In response to the EES information issued in April this year, Carey Baptist Grammar School (Carey) submitted a report on 7th June 2019 to Planning Panels Victoria. This report included reports from expert consultants appointed to assist Carey to understand the effects on the Carey Sports Complex (CSC) located in Bulleen Road, Bulleen, as a consequence of the construction and operation of the N-E Link Project (NELP).

A number of these consultants made the comment, in their reports, that there was insufficient information provided by the North-East Link Authority (NELA) to fully understand what would be these effects on CSC.

At the Directions Hearing held by the Project Inquiry and Advisory Committee (IAC) on 21st June, Carey referred to this lack of information and in response, NELA committed to provide such further information that could be made available. Some further information was subsequently received and several of the expert consultants as appointed by Carey, attended conferences and conclaves with experts appointed by NELA.

The result of this additional information and these meetings between expert consultants did contribute to some further understanding of the project and its effects for some of Carey’s consultants. However, at the presentation by Carey and its expert consultants to the IAC Panel Hearing on the 8th August 2019, the consultants advised that key relevant information was still not available. At this same hearing, Carey asked for the agreement of the IAC Panel for Carey to submit a further report if additional information became available. This request was initially made partly in relation to information recently received, at that time, in regard to two alternative road designs that were provided for the southern section of Bulleen Road adjacent to CSC. Carey’s request to submit a further report was agreed to, with a closing date of 9th September 2019.

On the 26th August 2019, Carey and other interested parties, received a copy of revised EPRs as issued by the NELA. These revised EPRs were dated 12th August and were referenced, “Including NELP comments”. In response to this revised information, Carey forwarded it on to its appointed expert consultant for their comments. The comments from these expert consultants have now been received in the form of letters to Carey and copies are attached for information.

The consultants that have provided reports are as follows:

- Air quality – Point Advisory
- Surface water – M. Cawood & Associates
- Contaminated Land and Ground Water – Greencap
- Traffic and Parking - Ratio
It is disappointing to note that all consultants advise that the modifications to the EPRs do not provide any further information or reassurance for Carey in relation to the effects of the project on CSC.

In addition to reviewing the revised EPRs, the traffic consultant, Ratio, was also asked to review and comment on the two alternative road designs now made available. One is referenced as the Bulleen “Switch” and is issued by NELA. The other is referenced as the Andrew O’Brien option and is issued on behalf of local municipal councils. The attached Ratio report also comments on these two road options in relation to their effects on CSC.

Given the unsatisfactory situation that Carey faces with understanding the effects of NELP on CSC, with the continuing lack of key information from NELA, Carey requests that the IAC arrange for the possibility of further dialogue between Carey and NELA and its experts so that a higher level of assurance can be achieved by Carey before any final recommendations are made to the Minister of Planning. Carey looks forward to discussing with the IAC how this can be achieved.

A summary of the comments from each of the consultants appointed to advise Carey, are included below.

1. **Noise and Vibration - Marshall Day Acoustics (MDA)**

   MDA have reviewed the revised EPRs related to project noise and vibration. They note in their attached report dated 3-9-2019, that the revised EPRs do not address the recommended EPR modifications detailed in their previous report on the EES information.

   These recommendations were as follows:

   • **Operational Noise – EPR code NV1 (noise criteria)**
     The performance criteria applied to Category B buildings should also be applied to the Carey Sports Complex which is used for education purposes.
     The EPR should also introduce a requirement for an operational Noise Assessment Report to be prepared prior to commencement of development of the project. The Report should document the predicted noise levels at noise sensitive building locations and noise sensitive outdoor areas for the final project design. The noise mitigation measures should also be documented in the report, including consideration of any noise-sensitive outdoor locations where the updated predicted noise levels are predicted to increase.

   • **Construction noise – EPR Code NV3 (performance requirements specified via NMLs)**
     The EPR should be modified to specify that the NMLs (Noise Management Levels) defined for active and passive recreation apply to sporting facilities and designated outdoor areas associated with educational facilities (such as the Carey Sports Complex), and that the more stringent NML defined for passive recreation is applied to any outdoor areas used for teaching purposes where disturbance of speech is a relevant consideration.

