical Report E (Land use planning), EES Chapter 14 and Technical Report F (Business) and EES Chapter 17 and Technical Report I (Social). Visual and lighting impacts are discussed in EES Chapter 16 and Technical Report H (Landscape and visual). Noise and vibration and air quality impacts are assessed in EES Chapter 11 and Technical Report C (Surface noise and vibration) and EES Chapter 10 and Technical Report B (Air quality).</p>
G5	Suggests that North East Link would not meet the principles of ecologically sustainable development.	62, 63, 71	<p>The reference project for North East Link has been developed with appropriate consideration to the five principles of ecological sustainable development contained in the EPBC Act. The assessment against the principles of ecologically sustainable development is summarised in PER Chapter 18 (Conclusion, Table 18-1).</p>
G6	Concerned about physical, social, visual economic, and environmental impacts.	62, 63	<p>In accordance with the PER Guidelines, PER Technical Appendix D (Commonwealth land) contains an assessment of potential impacts on the whole-of-environment matters on Commonwealth land including social, visual, business and environmental assessments. Potential impacts were assessed using the EPBC Act Significant Impact Guidelines 1.2.</p> <p>For information relating to North East Link as a whole, refer to the EES. The primary focus of the EES is to assess the environmental effects of the project. In particular, assessments relating to social, economic and visual impacts are contained in EES Chapter 17 and Technical Report I (Social), EES Chapter 14 and Technical Report F (Business) and EES Chapter 16 and Technical Report H (Landscape and visual).</p>

No.	General comments about the project issue	Submissions raising this issue	NELP response
G7	Argues that the PER does not specify that North East Link would be a toll road, which may be misleading.	73	PER Chapter 3 (Description of the action, Section 3.5.3) discusses the toll road. Section 3.5.3 explains that toll-free roads for local trips would be maintained between the Eastern Freeway and the M80 Ring Road. Tolls would apply to vehicles travelling on the new road, but no new tolls would apply on existing roads.
G8	Argues there is inconsistency between the PER and the EES Summary Report in regards to potential indirect impacts (specific reference to page 211 (section under Table 10-20 (Macquarie Perch) of PER Technical Appendix A (Flora and fauna) and page 54 of the EES Summary Report).	82	The section of PER Technical Appendix A (Flora and fauna) referenced in the submission identifies potential indirect impacts and proposes mitigation measures to reduce the likelihood and/or extent of impact. This is in accordance with the PER Guidelines and the EPBC Act assessment process undertaken for the PER. The EES Summary Report identifies that 'protecting the Yarra River, its tributaries, floodplain and surrounding significant sites has been a core requirement for North East Link from the outset' (page 17).
G9	Concerned about the impacts to 26,000 trees and the low success rate of the plantings. Requests additional tree planting within the corridor rather than the virtual 'no net loss' proposal of 30,000 replacement for 26,000 lost.	6, 53, 73, 75, 77	The PER assesses the proposed removal of vegetation as relevant to protected matters under the EPBC Act. Refer to PER Technical appendix A – Flora and Fauna and PER Technical Appendix D – Commonwealth land. The project will implement a Tree Canopy Replacement Plan and will offset the removal of native vegetation to compensate for the tree removal as part of the project. Refer to PER Attachment III – EES Environmental Management Framework and Environmental Performance Requirements.
G10	Argues the opening picture (substantial green space with trees) misleads the reader.	73	The opening picture is of the current Bulleen Road landscape, where part of North East Link would be constructed. This issue is not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.

4.8 Design alternatives submissions response

Table VIII-11 Design alternatives submissions response

No.	Design alternatives issue	Submissions raising this issue	NELP response
DA1	<p>Banyule City Council has engaged an independent tunnelling expert who confirmed that extending the tunnel 2.5 km north from Lower Plenty Road was feasible. BabEng has provided a report on the extension of the underground alignment.</p> <p>In general, submitters who supported the BabEng design felt there was insufficient consideration of a wider range of alternatives to protect the Studley Park Gum and Matted Flax-lily habitat and negate the need to impact Simpson Barracks.</p> <p>The reasons given in support of the BabEng design include:</p> <ul style="list-style-type: none"> • It may reduce vehicle emissions, meaning less fuel, less noise for locals and avoid division of Watsonia • It may provide better environmental and community outcomes • It may provide alternatives to Lower Plenty Road interchange, through a greater use of tunnels, and less impact on vegetation • As a result it offers less impacts on MNES. 	4, 40, 43, 5, 9, 71, 48, 50, 53, 67	<p>North East Link Project (NELP) has reviewed the proposed BabEng Option B design and identified that it could be built and would be functional from a traffic perspective. The key benefits of this option would be the significant reduction in the visibility of North East Link in the Watsonia area (from Blamey Road to Nell Street) and a reduction in the surface footprint within the Simpson Barracks by around 1.8 hectares.</p> <p>However, the proposed BabEng Option B design would lead to a number of additional challenges for design functionality and disadvantages relating to the environmental impact and cost. Option B would require an additional cost in the order of \$1.49 billion, and an additional construction time of approximately 1.5 to 2 years.</p> <p>The alternative design for the Grimshaw Street interchange would need to accommodate a changed alignment of the on and off-ramps, the northern ventilation structure, and the diversion of Greensborough Road during construction. To facilitate this alternative design, there would need to be additional temporary and permanent land acquisitions at Watsonia Primary School and Concord Special School.</p> <p>The relocation of the northern portal would necessitate relocating the northern tunnel ventilation structure to the area south of Grimshaw Street and adjacent to the portal. This would result in different visual impacts in the locality. The longer tunnels would also require a significant increase in the overall capacity of the ventilation system and would result in its operation being more energy-intensive. Taller emission structures may also ultimately be required to service the extended tunnels.</p> <p>Proposed BabEng Option B would not change the impacts of the Lower Plenty Road interchange within and south of Simpson Barracks. As the majority of important ecological values are south of Blamey Road, Option B would not significantly reduce the impact on patches of native vegetation, Matted Flax-lily <i>Dianella amoena</i> and Studley Park Gum <i>Eucalyptus X studleyensis</i>.</p>

