

# Submission Cover Sheet

North East Link Project EES IAC

# 735

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Request to be heard?: yes

**Full Name:** Mary Harnan  
**Organisation:** Balwyn North Freeway Noise Group  
**Affected property:** 9 Ventnor St  
**Attachment 1:** EES\_Submission\_-  
**Attachment 2:**  
**Attachment 3:**  
**Comments:** BNFNG's submission is attached.

Dear North East Link Inquiry and Advisory Committee,

### **Balwyn North Freeway Noise Group (BNFNG) Submission**

I am Mary Harnan of Ventnor Street in Balwyn North:

- I live approx. 300m from the Eastern Freeway, half way between Bulleen & Doncaster Roads.
- I love where I live, I feel safe there, I have wonderful neighbours
- When I moved to Balwyn North in 1997 the freeway catered mainly to city bound traffic and turned off on the weekend. Yes I had a freeway 300+ metres from my home but I also had a wonderful parkland - the Koonung Creek Reserve.
- In October 1999 the Bracks Government announced that Eastlink (which Labor had not promised at the election) had been scrapped. In August 2000 they did a back-flip and announced they would seek federal funding for the freeway.
- In 2008 after the opening of Eastlink, the volume of traffic using the Eastern Freeway massively increased and a new short cut was found - exiting at Bulleen Rd and travelling through Heidelberg, Rosanna, etc, to get to the Ring Road at Greensborough.
- Noise pollution from the Eastern Freeway grew massively.
- BNFNG commenced discussions with VicRoads in late 2008 regarding the provision of freeway noise attenuation. To date, nothing has been provided.
- In 2014, Dan Andrews said there would be no freeway through Banyule. Within his first term he dishonoured this.

#### **Background on BNFNG:**

I am a member of the Balwyn North Freeway Noise Group (BNFNG) that formed after Eastlink connected to the Eastern Freeway in 2008.

After that connection in 2008, there were major negative effects on my community, in particular a massive increase in freeway noise pollution.

100's if not 1000's of homes in Balwyn North were now massively affected by freeway noise pollution. So much so that talking with your partner in your back garden was difficult (difficult to hear each other) - music did not cover it, nor water features, nor high trees.

I must say we were very naïve, we assumed someone would be responsible for protecting us from the massive increase in noise pollution and they would care. We had no noise walls and assumed the relevant authorities hadn't realised we were unprotected. From Doncaster Road to Eastlink they were protected by a noise objective of 63 dba. We didn't understand why our homes and parkland were not protected.

So I called VicRoads and was told that they weren't responsible for freeway noise that I should call the EPA. I called the EPA and was told they weren't responsible either. I called VicRoads again and again and was continually told it wasn't their domain. I eventually demanded to speak to someone higher up and was put through to someone who grudgingly conceded that VicRoads did indeed look after freeway noise.

Over the next few months and year our Group was involved in discussions with VicRoads and I found out the reality of freeway noise:

- No one cares
- Building freeways is perceived as sexy but protection for people is not
- Ignorant people level the term NIMBY at you
- Although the level of noise in the Koonung Creek Reserve had increased massively – the Vic Noise Policy does not protect green space
- 68 dba policy was applied to my community but many homes tested just under 65
- For anyone who understands how noise is measured, roughly a 2 dbA increase is a doubling in the noise level, thus a noise objective was applied to us that was nearly triple the noise objective that protected other communities.
- We found we had actually been protected by 63 dba for 10 years, but only a few elderly residents still had the letter, and it had expired, so the noise objective applied to us was 68 dba – very confusing.
- We found that our section of freeway could be considered “new freeway” and thus protected by 63 dba as it had been widened! But VicRoads then clarified that it had to be a widening of the freeway reserve to be considered “new freeway”. We did not find this clarification in the VicRoads Noise Policy – we were told that the document was so large it wasn’t all released.

