

North East Link

Environmental Assessment and Approvals



Environmental Assessment Process

1. Scoping requirements for EES
2. EES development and engagement with Technical Reference Group (TRG)
3. Announce reference design (detailed mapping)
4. EES Exhibition
5. Appointment of Panel and Advisory Committee
 - Terms of reference
 - Confined hearing timetable (6-8 weeks)
6. Hearings (likely August – September)
7. Panel report released (close to Xmas)



How does the EES process work

Read a [summary of how the EES process works \(PDF, 441.6 KB\)](#).



Environmental Management Framework (EMF)

- Performance requirements for the winning tenderer are distilled from the EES and panel recommendations into an EMF that is enforced through the Project Deed
- The EMF includes a detailed list of Environmental Performance Requirements (EPRs) that become the lead contractor's responsibility
 - Enforceable through planning scheme
 - 'Early Works' are subject to various exceptions



Plans to be approved

- Environmental Management Framework and EPRs
- Urban Design Strategy
- Early Works Plan
- Development Plans?
- Heritage Approvals
- Works Approval (EPA)
- CHMP



EPRs - scope

- EPRs cover:
 - The EMF
 - Aquatic ecology and river health
 - Aboriginal cultural heritage
 - Air quality
 - Arboriculture
 - Business and social impacts
 - Contaminated land and spoil management
 - Cultural heritage
 - Flora and fauna
 - Greenhouse gas
 - Ground movement and stability
 - Groundwater
 - Land use and planning
 - Landscape and visual
 - Noise and vibration (design, construction & operation)
 - Social and community
 - Surface water
 - Transport



Example EPR

No	Environmental Performance Requirements	Precinct	Timing																		
	(See EPRs SC4 and SC11).																				
NV6	<p>Airborne Construction Noise Guideline Targets (External)</p> <p>1. Implement management actions if construction noise is predicted to or does exceed the Guideline Noise Levels at residential locations as specified in EPA Publication 1254.</p> <table border="1"> <thead> <tr> <th rowspan="2">Time Period</th> <th rowspan="2">Applicable Hours</th> <th colspan="2">Guideline Noise Levels, L_{Aeq}</th> </tr> <tr> <th>Up to 18 months after project commencement</th> <th>18 months or more after project commencement</th> </tr> </thead> <tbody> <tr> <td>Normal Working Hours</td> <td>7am to 6pm Monday to Friday 7am to 1pm Saturday</td> <td colspan="2">No specified Guideline Noise Levels are provided in EPA 1254 – Refer to EPR NV21 for the noise management levels (see note 1)</td> </tr> <tr> <td>Weekend / Evening work</td> <td>6pm to 10pm Monday to Friday 1pm to 10pm Saturday 7am to 10pm Sunday and Public Holidays</td> <td>Noise level at any residential premises not to exceed background noise by 10 dB(A) or more.</td> <td>Noise level at any residential premises not to exceed background noise (L_{A90}) by 5 dB(A) or more.</td> </tr> <tr> <td>Night</td> <td>10pm to 7am Monday to Sunday</td> <td colspan="2">Noise is to be inaudible within a habitable room of any residential premises.</td> </tr> </tbody> </table> <p>Note</p> <p>(1) During Normal Working Hours, the CNVMP must address noise levels that exceed the Management Levels specified in Table EPR NV21A.</p>	Time Period	Applicable Hours	Guideline Noise Levels, L_{Aeq}		Up to 18 months after project commencement	18 months or more after project commencement	Normal Working Hours	7am to 6pm Monday to Friday 7am to 1pm Saturday	No specified Guideline Noise Levels are provided in EPA 1254 – Refer to EPR NV21 for the noise management levels (see note 1)		Weekend / Evening work	6pm to 10pm Monday to Friday 1pm to 10pm Saturday 7am to 10pm Sunday and Public Holidays	Noise level at any residential premises not to exceed background noise by 10 dB(A) or more.	Noise level at any residential premises not to exceed background noise (L_{A90}) by 5 dB(A) or more.	Night	10pm to 7am Monday to Sunday	Noise is to be inaudible within a habitable room of any residential premises.		All	Construction
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Key considerations for submitters

- Directions hearing
 - Access to information/directions
 - Availability of witnesses
 - Scheduling
- Circulation of evidence
- Scheduling of time at hearing
- Presentation of submission and supporting materials



Expert conclaves

- The panel will require groups of experts in the same field to attend a 'conclave' and produce an agreed statement of facts, so as to narrow the issues in dispute.
 - The conclave statements become quite important, so its important to keep abreast of them
 - Cross examination then can focus on points of disagreement, rather than the original witness statement
- You will get a feel for how the barristers cross examine by watching
 - Prepare a list of questions and cross off the ones that have been covered by others



Structure of a good submission

- Distinguish between
 - Assessment of impacts
 - Design issues (e.g. design of an interchange, alignment, tunnel or trenching)
 - Construction and Operational issues (EPRs deal with these)
- EPRs and Incorporated Document
 - The EPRs tend to evolve during the course of the Inquiry
 - Parties get a 2nd chance at the end to make submissions about changes to the exhibited EPRs
 - The EPRs are focused on implementing what is approved, rather than making major changes to the reference project design
- Keep It Simple
 - The Inquiry will be dealing with a large number of submissions
 - Best to focus on a few key points than many minor points
 - Make it easy for the IAC to adopt your suggested changes and recommendations (use **cross references and hyperlinks**)
- Recommendations
 - Focus on key issues and recommendations
 - Look at previous EES reports for guidance
 - Set the agenda for changes to the EPRs and Incorporated Document

Help the Panel to support your case

- Drafting recommendations
 - Be specific to a geographic location, interchange, plan, EPR or EES Chapter/Appendix
 - Use headings
- The EPRs
 - Use track changes – don't reinvent the wheel
 - Adopt Council's changes as far as you can
- Piggy back
 - NELP will likely circulate numerous iterations of the EPRs and Incorporated Document during the hearing



Questions?

Barnaby McIlrath | Consultant

Maddocks