No.	Design alternatives issue	Submissions raising this issue	NELP response
			<p>For further detail on NELP's response to the BabEng Report, refer to EES Inquiry and Advisory Committee Technical Note 30, submitted to the Inquiry and Advisory Committee by NELP as part of the EES assessment process. NELP has also provided additional detail on tunnelling beneath Simpson Barracks (EES Inquiry and Advisory Committee Technical Note 48), the rationale for land bridges (EES Inquiry and Advisory Committee Technical Note 47) and the northern extension of the tunnelled section SMART Taxpayer Design (EES Inquiry and Advisory Committee Technical Note 31).</p> <p>For further detail on the alternative options explored for the North East Link design, including a review of different tunnelling options, refer to PER Chapter 4 (Feasible alternatives) and PER Attachment IV (Options assessment).</p>
DA2	Prefers Option C to avoid most residents and businesses.	3, 6	<p>Alternative corridor options were assessed as part of the North East link Business Case. Alternative corridor options explored for North East Link, and the process for selecting the preferred corridor, is described in PER Chapter 4 – Feasible alternatives. Refer to Section 4.4 for a description of the four corridors considered.</p> <p>The PER assesses potential impacts of the reference project during construction and operation on protected matters under the EPBC Act. Feasible alternatives are addressed in PER Chapter 4 and PER Attachment IV, in accordance with the PER Guidelines.</p> <p>The potential impacts to businesses and residents which are not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act are assessed as part of the EES. The EES discusses property acquisition and associated impacts in the project boundary in EES Chapter 11 and Technical Report E (Land use planning), EES Chapter 14 and Technical Report F (Business) and EES Chapter 17 and Technical Report I (Social). The EES also discusses the rationale and design considerations in EES Chapter 2 (Project rationale) and EES Chapter 6 (Project development) that led to the selection of the preferred option.</p>

No.	Design alternatives issue	Submissions raising this issue	NELP response
DA3	<p>An alternative design has been proposed by the Watsonia Traders Association (Fred Buono) to extend the tunnel further north to reduce/eliminate environmental concerns.</p> <p>Submitters who support this alternative design had concerns including impacts to the local businesses at the Watsonia Road shopping strip, impacts on EPBC-protected flora and fauna, and noise and light pollution impacts.</p>	<p>26, 29, 30, 32, 33, 36, 39, 40, 41, 43, 44, 47, 50, 51, 52, 54, 55, 57, 60, 61, 62, 63, 64, 70, 78, 79, 80, 81</p>	<p>NELP has assessed the alternative proposal ('SMART Taxpayer Design') in response to the North East Link reference project.</p> <p>This option would present a number of challenges and disadvantages relating to design functionality, traffic and cost compared with the reference project, with an estimated additional cost of \$2 billion.</p> <p>As the proposal for the SMART Taxpayer Design does not include a Lower Plenty Road interchange, the impacts to flora and fauna at Simpson Barracks would be avoided. However, removing a Lower Plenty Road interchange would have implications on traffic and job accessibility and reduced the benefits of the project. Through traffic modelling, it was estimated that around 65,000 vehicles per day would use the Lower Plenty Road interchange ramps under the reference project by 2036, and in the absence of the interchange, these vehicles would be moved onto the arterial road network. Compared to the reference project, modelling indicates that traffic would increase on parallel arterial roads including Plenty Road, Rosanna Road, Waterdale Road and Waioara Road. The alternative proposal does provide the option for the construction of the Lower Plenty Road interchange in the future however it incorrectly assumes that this can be constructed without major disruption to the operating roadway. Constructing the Lower Plenty interchange in the future would also have impacts on the Simpson Barracks.</p> <p>The provision of the tunnel ventilation structure in an unspecified location remote from the northern tunnel portal (potentially 2 km to the south of the northern portal) would introduce considerable complexity and would compromise the efficient operation of the ventilation system. This may also have consequences in respect of further land acquisition and/or tunnel structures to accommodate a large volume ventilation ducting.</p>

No.	Design alternatives issue	Submissions raising this issue	NELP response
			<p>For a tunnel of this size and length, a ventilation facility in the proximity of the northbound tunnel exit portal is almost certainly required. It is further likely the existing ventilation facility at Blamey Road would still be required in some form, albeit functioning as both air intake and an outlet for vitiated air.</p> <p>For further detail on NELP's response to this alternative proposal, refer to EES Inquiry and Advisory Committee Technical Note 31, submitted to the Independent Inquiry and Advisory Committee by NELP as part of the EES assessment process. NELP has also provided additional detail on tunnelling beneath Simpson Barracks (EES Inquiry and Advisory Committee Technical Note 48), the rationale for land bridges (EES Inquiry and Advisory Committee Technical Note 47), and the northern extension of the tunnelled section BabEng Option B (EES Inquiry and Advisory Committee Technical Note 30).</p> <p>For further detail on the alternative options explored for the North East Link design, refer to PER Chapter 4 (Feasible alternatives) and PER Attachment IV (Options assessment).</p> <p>For further detail on the business impact assessment that includes the Watsonia Village business activity centre, refer to EES Chapter 14 and Technical Report F (Business).</p>

No.	Design alternatives issue	Submissions raising this issue	NELP response
DA4	<p>Requests an alternative design for the Lower Plenty Road interchange which would protect almost all the remnant red gums at Simpson Barracks and improve Greensborough Road, via a tunnel under Simpson Barracks.</p> <p>Concerned that the traffic modelling used for the design of the Lower Plenty Road interchange is flawed – this section refers to EES Technical Report A (Traffic and transport) and correspondence with NELP's to date about concerns for traffic modelling and the alternative design proposed.</p>	24	<p>NELP has assessed the alternative proposal ('SMART Taxpayer Design') in response to the North East Link reference project.</p> <p>This option would lead to a number of challenges in relation to design functionality, traffic and cost compared with the reference project, with an estimated additional cost of \$2 billion.</p> <p>As the proposal for the SMART Taxpayer Design does not include a Lower Plenty Road interchange, the impacts to flora and fauna at Simpson Barracks would be avoided. However, removing a Lower Plenty Road interchange would have implications on traffic and job accessibility and reduced the benefits of the project. Through traffic modelling, it was estimated that around 65,000 vehicles per day would use the Lower Plenty Road interchange ramps under the reference project by 2036, and in the absence of the interchange, these vehicles would be moved onto the arterial road network. Compared to the reference project, modelling indicates that traffic would increase on parallel arterial roads including Plenty Road, Rosanna Road, Waterdale Road and Waioara Road. The alternative proposal does provide the option for the construction of the Lower Plenty Road interchange in the future however it incorrectly assumes that this can be constructed without major disruption to the operating roadway. Constructing the Lower Plenty interchange in the future would also have impacts on the Simpson Barracks.</p> <p>The traffic modelling that has informed the PER assessment is adequate for the purposes of assessing the impacts of the project on protected matters under the EPBC Act. The strategic transport model was peer reviewed by Willumsen Advisory Services. In the peer review report dated February 2019, the peer reviewer concluded that 'Having undertaken a review of the model, assumptions, the calibration and validation tasks, its parameters, the sensitivity and reasonableness tests and convergence levels I conclude that the model is appropriate.</p>