Basically, VicRoads spent lots of resources arguing with us, but spent no resources protecting us, or our Reserve, or its flora and fauna. At no time was the health and welfare of our community valued nor our environment.

**It seems that there is money to build freeways, but no money to protect people.**

This was my first experience of “community abuse” by those who are paid via our taxes to protect and represent our interests.

**I wanted to convey the above as –**

- **it is imperative that the health of communities, their environment, their children, is protected long-term with regard to the NEL and the Eastern Freeway;**
- **I have no comfort that the information provided by NELA/P or what is in the EES does this;**
- **the NELA consultation process material provided to the general Victorian public did not show the true environmental consequences of this route.**

### **NEL EES re Freeway Noise Pollution**

I note that the major reliance in this report for freeway noise pollution protection and management is the VicRoads Traffic Noise Reduction Policy (VRTNRP) (3 pages):

- 63 dBA measured from 6am to midnight for Category A buildings or no greater than 63 dBA measured from 6am to 6pm for Category B buildings is being applied.
- Contrary to NELA/P’s advices, this is not a new policy or protection level.
- Green spaces are still not protected by the VRTNRP.
  - I question why noise readings were not taken in the KCRBN?
  - In WHO’s 2002 directive on the assessment and management of environmental noise, public parks were included (Scope 1) and are protected.
  - I am disappointed that the EES fails to value green space, particularly given the State Governments various publications on biodiversity and the value of green space.

- **WHO 2009 recommends a significantly better 58 dBA day time L1018 hour** and I ask you to investigate why this was not explored in the EES.
- Where VRTNRP states “VicRoads is committed to taking whatever steps it can to reduce the overall level of traffic noise”, my experience clearly demonstrates that VicRoads has shown no duty of care to protecting my community.
- Although residents in Balwyn North have suffered with noise levels up to and exceeding 67 dba at houses for over 10 years, I estimate noise levels in the Reserve are massively higher. It is disappointing that no assessment for NELP has been done regarding the high levels of noise pollution on the vegetation and wildlife in the Reserve.
- It is unfortunate that with the proposed NEL, apart from the Bulleen business centre, this massive road, the most expensive in Vic history, goes through residential and sensitive areas affecting the most people (in comparison to the other options) and taking nearly every inch of green space along the route.
- Effectively this route exposes the most people and the most children and thus exposes their physical and mental health to increased levels of noise and air pollution.
- This option provides limited benefit for removing vehicles off our local roads (Balwyn North), rather this option encourages more vehicles and trucks on to our local roads, bringing more pollution and noise to our area.
- I find the following statement hilarious: “North East Link has adopted more stringent criteria than required by the VicRoads Traffic Noise Reduction Policy by utilising the criteria for new roads for the widening of the Eastern Freeway.”
  - Is NELP really suggesting that the Eastern Freeway in Balwyn North which will nearly triple in size from 6 lanes to 18-24 lanes, should be under the old freeway criteria of 68 dba?
- Regarding traffic noise modelling results, the trust level in NELA/P from people most affected by the project is very low due to the “staged” consultation process.
- In all, I believe insufficient noise readings have been done in Balwyn North for this project. The EES shows that noise readings were only taken at 3 houses in surrounding streets in Balwyn North. Given the overpasses, massive widening of Eastern at this connection and anticipated increase in traffic (95,000 per day), noise readings at 3 properties are insufficient to form assessments

excerpt from EES:

Existing and calculated traffic noise for an indicative sample of sensitive noise receiver locations – Noise Precinct 3

Receiver type	L <sub>A10(18hour)</sub> road traffic noise level (dBA)			Difference (dB)	
	Existing (2018)	No project (2036)	With project (2036)	With and no project comparison (2036)	Change from current (with project)
Category A – Noise Sensitive Residential Buildings					
Viewpoint Road, Balwyn North	62 to 65	63 to 66	59 to 60	-6 to -3	-5 to -2

Existing and calculated traffic noise for an indicative sample of sensitive noise receiver locations – Noise Precinct 4