   • **Construction noise – EPR Code NV4 (Construction Noise & Vibration Management Plans, CNVMPs):**
The EPR should be modified to require outdoor locations associated with educational facilities (such as the Carey Sports Complex) to be included in the noise sensitive locations addressed by the CNVMP. Based on inclusion of outdoor areas associated with educational facilities in EPR code NV3, the CVNMP would be required to include details of predicted noise levels and mitigation measures to address construction noise at the Carey Sports Complex.

- **Noise and Vibration Monitors**
  Given the sensitivity of this educational and sports complex to noise and vibration, Carey requests that an EPR is established that requires the location of noise and vibration monitors on the site and the requirement for the results from these monitors to be readily available to Carey.

2. **Air Quality – Point Advisory (Point)**

   In their attached report dated 4-9-2019, Point refer to previous concerns contained in their original report provided in response to the EES documentation. They note that during subsequent discussions with expert representatives of NELA and with the receipt of further information, that some of these concerns have been satisfied. However, they advise that following a review of the revised EPRs, a number of these concerns remain outstanding. These are in relation to the wording of EPRs AQ1 and AQ4 and the unsatisfied concerns are as follows:

   - To ensure that the Dust and Air Quality Management and Monitoring Plan (under EPR AQ1) will prevent off-site impacts, rather than simply reacting to them.
   - That reference to the State Environment Protection Policy (Ambient Air Quality) or State Environment Protection Policy (Air Quality Management) to define applicable air quality objectives during construction (noting that the adopted EPA publication 480 does not do this).
   - To define the timing and/or manner in which monitoring and compliance information will be communicated to the public.

3. **Surface Water – M.Cawood & Associates (Cawood)**

   In his attached report dated 2-9-2019, Cawood states that he has given attention to the Surface Water EPRs and particularly SW6 and B3.

   In relation to SW6, he notes as follows:

   - The addition of “relevant locations” is of interest but offers no comfort as these locations do not seem to have been identified or defined. He suggests that the Carey Sports Complex could be named as a “relevant location” and if this was accepted, some of his concerns would be reduced.
He notes the stronger wording for para 2 regarding modelling and the potential for a better outcome. However, unless; this modelling recognises CSC as an affected infrastructure and business; the results are shared with Carey; any concerns that Carey may have with those results are fed back into the design process; and the reference standards are fully met, the results will have little value to CSC.

While the edits to para 3 offer opportunities for a better outcome, the use of subject qualitative measures such as “significant increases in flood risk” without attention to context, effectively removes this opportunity for CSC.

Cawood notes that he has been unable to quantify the increase in flood risk because requests for gridded data to inform this assessment have been repeatedly refused by NELA. Without the opportunity to quantify the increase in the flood risk in relation to the usage of CSC, Cawood’s view is that this risk is significant.

Further, the issue remains for CSC that there is as yet no requirement to establish a baseline for current flooding depths, velocities, hazard and damages for the campus and access road and to then assess the impacts of the NELP works against those baselines. While this is a key issue for B3, it is also important for other EPRs.

Cawood notes in B1 and particularly the first sentence, it would perhaps be useful, if not already on the agenda, for CSC to ensure inclusion on the register (or equivalent) of “affected businesses”.

The other issue is that the “how” is absent from most of the EPRs. NELA would no doubt argue that it is up to the Contractor to establish the means by which the EPRs will be met. The concern remains that there is no process or requirement for the successful Contractor to liaise with Carey on (flooding) matters that impact on CSC. In effect, this leaves Carey’s interests with no protection mechanisms.

Carwood makes the critical point that in the consideration of increase in flood risks that there is currently no provision for Carey to be consulted. The revised EPR SW6 notes as follows:

Permanent works and associated temporary construction works must not increase overall flood risk at relevant locations or modify the flow regime of waterways without the acceptance of the relevant drainage authority or asset owner (typically Melbourne Water) and in consultation with other relevant authorities (eg Council, VicRoads Department of Transport, Parks Victoria, SES, emergency services).

So, while there is a requirement for these nominated authorities to be consulted, there is no requirement for Carey to be consulted. This is completely unacceptable as CSC is subject to flooding and this consequence is critical to the satisfactory operation of this facility.

It is therefore requested, in the strongest terms, that the EPRs be amended to require property and asset owners be consulted in the process of assessing and managing flood risk.

In his summary, Cawood notes that there are very few changes to the EPRs that relate to flooding characteristics. His concerns about Carey’s interests not being protected remain unaddressed.
4. **Contaminated Land and Ground Water – Greencap**

   In their attached report dated 4-9-2019, Greencap advises that they have reviewed the revised EPRs and compared them to those reviewed in their report in response to the EES.