No.	Design alternatives issue	Submissions raising this issue	NELP response
			<p>The input assumptions which underpin the strategic modelling results (such as population and employment forecasts) were sourced from the Victorian Government. Consultation was undertaken with relevant authorities and stakeholders relating to traffic and transport. PER Technical Appendix D (Commonwealth land) lists specific engagement relating to traffic and transport undertaken for the PER.</p> <p>NELP has also provided additional detail on tunnelling beneath the Simpson Barracks (EES Inquiry and Advisory Committee Technical Note 48), the rationale for land bridges (EES Inquiry and Advisory Committee Technical Note 47) and the northern extension of the tunnelled section BabEng Option B (EES Inquiry and Advisory Committee Technical Note 30).</p>
DA5	<p>Concerned that the current design would split the Watsonia community in half.</p> <p>Concerns that Watsonia railway station car park would reduce business at the Watsonia shopping strip.</p> <p>Reference to the alternative design proposed by Watsonia Traders Association.</p>	35, 42	<p>This issue is not directly relevant to the environment on Commonwealth land or a matter protected under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)</p> <p>The EES contains a business impact assessment that addresses impacts on the Watsonia Village business activity centre and an assessment of the impacts on businesses from permanent land acquisition or temporary occupation. For further detail, refer to EES Chapter 14 and Technical Report F (Business).</p> <p>Refer to above NELP responses DA3 and DA4 in respect of NELP's response to the SMART Taxpayer Design.</p>

No.	Design alternatives issue	Submissions raising this issue	NELP response
DA6	<p>Design – Want to remove the Lower Plenty Road interchange and extend the tunnel north under Banyule to reduce the environmental impact to Borlase Reserve, maintain community connections, stabilise housing prices and reduce construction impacts to Watsonia Activity Centre.</p> <p>The more tunnelling the better it will be to live in Banyule and commute to where we need to go.</p>	38, 50, 53, 61, 68, 69 74, 76	<p>An interchange at Lower Plenty Road is a critical element of the North East Link and if it were removed the benefits of the project would be reduced.</p> <p>Approximately 65,000 vehicles per day are predicted to use the Lower Plenty Road interchange ramps by 2036, and in the absence of the interchange this traffic would be forced onto the arterial road network. Under this scenario, traffic volumes are predicted to increase on nearby parallel arterials including Plenty Road, Rosanna Road, Para Road, Waterdale Road and Waiora Road, with some trips diverting to routes as far as Chandler Highway and Burke Road. Traffic volumes are also predicted to increase near the Grimshaw Street and Manningham Road interchanges, which incur additional demand under this option. In particular, an increase in demand for the Manningham Road interchange significantly increases the projected traffic volumes on the bridge at the Yarra River.</p> <p>The removal of this interchange would likely increase traffic demand on North East Link and deteriorate operational performance of the Grimshaw Street and Manningham Road interchanges. Approximately 16,000 additional vehicles per day are forecast to use the Grimshaw Street and Manningham Road interchanges (approximately 8,000 additional vehicles each). The results indicate that, on average, residents of Banyule would lose access to approximately 25,000 jobs within a 45-minute car trip in the morning peak. Residents of Manningham would, on average, be able to access 5,000 less jobs for the same trip.</p> <p>Overall, it was determined that not including a Lower Plenty Road interchange as part of the reference project would mean that North East Link would be significantly less effective in addressing the identified transport problems in the north-east.</p> <p>For further detail on the assessment of feasible interchange options, refer to PER Chapter 4 (Feasible alternative, Section 4.5.3).</p>
DA7	<p>Concerned that North East Link would discourage army personnel visiting the Watsonia Road shopping strip due to impacts on accessibility.</p> <p>Concerned about impact to local business at the Watsonia Road shopping strip.</p>	60	<p>Impacts on Watsonia Road shopping strip are not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The EES has conducted a business impact assessment that includes the Watsonia Village business activity centre and an assessment of the impacts on businesses from permanent land acquisition or temporary occupation. For further detail, refer to EES Chapter 14 and Technical Report F (Business).</p>

No.	Design alternatives issue	Submissions raising this issue	NELP response
DA8	Documentation for North East Link has been prepared in a manner that implies a pre-determined construction methodology, rather than a design-led, engineered solution that addresses or negates the highly invasive and destructive construction approach promoted by NELP. The proponent has failed to consider or acknowledge alternative design options to reduce/eliminate the need to acquire and impact Commonwealth land.	66	Alternative options explored for design, including a review of different tunnelling options, are described in PER Chapter 4 (Feasible alternatives) and PER Attachment IV (Options assessment). PER Chapter 3 (Description of the action) outlines a construction methodology for the reference project that represents one possible way to deliver North East Link. The details presented in PER Chapter 3 are therefore subject to final design and construction methodology and program for the project.
DA9	Would prefer investment in public transport (specifically a Doncaster rail project).	75, 77	Feasible alternatives are addressed in PER Chapter 4 and PER Attachment IV, in accordance with the PER Guidelines.
DA10	NELP has not considered reasonable alternatives.	76, 83	Feasible alternatives are addressed in PER Chapter 4 and PER Attachment IV, in accordance with the PER Guidelines.
DA11	The more expensive North East Link alignment option that loops further outside Melbourne would reduce more traffic on Eastern Freeway/Alexandra Parade/College Crescent. The PER fails to provide a basis for rejecting feasible alternatives.	16, 71	Feasible alternatives are addressed in PER Chapter 4 and PER Attachment IV, in accordance with the PER Guidelines.

No.	Design alternatives issue	Submissions raising this issue	NELP response
DA12	Disagrees in general with prioritisation of freeways over other solutions to remove traffic and improve services (better public transport, spending money elsewhere, other workplace solutions).	11	The alternatives considered in the development of North East Link are described in PER Chapter 4 (Feasible alternatives). A number of alternative strategic interventions to North East Link were examined as part of the reference project development process including providing new transport assets, managing the demand on the transport network through demand management pricing, or land zoning to encourage living and working in the same area. Following the decision to increase the supply of transport assets, a number of strategic options were assessed, including public transport options. However, a public transport option would not address freight movement problems between the north and south-east and would not address last mile deliveries that are carried out mostly via the road network. Therefore this option did not align with the objectives for North East Link. For further detail on the development and assessment of the strategic interventions and options, see PER Chapter 4 (Feasible alternatives, Section 4.3).
DA13	Preference for alternative design – Option 3 past Ringwood tunnel.	34, 6	The alternative corridor options were assessed as part of the North East Link Business Case. Alternative corridor options explored for North East Link and the process for selecting the preferred corridor are described in PER Chapter 4 (Feasible alternatives). Refer to PER Chapter 4 (Feasible alternatives, Section 4.4) for a description of the four corridors considered.
DA14	North East Link would fail to achieve its objectives and be a waste of public money. It would divert funds from other much needed public transport and rail freight initiatives. North East Link is not a solution for medium to long-term transport issues in north-east Melbourne.	53	The alternatives considered in the development of North East Link are described in PER Chapter 4 (Feasible alternatives). A number of alternative strategic interventions to North East Link were examined according to the objectives for North East Link as part of the reference design development process. These strategic interventions included providing new transport assets, managing the demand on the transport network through demand management pricing, or land zoning to encourage living and working in the same area. Following the decision to increase the supply of transport assets, a number of strategic options were assessed, including public transport options. However, a public transport option would not address freight movement problems between the north and south-east and would not address last mile deliveries that are carried out mostly via the road network. Therefore this option did not align with the objectives for North East Link. For further detail on the development and assessment of the strategic interventions and options, see PER Chapter 4 (Feasible alternatives, Section 4.3).