Carron Street, Balwyn North	63 to 66	64 to 66	58 to 60	-7 to -5	-6 to -4
Koonung Street, Balwyn North	59 to 64	60 to 65	59 to 62	-3 to -1	-2 to 0

- Balwyn North is in a valley topography. Has this been considered?
  - A valley can become an amphitheatre and thus cause a “boon” effect caused by “peak” low frequency noise from trucks, motor bikes, etc.
  - Vertical sound reflective walls fail to encapsulate the “peak” noise problem in a valley topography.
  - In 1996, encapsulation of noise using curved sound absorptive noise walls was recommended in a valley topography (as per the Carr Marshall Day Report for the Eastern Freeway).
  - The proposed overpasses and widening of the Eastern at Balwyn North will have significant impact on my community and the everyday liveability of my home:
    - EES mentions 4 metre high noise walls on “selected” flyovers.
    - So are noise walls on all flyovers or just some?
    - Proposes concrete and wood noise barriers, whereas NELP Fact Sheet April 2019 talks about “High Quality Noise Walls”.
- On “Victoria’s largest road project ever” –
  - No mention or emphasis on sound deadening absorptive materials for a valley topography
  - Failure to discuss or comply with WHO guidelines
  - Is this best practice or cost cutting?
- All overpasses and raised roads must have noise barriers/screens to protect us and our environment for now and for future generations.
- Major liveability and health aspects overlooked in the VicRoads Policy:
  - Noise is averaged over 18 hours. So if you experience extreme highs during several hours of the day, it will be averaged out.
  - Not measured on 2nd storey rooms. Readings some years ago showed a 2.5 increase between ground and 1<sup>st</sup> story windows. Imagine if that is your child’s bedroom?
  - If noise levels at your home are over the noise objective on wet days or windy days, those readings are not applicable. So if noise at your home is unbearable in winter, bad luck!
  - The “A” weighted scale (dBA) can deduct as much as 30 dB from ambient (dB) peak low frequency noises and can thus misrepresent the true effect of a situation, particularly where traffic volumes are low and truck numbers are high.
- It is very concerning that already 150 homes along the route has been identified as not meeting the 63 dba freeway noise policy objective:
  - 13 properties in Noise Precinct 3 in the Bulleen area were identified where the project noise objectives (63 dba) would not be met.
    - This is unacceptable. If homes can’t be protected prior to the project, the project should not proceed.
  - 128 properties in Noise Precinct 4 where 63 dbA would not be met:
    - 100 properties btw Doncaster Rd & Station St/Tram Rd
    - 8 properties btw Station St/Tram Rd & Middleborough Rd
    - 20 properties btw Middleborough & Springvale Rds
  - Some properties will experience noise increase from 2 to 5 dbA, one property will experience an increase of between 5-10 dbA. This is pretty horrible and terribly unsafe for the occupants.