   The recommendations made in their previous report were as follows:


   - The appointed Statutory Auditor to conduct a section 53V Audit which is a ‘risk of harm’ type audit to oversee the contaminated land aspects of NELP at Bullen Park Oval.

   With these recommendations Greencap makes the point that the relevant EPRs will become a responsibility of the successful contractor for the North East Link Project. As such, the appointment of the Statutory Environmental Auditor and the undertaking of the 53V Audit should be required at the earliest time.

   With reference to above-mentioned recommendations, Greencap make comments regarding the updated Contaminated Land and Ground Water EPRs in an included table. They note that for each of the following EPRs these same recommendations have not been included are still applicable - CL1 to CL6, GW1 to GW5 inclusive.

5. **Traffic and Parking – Ratio**

   In their report Ratio note that they have been asked to comment on the revised EPRs and also the two alternative road designs, the NELP “Switch” design and that proposed by O’Brien Traffic on behalf of several local councils.

   **The Revised EPRs Review**

   Their report commences with the identification of the EPRs that relate to traffic and parking. Ratio then provide their assessment of the adequacy of the amendments to the EPRs with reference to the ten recommendations made in their previous Traffic Evidence Statement and the agreements reached in the Traffic Expert Conclaves held with the NELA traffic expert and others.

   The assessment of the revised EPRs by Ratio is described in their attached report but in summary, none of the modification to the EPRs are a satisfactory resolution of the previous concerns expressed by Ratio.

   The following recommendations were discussed and agreed in the traffic conclaves, but which have not featured as yet in amendments to the EPRs:

   - Recommendation 1: Revised construction compound boundary to lie outside of the Bulleen Park access road so that Carey retains access to gates 1, 2 and 3 during construction.
   - Recommendation 5: Provision of sufficient parking for construction workers at construction compounds.
• Recommendation 7 and 9: Requirement for maintaining transport capacity in the peak periods ‘not limited to the AM and PM weekday peak periods’, to manage the impact on sporting facilities on Saturdays during peak usage.

• Recommendation 10: Requirement for weekend traffic analysis be completed along the Bulleen Road precinct to provide assurance that proposed new signalised intersection can function at an adequate level of service.

We request that these agreed recommendations be reflected in the EPRs.

In Carey’s first submission to the IAC, we requested that the proposed Project Boundary be shifted to ensure we maintain access to the existing internal vehicle circulation road. (Recommendation 2 and 3). An amendment to EPR T3 ensures Carey as a significantly impacted stakeholder would be consulted during the preparation of the Transport Management Plan, however it does not specifically address our requirement to maintain access to this circulation road. We request that and EPR be included that requires access to key community facilities being maintained throughout the project.

Finally, Carey has also asked for the permanent replacement of car parking lost as a result of the permanent acquisition of land to the front of our campus. This has not been addressed in the recent amendments to the EPRs. We request that either:

• An EPR be drafted that requires any permanently displaced parking from private land to be reinstated in an alternative location to the satisfaction of the land owner, or,
• The Reference Design be amended to include where the displaced parking potential would be located or,
• An alternative mechanism included as part of the project contract that achieves the same objective as the above.

The NELA Alternative Road Design

In terms of the Ratio comment on the NELA alternative road design, they note several advantages for the CSC such as the separation of the access to the Veneto Club, the single stage reconstruction of Bulleen Road and that the alternative location of Bulleen Road provides more direct access for the CSC.

However the alternative design critically pushes the road edge approximately 13 metres closer to Dunshea Oval on Carey’s property, so that there is only a 12 metre separation between the oval and the road. The proximity of the road to the goal posts on our premier oval is considered unacceptable to Carey. We strongly object to the location of the road.

The alternative design also includes a proposed intersection that would include access for Marcellin College and the Manningham Club. It is recognised that there has been no modelling undertaken to analyse the operation requirements of this intersection.
The O’Brien Alternative Road Design

Ratio see a number of advantages for the CSC in this design such as that it takes less land from the CSC, there will be less disruption for access to the complex, the access is closer to the CSC allowing a better sense of address for the CSC and it separates access from the Veneto Club.

Ratio can see no negative impacts from this alternative design for the CSC provided the intersection with Bulleen Road is appropriately signalised. Carey is broadly supportive of the O’Brien Alternative Design.