No.	Design alternatives issue	Submissions raising this issue	NELP response
DA15	Support for Suburban Rail Loop and Doncaster Rail and concern that widening of the Eastern Freeway would prevent these future projects. PER fails to consider sustainable transport options.	71, 75, 77	The SRL is currently subject to strategic assessment, and is intended to be developed in stages over multiple decades, with the first stage not in the area of the Project. It is premature to consider the potential implications of SRL or Doncaster Rail Link in relation to the Project. A future Doncaster Rail option would not be precluded by North East Link, and the Doncaster Busway corridor could accommodate heavy rail in the future, should that project be recommended. North East Link does not also preclude a future SRL project.
DA16	Concerned about inconsistency of traffic modelling and business case modelling numbers which mean that other project alternatives should be considered.	71	The PER contains a discussion of economic and social matters at Chapter 16 (Economic and social matters), including a summary of the cost benefit analysis that was undertaken in respect of the Project in the North East Link Business Case, which is listed as a reference document in Chapter 16 and Attachment VII of the PER. The North East Link Business Case included details of the costs and benefits of alternative options. Feasible alternatives are addressed in PER Chapter 4 (Feasible alternatives) and PER Attachment IV (Options assessment), in accordance with the PER Guidelines.
DA17	Comments that circular logo may be misleading as the North East Link design is not circular.	73	This issue is not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.
DA18	Concerned that NELP has not considered design alternatives that would reduce impacts on MNES.	62, 63, 53, 48	Feasible alternatives are addressed in PER Chapter 4 and PER Attachment IV, in accordance with the PER Guidelines.

No.	Design alternatives issue	Submissions raising this issue	NELP response
DA19	<p>States that route choice is flawed as no human health review was carried out in choice of route.</p> <p>States that other routes may offer better health and environmental outcomes.</p> <p>States that the road is not truly orbital as it routes the M80 Ring Road through built up areas.</p>	73	<p>Feasible alternatives are addressed in PER Chapter 4 and PER Attachment IV, in accordance with the PER Guidelines.</p> <p>For further detail on the corridor assessment, see the North East Link Business Case, Chapter 5 (Options).</p> <p>PER Chapter 2 (Objectives of the action) discusses the strategic context for North East Link including the need for improved cross-city and orbital connections, and the ways in which North East Link addresses this gap in connectivity. PER Chapter 2 describes orbital movements as trips around Melbourne via the outer suburbs such as using the M80 Ring Road, arterial roads and the Monash Freeway. Poor connectivity has negative impacts for business access to labour markets and restricts employment opportunities. This also impacts freight flows across Melbourne from the north to the east and south-east, which currently rely heavily on cross-city arterial roads including Greensborough Road, Rosanna Road, Manningham Road, Burke Road and Fitzsimons Lane. North East Link therefore addresses this need for orbital connectivity. For further detail, refer to PER Chapter 2 (Objectives of the action).</p>
DA20	<p>States that the PER should consider other alternatives to North East Link including: not proceeding, slowing population growth, generating a sustainable economic system, having sustainable natural resource use, improving mass transportation systems, and utilising urban corridors with natural land/farm land in between.</p>	84	<p>Feasible alternatives are addressed in PER Chapter 4 and PER Attachment IV, in accordance with the PER Guidelines.</p> <p>Slowing population growth and generating a sustainable economic system are not within the scope of the PER or the EES.</p>

4.9 Out of scope submissions response

Table VIII-12 Out of scope submissions response

No.	Out of scope issue	Submissions raising this issue	NELP response
OS1	Concerned about the potential loss of Bulleen Art and Garden and the Greenery Nurseries.	1, 6	<p>Impacts on Bulleen Art and Garden and the Greenery Nurseries are not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The North East Link Environment Effects Statement (EES) assesses the potential property, business and social impacts relating to Bulleen Art and Garden.</p> <p>Refer to EES Chapter 13 and Technical Report E (Land use planning), EES Chapter 14 and Technical Report F (Business) and EES Chapter 17 and Technical Report I (Social).</p>
OS2	Concerned about operational impacts on residential property at the Bulleen Road and Eastern Freeway interchange, including concerns about property values, air quality and noise.	2	<p>Impacts on residential properties at the Bulleen Road interchange are not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The EES assesses the impact of North East Link on these residential properties during its construction and operation.</p> <p>Refer to EES Chapter 10 and Technical Report B (Air quality) and EES Chapter 11 and Technical Report C (Surface noise and vibration).</p>
OS3	Concerned about increase in traffic volumes, removal of public open space and community facilities, and decrease in public safety in Boroondara.	3	<p>The scope of the traffic assessment in the PER (see PER Technical Appendix D – Commonwealth land, Section 11) assesses traffic impacts affecting Commonwealth land, including use of local roads, and journey time to and from Simpson Barracks.</p> <p>The EES assesses impacts of North East Link in terms of traffic volumes, open space and community facilities in Boroondara.</p> <p>Refer to EES Chapter 9 and Technical Report A (Traffic and transport), EES Chapter 13 and Technical Report E (Land use planning) and EES Chapter 17 and Technical Report I (Social).</p>

No.	Out of scope issue	Submissions raising this issue	NELP response
OS4	Concerned about the destruction of the Bulleen Templestowe precinct.	6	<p>Impacts on the Bulleen Templestowe precinct are not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The EES assesses potential impacts of North East Link on the Bulleen Templestowe precinct. Refer to EES Chapter 13 and Technical Report E (Land use planning), EES Chapter 14 and Technical Report F (Business), EES Chapter 17 and Technical Report I (Social) and EES Chapter 19 and Technical Report K (Historical heritage).</p>
OS5	<p>Concerned about removal of service road along Templestowe Road. States that loss of service road would pose safety and noise concerns for residents.</p> <p>Concerned about impact on property prices.</p>	15	<p>Removal of the service road along Templestowe Road is not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The EES assesses the potential impact of North East Link on local roads within the north-east during construction and operation, including Templestowe Road, and how this correlates to impacts on traffic, public transport, cyclists, pedestrians and residents.</p> <p>Refer to EES Chapter 8 (Project description), EES Chapter 9 and Technical Report A (Traffic and transport), EES Chapter 11 and Technical Report C (Surface noise and vibration) and EES Chapter 17 and Technical Report I (Social).</p>
OS6	<p>Concerned about increased noise levels occurring at Schwerkolt Cottage Reserve and nearby residences on the east side of the Melba/Mullum Mullum tunnels due to increased traffic from North East Link.</p> <p>Requests gap in noise walls south of EastLink at this location to be closed to decrease noise levels in surrounding area.</p>	8	<p>Noise levels at reserves and residential premises in this area are not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The EES assessed the impact of noise of residences up to 400 m each side of the road centre line, which does not extend to Schwerkolt Cottage and nearby residences east of the Melba/Mullum Mullum tunnel. Beyond 400 m, acoustic conditions would be dominated by other noise sources such as local traffic.</p> <p>Refer to EES Chapter 11 and Technical Report C (Surface noise and vibration).</p>
OS7	Would like to know if property would be directly affected by North East Link.	11	<p>Impacts on individual private properties are not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The EES discusses impacts to private properties within the project boundary. Property owners concerned about impacts to their property can contact NELP.</p> <p>Refer to EES Chapter 11 and Technical Report E (Land use planning).</p>