- I am very concerned for my neighbours in Bulleen, particularly Estelle St. Can you please review the effects on them?
- “These would be reviewed during the project's detailed design and would be considered for at-property treatments.”
  - Will it be window treatment
  - So will they never be able to use their outdoor space
  - Never talk to neighbours, how much will their homes be devalued?
  - Will barriers be built around their homes?
- It is concerning that these results show properties on the Eastern Freeway currently protected by the 63 dba policy (Doncaster, Box Hill) exceed this.
  - This raises concern for the ongoing protection communities along NEL and the Eastern after the project is built
  - It demonstrates a lack of commitment and concern for protecting people
  - What is the trigger for retrofitting when traffic noise levels get excessive?
  - We need a clear concise outline of the Noise Policy being applied to NEL and the Eastern Freeway. This has not been provided yet.
  - Then we require written assurances to maintain these levels always.
- Truck numbers are predicted to increase manyfold during the day and at night when NEL becomes operational.
  - The EES 9.5.4.3 states that low noise open grade asphalt will be used to reduce noise. This is true for cars, but this will not reduce the noise from trucks.
  - Limit the speed of trucks at night to 80 kph as applies in tunnels and sections of other Freeways in Melbourne.
  - Ban the use of Jacob brakes by trucks.
- **The effect of lighting from vehicles and freeway** (particularly on raised sections) has not been explored
- The emphasis on the decrease in noise on other local roads is interesting but fails in significance due to long-term damage to residents near the Eastern Freeway.
- We note that in the past when budgets run low freeway noise attenuation gets cut and cheaper protection provided.
  - Communities must be assured that if adequate noise attenuation does not happen or if noise projects are worse than estimated, **the Eastern and NEL must be closed until it is rectified.**
- In May 2002, the EPA issued a **Draft Noise Strategy Paper** calling for submissions, with the view to providing a **State Environmental Protection Policy (SEPP)** for road traffic noise. The EPA SEPP would replace the VR Policy Guidelines and include the night time period. Submissions were made back then. 17 years later, no SEPP, no updates.
- **State Environment Protection Policy (SEPP) Control of Noise from Commerce, Industry and Trade No N-1**
  - Clause 5.1 on Page 11 defines noise limits for Industry near residences:
    - Daytime 0700–1800, 50-54 dBA
    - Night time 2200–0700, 39-43 dBA
  - If Industry must control noise emissions in the interest of health and wellbeing, why is freeway noise pollution exempt from the same standards, particularly as the major noise problem is from the movement of freight/commerce industry? Is a freeway/toll road carrying commercial freight a form of Commerce or Industry?

## WHO (World Health Organisation)

The Planning Ministers Scope of Requirements Page 15 states “... *and relevant criteria from the World Health Organisation Night Noise Guidelines for Europe 2009*”. It is disappointing that there has been no discussion of WHO guidelines in the EES.

WHO provides public health-oriented recommendations, based on scientific evidence of the health effects and on an assessment of achievable noise levels. It is essential that the most respected authority findings and guidelines and used for informed discussion and decisions:

WHO indicates “serious annoyance in daytime or evening” at 55 dBA. Sleep disturbance at night time at 35 dBA.

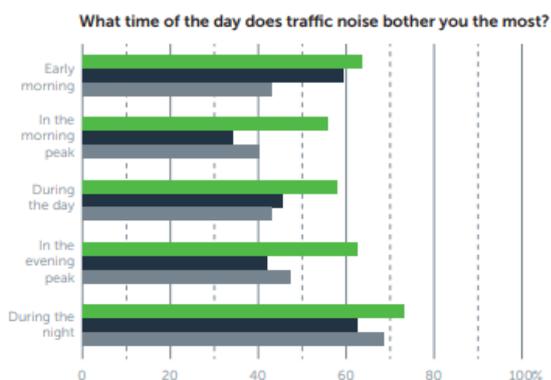
**WHO 2009 recommends a significantly better 58 dBA day time L1018 hour** and I ask you to investigate why this was not explored in the EES.

## Night Time Freeway Noise Policy is Long Overdue

In 2015 VicRoads asked for community comment in response to the “increasing traffic on our roads in the last 10 years”. From the VicRoads Noise Traffic Review In 2015.

### **When is traffic noise the biggest issue?**

- *The large majority (69%) on all types of road were concerned by traffic noise at night.*
- *Those concerned about traffic noise on freeways reported being significantly annoyed in the evening peak (63%) and early morning (63%).*
- *Those concerned about traffic noise on arterial roads reported being significantly annoyed early in the morning (59%).*



One could say that it is evening noise (when people are trying to get to sleep) and early morning noise (when people are disturbed and wake early) that concerns most.

According to WHO: “Sleep disturbance is one of the most serious effects of environmental noise, causing both immediate effects and next-day and long-term effects on mental and cardiovascular health.