No.	Out of scope issue	Submissions raising this issue	NELP response
OS8	Concerned with construction air quality impacts, as well as land use and greenhouse gas emissions impacts to properties in Doncaster.	11	<p>Construction air quality impacts, land use and greenhouse gas emission impacts to properties in Doncaster is not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The EES assesses how North East Link could impact the environment outside of Commonwealth land, including in Doncaster, and includes the impacts on air quality, land use and greenhouse gas emissions during construction.</p> <p>Refer to EES Chapter 11 and Technical Report E (Land use planning), Chapter 10 and EES Technical Report B (Air quality) and EES Chapter 26 and Technical Report R (Greenhouse gas).</p>
OS9	Concerned about impacts on existing properties adjacent to North East Link between Blamey Road and Grimshaw Street, including a reduction in visual amenity, higher housing stock turnover due to population not engaging with/in community.	9	<p>The PER assesses how North East Link could affect the environment on Commonwealth land including visual, land use and social impacts. Blamey Road is the main entrance into Simpson Barracks. Refer to PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land) and PER Technical Appendix D (Commonwealth land).</p> <p>Impacts on properties between Blamey Road and Grimshaw Street outside of Commonwealth land are not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act. The EES assesses the potential visual, land use and social impacts on properties that are not on Commonwealth land, including between Blamey Road and Grimshaw Street.</p> <p>Refer to EES Chapter 11 and Technical Report E (Land use planning), EES Chapter 16 and Technical Report H (Landscape and visual) and EES Chapter 17 and Technical Report I (Social).</p>

No.	Out of scope issue	Submissions raising this issue	NELP response
OS10	<p>Concerned with the removal of 300-year old tree at Manningham Road and Bridge Street intersection. Suggests that it doesn't need to be a tree vs road situation.</p> <p>Requests a redesign of North East Link to prevent the removal of the 300-year old River Red Gum tree at Manningham Road in Bulleen.</p> <p>Does not believe the 300-year old tree at the Manningham Road and Bridge Street intersection should be removed. Wants to retain this tree as a valuable piece of Victorian natural heritage.</p>	6, 10, 12, 13, 14, 16, 45, 49, 53, 62, 63	<p>The potential removal of the Red River Gum at Manningham Road in Bulleen is not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The EES historic heritage assessment considered impacts to the River Red Gum at the Manningham Road interchange.</p> <p>Refer to EES Chapter 19 and Technical Report K (Historical heritage). Design considerations including for the Manningham Road interchange are referred to in EES Chapter 2 (Project rationale), EES Chapter 6 (Project development) and EES Chapter 8 (Project description).</p>
OS11	<p>Concerned about noise impacts to people, particularly the impact of noise from trucks on residential properties at night and acknowledging the VicRoads noise policy would not be achieved.</p>	19	<p>The PER assesses impacts on the environment of Commonwealth land and MNES. The EES assesses noise impacts to residential properties located outside of Commonwealth land, which are not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The EES surface noise and vibration study assessed noise impacts residential properties and developed mitigation measures in response to the impact assessment.</p> <p>Refer to EES Chapter 11 and Technical Report C (Surface noise and vibration).</p>
OS12	<p>Concerned about noise and pollution from the Eastern Freeway and how these impacts would be minimised or managed for properties located on Estelle Street, Bulleen.</p> <p>Also query about the design of the noise walls along the Eastern Freeway.</p>	21, 22	<p>Noise and air pollution at Estelle Street Bulleen are not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The EES assesses the potential air and noise impacts on the environment along the Eastern Freeway.</p> <p>Refer to EES Chapter 8 (Project description), EES Chapter 10 and Technical Report B (Air quality), EES Chapter 11 and Technical Report C (Surface noise and vibration) and EES Attachment II (Urban design strategy).</p>

No.	Out of scope issue	Submissions raising this issue	NELP response
OS13	Query about the location of the pedestrian bridge over Eastern Freeway.	21	<p>The location of pedestrian bridges over the Eastern Freeway is not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The EES assesses the potential impacts of a reference project which includes pedestrian bridges over the Eastern Freeway.</p> <p>Refer to the EES Map Book and EES Chapter 8 (Project description) for details of the proposed pedestrian bridge locations.</p>
OS14	<p>Concerned about the Eastern Freeway design and construction program, asks that tunnelling be considered, not widening the freeway or otherwise acquire the homes needed to widen the freeway.</p> <p>Seeks the construction program to be changed to build the freeway first, not last.</p>	22	<p>The PER assessed potential impacts of the North East Link reference project during construction and operation. Feasible alternatives are addressed in PER Chapter 4 and PER Attachment IV, in accordance with the PER Guidelines.</p>
OS15	Concerned about impacts to Ilma Court residents during construction and operation.	25, 28, 31	<p>Impacts on residents at Ilma Court during construction and operation are not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The EES assesses impacts to residents due to the construction and operation of North East Link.</p> <p>Refer to EES Chapter 10 and Technical Report B (Air quality), EES Chapter 11 and Technical Report C (Surface noise and vibration) EES Chapter 16 and Technical Report H (Landscape and visual), EES Chapter 11 and Technical Report E (Land use planning), EES Chapter 17 and Technical Report I (Social) and EES Chapter 14 and Technical Report F (Business).</p>

No.	Out of scope issue	Submissions raising this issue	NELP response
OS16	<p>Concerns about business impacts to the Watsonia Road shopping strip including:</p> <ul style="list-style-type: none"> The multi-level car park at Watsonia railway station would block visibility to the shopping strip from Greensborough Road and concern if the carpark includes retail outlets it would put business at risk Loss of business The assessment does not sufficiently cover impacts on local businesses and commercial centres. 	26, 29, 30, 32, 33, 35, 36, 39, 44, 51, 52, 54, 60, 40, 41, 47, 51, 55, 57, 64, 71, 78, 79, 80, 81	<p>Business impacts to the Watsonia Road shopping strip are not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The EES assesses impacts on businesses due to North East Link that included the Watsonia Village business activity centre.</p> <p>Refer to EES Chapter 14 and Technical Report F (Business).</p>
OS17	<p>Concerned about impacts on the Banyule community including connectivity and social impacts and Watsonia Road shopping strip traders.</p>	44, 54	<p>Simpson Barracks is located in the City of Banyule and the Commonwealth land assessment includes an assessment of impacts on people and communities at Simpson Barracks. Refer to Chapter 9, Section 9.2.2 – People and communities and PER Technical Appendix D – Commonwealth land technical report.</p> <p>Impacts on Watsonia Road shopping strip traders are not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>Impacts on Watsonia Road shopping traders and community are considered as part of the EES.</p> <p>Refer to Chapter 17 and Technical Report I (Social).</p>