WHO concludes that the potential health effects of community noise include –

- *hearing impairment;*
- *startle and defense reactions;*
- *aural pain;*
- *ear discomfort;*
- *speech interference;*
- *sleep disturbance;*
- *cardiovascular effects;*
- *performance reduction; and*
- *annoyance responses.*

“These health effects in turn -

- *can lead to social handicap;*
- *reduced productivity;*
- *decreased performance in learning;*
- *absenteeism in the workplace and school;*
- *increased drug use; and*
- *accidents.”*

A Victorian Night Time Freeway Noise Policy is essential for this project to protect Victorians along the route.

### **The current design for connection between NEL & Eastern Freeway**

- Is an old fashioned invasive design – I know retro is in, but this is not even good vintage! Surely we can do better?
- There is nothing “quality” about it, it fails to protect communities from freeway noise pollution
- High overpasses in the middle of several highly populated suburbs is irresponsible. The noise factor, the visual factor, implications for health, mental health, long-term consequences, effects on environment
- Are people who live along the Eastern Freeway considered 2<sup>nd</sup> class citizens? Is their recreational and green space valued as less?
- After all, most of the Eastern Freeway will be rebuilt where it is proposed to connect to the NEL?
- Instead of destroying green space, why can't we add to it? Dropping the overpasses down, the freeway down, building walls that curve in that vegetation could grow on – thus increasing green space, reducing noise and pollution.
  - Why can't we try above ground type tunnels that protect communities?
  - They can cover roofs on homes on Grand Designs with grass and wildflowers with relatively small budgets, so considering the billions being spent on NEL, why can't we come up with a design that covers in part of the freeway, decreases lots of its negatives and contributes to Melbourne's liveability?
  - Surely we are bright enough to come up with something world leading rather than massive overpasses towering over and destroying our environment
- Why is it so wide? Consider all that will be destroyed
  - Yet the bottlenecks will still be at Hoddle St and the Mullum and Melba tunnels.
  - The grade issues in the Mullum & Melba tunnels for trucks will still continue!
- NELA widely proclaim the benefits of this road for everyone else. If the benefits are so great, then ensure that an adequate budget is available to protect all those massively negatively affected – their children, their elderly, their environment
- EES claims that the “overall open space acquired or used temporarily is relatively small in area”:
  - Taking KCR for up to 7 years – well I don't call that temporary
  - Taking 83% is invasive and unnecessary

### **Summary**

It is evident that the huge negative environmental consequences on communities along this route were not conveyed during the NELA Consultation Process. Further, the people who are most affected suffered from a lack of meaningful information and transparency during it. I am hopeful that this Panel is truly independent and will treat us and our environment FAIRLY and with RESPECT.

It is quite sad that our State government says it looks after all Victorians. With the NEL consultation process, communities along the Eastern Freeway were not consulted and had to demand to be consulted.

The lack of transparency and poor quality information to those who will be worst affected indicates a lack of care and professionalism by NELP and the Victorian State government. It makes me very concerned about what else they are not disclosing.

It is must be recognised that –

- This project is harmful to many people, their communities, resources, facilities, environment, green space, physical health, mental health, financial health and the overall liveability and enjoyment of their homes.
- The Project aims to deliver substantial transport, economic and liveability benefits.
  - While it may do this for many Victorians, it does not do this for those whose homes, parklands and communities are massively pilfered
  - In reality, it is stealing from some to give to others
  - Saying that someone in another community will benefit by more green space is hardly helpful
  - Saying that noise levels on other streets will drop won't help those affected by excessive noise when they are unable to enjoy their outdoor space or when trying to sleep
  - Am I to be persecuted by noise, pollution and loss of environmental access because I live where I could afford?
  - It is not acceptable to bully and marginalise those worst affected.
  - People who live near a freeway are not second class citizens.
  - An educated society cannot promote taking away so much from one group of people to benefit others.