No.	Out of scope issue	Submissions raising this issue	NELP response
OS18	Request for community engagement to work with communities to minimise impacts to sporting facilities during construction and operation. Concerned about the impacts to community sporting facilities.	27	<p>As outlined in PER Chapter 14 – Consultation, NELP has carried out a comprehensive program of communications and engagement to keep the community informed on progress of North East Link, providing opportunities to participate in design, and to identify and respond to concerns. Feedback relevant to the PER about ventilation structures has centred on landscape and visual impacts and air quality during North East Link’s operation.</p> <p>The issue of community sporting facilities is not directly related to the environment on Commonwealth land or a matter protected under the EPBC Act. However, NELP has undertaken consultation with communities and stakeholders, including sporting facilities. For detail relating to minimising impacts to sporting facilities, refer to EES Chapter 17 and Technical Report I (Social).</p> <p>A comprehensive description of the wider community and stakeholder consultation program is provided in EES Attachment IV (Community and stakeholder report). Also refer to EES Chapter 7 (Urban design) and EES Attachment II (Urban Design Strategy), which includes detailed requirements for ventilation structures—noting this strategy was shaped by feedback and values-based information from the community.</p>
OS19	Concerned about how works would affect residents adjacent to Simpson Barracks in terms of access to Drysdale Street, noise and light impacts.	37	<p>The PER assesses impacts on access to Simpson Barracks from Drysdale Street during construction in PER Technical appendix D – Commonwealth land, Section 11.</p> <p>Impacts on residents on Drysdale Street outside of Simpson Barracks are assessed as part of the EES.</p> <p>The EES conducted a traffic assessment that includes the Drysdale Street area. Refer to EES Chapter 9 and Technical Report A (Traffic and transport).</p> <p>The EES assessed potential noise impacts of the project on residential properties. Refer to EES Chapter 11 and Technical Report C (Surface noise and vibration).</p> <p>The EES conducted a social impact assessment for impacts on the community. Refer to EES Chapter 17 and Technical Report I (Social).</p> <p>The EES contains assessment of light impacts in EES Chapter 16 and Technical Report H (Landscape and visual).</p>

No.	Out of scope issue	Submissions raising this issue	NELP response
OS20	Concerned over impact on ability to walk from Borlase Crescent to Rosanna Golf links Primary School.	38	The ability of residents to walk from Borlase Crescent to Rosanna Golf Links Primary School not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act. This is discussed in EES Chapter 17 and Technical Report I (Social), which includes an assessment of access and connectivity, local amenity and character.
OS21	Concerned over noise impacts and reduced air quality due to North East Link.	38	<p>PER Chapter 7 (Impacts on listed threatened species and ecological communities and on migratory species) and PER Technical Appendix A (Flora and fauna) assess noise as relevant to protected matters and Commonwealth land.</p> <p>PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land) and PER Technical Appendix D (Commonwealth land) assess air quality and noise impacts as relevant to Commonwealth land.</p> <p>Further assessment of noise and air quality impacts, not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act, are provided in EES Chapter 10 and Technical Report B (Air quality) and EES Chapter 11 and Technical Report C (Surface noise and vibration).</p>
OS22	Concerned about the method of risk assessment used for the EES.	62, 63	<p>The approach to risk assessment in the EES is not directly relevant to the approach taken in the PER.</p> <p>PER Chapter 6 (Impact assessment) explains how relevant impacts of North East Link on MNES and the environment on Commonwealth land have been assessed.</p>
OS23	Concerned about noise and lighting impacts on Argyle Street, Macleod and Watsonia shopping strip due to new interchanges.	67	<p>Noise and lighting impacts in these areas are not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The potential for impacts from noise and lighting on Argyle Street in Macleod and the Watsonia shopping strip was assessed as part of the EES. The EES also considers impacts to residential properties as a result of construction and operation lighting and includes a noise assessment of impacts on Greensborough Road.</p> <p>Refer to EES Chapter 11 and Technical Report C (Surface noise and vibration), EES Chapter 14 and Technical Report F (Business) and EES Chapter 17 and Technical Report I (Social).</p>

No.	Out of scope issue	Submissions raising this issue	NELP response
OS24	Requests redevelopment of the works area south of the Manningham Road interchange as open public green space.	53	<p>Redevelopment of this area is not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>For further information relating to opportunities to enhance the local area following construction, refer to EES Chapter 13 and Technical Report E (Land use planning).</p>
OS25	Concerned about impacts from and scale of the Eastern Freeway upgrades.	71	<p>The PER assesses impacts of the proposed works to the Eastern Freeway as relevant to EPBC protected matters.</p> <p>See PER Chapter 7 (Impacts on listed threatened species and ecological communities and on migratory species) and PER Technical Appendix A (Flora and fauna), PER Chapter 8 (Water related impacts), PER Technical Appendix B (Groundwater) and PER Technical Appendix C (Surface water).</p>
OS26	General concern about health impacts of North East Link.	71	<p>Human health is discussed in PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land) in relation to the people and communities on Commonwealth land.</p> <p>Other potential impacts, not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act, are assessed in EES Chapter 18 and Technical Report J (Human health).</p>
OS27	Considers that North East Link is a poor urban design outcome.	71	<p>North East Link be designed to be generally in accordance with its Urban Design Strategy, which establishes the urban design expectations of the Victorian Government for what contractors must achieve. The Urban Design Strategy will ensure consistent, high-quality and context-sensitive urban design outcomes for North East Link while encouraging innovation and ideas from industry. Contractors would need to design locational Urban Design and Landscape Plans that respond to the Urban Design Strategy, encouraging good urban design outcomes.</p> <p>The Urban Design Strategy is discussed in PER Chapter 10 – (Proposed avoidance and mitigation measures), as relevant to landscape, visual and social impacts. Further information about the Urban Design Strategy is provided in EES Chapter 7 – Urban design, and EES Attachment II (Urban design strategy).</p>

No.	Out of scope issue	Submissions raising this issue	NELP response
OS28	Considers the Bulleen Road/Eastern Freeway interchange is excessive and has significant impacts including biodiversity, native vegetation and habitat impacts.	71	<p>PER Chapter 7 (Impacts on listed threatened species and ecological communities and migratory species) and PER Technical Appendix A (Flora and fauna) assesses impacts and proposed mitigation for all relevant EPBC Act protected matters, including for Koonung Creek located near the Bulleen Road interchange.</p> <p>Other potential biodiversity, native vegetation and habitat impacts not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act are assessed in the EES Chapter 25 and Technical Report Q (Ecology).</p>
OS29	States that the degree of widening of Eastern Freeway outside of existing reserve is not clear.	73	<p>The PER assesses impacts of the proposed works to the Eastern Freeway as relevant to EPBC Act protected matters based on the reference project. See PER Chapter 3 – Description of the action.</p> <p>Refer to the EES Map Book for further detail.</p>
OS30	Concerned about loss of open space and amenity project wide.	73	<p>The PER identifies the effects of loss of open space on Commonwealth land in PER Chapter 9 (Impacts on the whole of the Commonwealth land), as well as associated impacts on the amenity on Commonwealth land (see also PER Technical Appendix D (Commonwealth land).</p> <p>The EES includes a broader social and land use study not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act, which identifies temporary and permanent loss of open space and associated impacts such as amenity from the construction and operation of North East Link. Refer to EES Chapter 13 and Technical Report E (Land use planning) and EES Chapter 17 and Technical Report I (Social).</p>
OS31	Concerned about increase in traffic and decrease in air quality in areas adjacent to the Eastern Freeway.	73	<p>The PER assesses air quality impacts as relevant to protected matters under the EPBC Act. Refer to PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land) and PER Technical Appendix D (Commonwealth land).</p> <p>The EES assesses traffic and transport and air quality impacts and mitigation relevant to the Eastern Freeway not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act. Refer to EES Chapter 9 and Technical Report A (Traffic and transport) and EES Chapter 10 and Technical Report B (Air quality).</p>

No.	Out of scope issue	Submissions raising this issue	NELP response
OS32	Concerned about ineffectiveness of existing noise walls, increased traffic noise at Eastern Freeway during construction and operation, loss of trees which would contribute to noise increase.	34, 75, 77	<p>The PER assesses noise impacts and mitigation with regards to Commonwealth land and matters protected under the EPBC Act in PER Chapter 7 (Impacts on listed threatened species and ecological communities and on migratory species) and PER Technical Appendix A (Flora and fauna) and PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land) and PER Technical Appendix D (Commonwealth land).</p> <p>PER Chapter 3 (Description of the action) and PER Chapter 10 (Proposed avoidance and mitigation measures) discuss the proposed avoidance and mitigation measures for noise that would be implemented for North East Link in relation to the environment on Commonwealth land, or impacts to MNES.</p> <p>Other potential impacts not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act are assessed in the EES. Refer to EES Chapter 11 and Technical Report C (Surface noise and vibration) and EES Chapter 27 (Environmental management framework) and EES Chapter 15 and Technical Report G (Arboriculture).</p>
OS33	Concerned about increase in project cost due to any further modifications to North East Link.	84	Potential changes in project cost are not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.
OS34	Concerned about impact of construction and operation noise, traffic, vibration, impediments to local access by the open trench.	42	<p>The PER assesses the potential impacts of the reference project during construction and operation on protected matters under the EPBC Act. PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land) and PER Technical Appendix D (Commonwealth land) assesses potential impacts on Commonwealth land, including trench construction through an assessment of noise, traffic, vibration, and access impacts to users on Commonwealth land. PER Technical Appendix A (Flora and fauna) assesses construction and operation impacts on MNES.</p> <p>The EES assesses impacts to people and receptors outside Commonwealth land, and how those impacts can be managed. These impacts are discussed in EES Chapter 11 and Technical Report C (Surface noise), EES Chapter 9 and Technical Report A (Traffic and transport) and EES Chapter 12 and Technical Report D (Tunnel vibration).</p>

No.	Out of scope issue	Submissions raising this issue	NELP response
OS35	Concerned the trench construction would impact schools, businesses, house price and the mental wellbeing of local community.	42	<p>The PER assesses the potential impacts of the reference project during construction and operation on protected matters under the EPBC Act. PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land) and PER Technical Appendix D (Commonwealth land) assesses potential impacts on Commonwealth land (including trench construction) through an assessment of social, business, human health impacts to users on Commonwealth land. PER Technical Appendix A – Flora and Fauna assesses construction and operation impacts on MNES.</p> <p>The EES assesses impacts to people and receptors outside Commonwealth land, and how those impacts could be managed. These impacts are discussed in EES Chapter 17 and Technical Report I (Social) and EES Chapter 14 and Technical Report F (Business) and EES Chapter 18 and Technical Report J (Human health).</p>
OS36	Concerned about visual impact on residents from the creation of noise walls and loss of trees.	42	<p>This issue is not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The EES assesses the impact of the project on residential properties during both construction and operation.</p> <p>Refer to EES Chapter 16 and Technical Report H (Landscape and visual).</p>
OS37	Fear of lost rental income from tenants.	42	Loss of rental income not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.
OS38	Request for compensation and for NELP to discuss reduced rates and charges with Council and utilities providers on the submitter's behalf.	42	This issue is not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.
OS39	Concerned about security issues, vandalism and graffiti due to reduced passive surveillance because of noise wall.	42	<p>This issue is not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>North East Link will be designed generally in accordance with EES Attachment II (Urban design strategy). The Urban Design Strategy identifies safety features that would be built into North East Link, including designing noise walls to deter graffiti, as well as considering lighting and sight lines.</p> <p>Refer to EES Attachment II (Urban design strategy).</p>

No.	Out of scope issue	Submissions raising this issue	NELP response
OS40	Concerned about shading and microclimate effects on residential properties.	42	<p>This issue is not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>Shading and corresponding impacts on vegetation were considered in PER Technical Appendix A (Flora and Fauna) for protected matters under the EPBC Act and the environment on Commonwealth land.</p> <p>The impacts of shading on properties outside of Commonwealth land (across the project boundary) are considered in EES Chapter 13 and Technical Report E (Land use planning). Microclimate considerations for landscaping (eg plant selection, location) will; be addressed in accordance with the Urban Design Strategy. Refer to EES Attachment II (Urban design strategy) for further information.</p>
OS41	<p>Concerned that North East Link would not reduce truck volumes on Rosanna Road without a policy to encourage trucks not to use the suburban road.</p> <p>Concerned the design requiring outbound Eltham traffic to traverse 2.1 km to join the tunnel to EastLink is flawed, as it is easier to drive to Rosanna Road and skip paying the toll altogether.</p> <p>General concern about congestion and rat running of roads as a result of North East Link (eg on Rosanna Road).</p>	42, 67, 71	<p>PER Chapter 9 (Impacts on the whole of the environment on Commonwealth land) and PER Technical Appendix D (Commonwealth land, Section 11) assesses impacts affecting Commonwealth land users of local roads, and journey time impacts to and from the Simpson Barracks.</p> <p>The EES has assessed wider traffic changes, including on Rosanna Road.</p> <p>Refer to EES Chapter 9 and Technical Report A (Traffic and transport).</p>

No.	Out of scope issue	Submissions raising this issue	NELP response
OS42	Concerned about the impacts on Koonung Creek and seeks that the integrity of established parks and open spaces along Eastern Freeway corridor to be maintained.	21, 22, 49, 71, 73, 75, 77, 84	<p>The PER assessed potential impacts on EPBC Act protected matters in these locations as required. Refer to PER Technical Appendix A (Flora and fauna).</p> <p>The EES sets out potential impacts of the North East Link reference project to parks along the Eastern Freeway.</p> <p>Refer to EES Chapter 15 and Technical Report G (Arboriculture), EES Chapter 16 and Technical Report H (Landscape and visual) and EES Attachment II (Urban design strategy).</p> <p>The EES also assesses the potential impacts of North East Link on open space, community facilities and public safety. Refer to EES Chapter 13 and Technical Report E (Land use planning) and EES Chapter 17 and Technical Report I (Social) and the EES Map Book.</p>
OS43	Requests information about new public open space (not just on land bridges).	71	<p>Proposed new public open space has been assessed in the PER as relevant to the environment on Commonwealth land or a matter protected under the EPBC Act.</p> <p>The proposed land bridges are relevant as these partly occur on Commonwealth land (see PER Chapter 3 – Description of the action).</p> <p>Further discussion of public open space for the project is provided in EES Chapter 13 and Technical Report E (Land use planning) and in EES Chapter 17 and Technical Report I (Social).</p>
OS44	Requests the area of occupation within the open space reserves in Banyule that would be temporarily occupied for construction would be clearly shown.	71	<p>The PER assesses the potential impacts of the reference project during construction and operation on protected matters under the EPBC Act.</p> <p>The PER includes potential locations of temporary construction areas in PER Chapter 3.</p>
OS45	Concerned about vibration and sediment disruption in Bolin Bolin Billabong and Banyule Swamp (no go zones).	71	<p>Technical appendix A – Flora and Fauna assesses the potential for construction vibration impacts on protected matters under the EPBC Act.</p> <p>For more information relating to vibration and settlement disruption in Bolin Bolin Billabong and Banyule Swamp, refer to EES Chapter 21 and Technical Report M (Ground movement).</p>

No.	Out of scope issue	Submissions raising this issue	NELP response
OS46	States that NELP's intention to divide North East Link into 3 distinct packages (specifically tunnel package) limit the ability to extend the tunnels beyond Lower Plenty Road.	68, 69	The procurement strategy for the design and delivery of North East Link is not directly relevant to its impacts on the environment on Commonwealth land or a matter protected under the EPBC Act.
OS47	Concerned the Australian Government has abandoned responsibility for protecting Commonwealth-listed flora and fauna.	84	This issue is not within the scope of matters to be addressed as part of finalising the PER.
OS48	Would prefer immigration into Melbourne is reduced as a method of ease congestion (rather than investment in roads).	75	This issue is not within the scope of matters to be addressed as part of finalising the PER.
OS49	Concerned about North East Link's economic impacts on other transport projects.	71	The economic impacts of North East Link on other transport projects are not directly relevant to its impacts on the environment on Commonwealth Land or a matter protected under the EPBC Act.
OS50	Concerned about impacts on the cycling network and lack of a direct cycle path to/from the city to Heidelberg and Greensborough.	23	This issue is not directly relevant to the environment on Commonwealth land or a matter protected under the EPBC Act. Existing and potential future active transport connectivity along the North East Link alignments is assessed in EES Chapter 9 and Technical report A (Traffic and transport) and discussed in EES Attachment II (Urban design strategy).
OS51	Concerned about construction noise levels and impacts on nearby residents in Viewbank. Concerned about noise impacts on areas near Simpson Barracks.	4, 67	The PER assessed noise impacts of North East Link on receptors located on Commonwealth land. The noise assessment in PER Technical Appendix D (Commonwealth land, Section 12) includes construction noise. Nearby residents in Viewbank and other areas near Simpson Barracks are outside of Commonwealth land and are assessed in the EES. Refer to EES Chapter 11 (Surface noise and vibration).

No.	Out of scope issue	Submissions raising this issue	NELP response
OS52	Concerned about air quality impacts as a result of removing trees on Commonwealth land.	70	Air quality impacts on people and communities on Commonwealth land has been adequately assessed in PER Technical Appendix D (Commonwealth Land, Section 14). Further assessment of the effectiveness of vegetative barriers installed between the road and adjoining residential properties or other sensitive receptors is contained in EES Technical Report B (Air quality).
OS53	Concerned about human health impacts of construction works on adjacent residents (near Borlase reserve, Viewbank). Specifically mentions silica bearing spoil.	4	Nearby residents in Viewbank and other areas near Simpson Barracks are outside of Commonwealth land and are assessed in the EES. For more detail on potential air quality impacts on adjacent residents outside of Simpson Barracks associated with activities on Commonwealth land refer to EES Chapter 10 (Air quality) and EES Chapter 23 (Contamination and soil).

5 References

Surface water response references:

Melbourne Water 2007, Port Phillip and Westernport Regional River Health Strategy, Melbourne Water.

Melbourne Water 2015, September, Annual Water Quality Factsheet, retrieved from <https://www.melbournewater.com.au/waterdata/riverhealthdata/waterwayquality/Pages/Waterway-water-quality-data.aspx>

Waterwatch 2018, May 24, Waterwatch Data Portal, retrieved from Waterwatch: www.vic.waterwatch.org.au

Groundwater response references:

Barnett B, Townley LR, Post V, Evans RE, Hunt RJ, Peeters L, Richardson S, Werner AD, Knapton A & Boronkay A 2012, Australian groundwater modelling guidelines National Water Commission, Waterlines Report Series No. 82 June 2012 ISBN: 978-1-921853-91-3 (online).

Middlemis H, Walker G, Peeters L, Richardson S, Hayes P and Moore C. (2019). Groundwater modelling uncertainty – implications for decision making. Summary report of the national groundwater modelling uncertainty workshop, 10 July 2017, Sydney. Flinders University, National Centre for Groundwater Research and Training. http://groundwater.com.au/news_items/groundwater-modelling-uncertainty

Middlemis H and Peeters LJM. (2018). Uncertainty analysis—Guidance for groundwater modelling within a risk management framework.

Flora and fauna response references:

Backhouse, G, Jackson, J, & O'Connor, J (2008a) National Recovery Plan for the Australian Grayling *Prototroctes maraena*, Melbourne

Council of Australian Standards (2009) The Australian Standard for the protection of trees on development sites 4970–2009, Published by Standards Australia

DELWP. (2017). *Guidelines for the removal, destruction or lopping of native vegetation*. Melbourne: Victorian Department of Environment, Land, Water and Planning.

DoEE. (2018b). *Species Profile and Threats Database Macquaria australasica – Macquarie Perch*. Department of the Environment, Australian Government. Retrieved July 1, 2018, from http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=66632

DSE (2009a) Advisory List of Threatened Invertebrate Fauna in Victoria – 2009, Victorian Government Department of Sustainability and Environment, Melbourne

DSEWPAC. (2011). *Survey guidelines for Australia's threatened fish – Guidelines for detecting fish listed as threatened under the Environment Protection and Biodiversity Conservation Act 1999*. Commonwealth of Australia.

DSEWPAC (2013) EPBC Act Policy Statement Translocation of Listed Threatened Species. Department of Environment and Energy, Australian Government. Available at <http://www.environment.gov.au/resource/epbc-act-policy-statement-translocation-listed-threatened-species-assessment-under-chapter>

Ecology Australia. (2014). *Sugarloaf Pipeline Matted Flax-lily (Dianella amoena) Translocation Monitoring: Spring 2014*. Report prepared for Melbourne Water Corporation by Ecology Australia Pty Ltd, Fairfield.