If Victoria must have this mega road because it has advantages for lots of Victorians, then it must look after those who are massively disadvantaged –

- **It is not fair to continue to take from average Australians so that large corporates and others can make lots of profit!**
- Saying some suburbs are exempt from large road projects while others get overloaded with traffic, noise and pollution is unfair. If some communities must bear the brunt of it, then protect and compensate them.
- The best noise attenuation possible must be achieved for our homes and environment. Sufficient funds must be allocated as needed to protect those Victorians who are disadvantaged by noise and air pollution.
- The current design for connection between NEL and the Eastern freeway must provide a better solution for residents of Bulleen and Balwyn North.
- There must be ongoing monitoring for health purposes:
  - Monitoring stations for air and noise so that all residents can see what is happening.
- This project cannot be justified on its long-term benefit to Victoria. If that was the case we should be pursuing other more cost effective and long term options such as rail freight and public transport. That would decrease traffic sufficiently on everyone's roads to ensure these expensive roads were not continually needed thus diverting funds from other urgent matters – hospitals, homeless, education, mental health
- That there must be compensation for the average hard working person whose home is negatively impacted and who bear the burden of health and liveability consequences.

**I don't know whether you have the power to stop this enormous waste of billions of dollars and environmental damage, but if there is no way back now & the road must be built –**

- Then as per the Minister for Planning Scoping requirements, we ask that –“*the feasibility of design alternatives*” be considered
- At a minimum, the connection between the Eastern and NEL must be reduced and redesigned to protect our environment and our people -
  - A design that minimises and lowers the overpasses
  - Minimises the excessive expansion of the Eastern at the connection
  - Minimises damage to our green space, our wonder Koonung Creek Reserve
  - A design that is innovative and that gives something back to our community, at the moment we get ZERO
  - That the foot print identified for construction purposes is excessive, seems to take everyone's green space along the route and should be scaled back. There is too much destroyed during construction for too long!
  - 83% of the Koonung Creek Reserve Balwyn North cannot be destroyed
  - **We must save the** Bulleen Red Gum Tree and as many trees as possible. This Red Bull has survived over 300 years, maybe 100's more, despite our best efforts to kill it via developments, traffic, noise and pollution. It is a symbol of resilience and much loved by many of us.
  - The effects of this project mean that we will need as many trees as possible to try to rebalance our environment. It is no use having the lungs of Melbourne in the Green Wedge 10-14 km away from here, it is too far away and those roads are too congested for us to get there in time to clear out our lungs.
- Please consider: If acceptable noise levels for all residents cannot be assured, then how can this route proceed?
  - “At home” noise attenuation is not expanded on? Will it be fair to those families? Imagine if it was your family?
  - This is a major issue for everyone in Victoria as there is the potential for massive law suits in the future from health consequences.
- In the 70's freeway noise was a relatively unknown issue, but as projects get wider, more invasive and freeways are busy 24 hours a day, noise gets louder and those who are exposed to excessive and unnecessary freeway noise must be properly protected.
- **It is no longer appropriate for VicRoads to be responsible for freeway noise protection.** Their track record is appalling. Having VicRoads, whose goal is to build and manage roads, responsible for ensuring communities affected are protected is not ethical. It is time that an independent body was responsible and had a sufficient budget for monitoring and taking action regarding freeway noise pollution in Victoria
  - To set a noise objective in line with WHO
  - To set a Night Time noise objective to protect Victorians along the route and elsewhere.
    - Residents have asked for a Night Time Policy for years, if Melbourne is to continue building these mega roads, then it is time for a Night Time Policy.
    - To Limit the speed of vehicles, particularly trucks at night to 80 kph, as applies in tunnels and sections of other freeways in Melbourne.
  - To protect neighbourhood smaller green space
  - To measure noise from all habitable rooms in homes

- It is not fair to put time limits on it, particularly when we all know traffic is increasing
- The discrimination between some communities being protected by 68 dba or 63 dba must stop NOW
- It does not matter whether it is an old freeway, our health is our health and it is precious to each of us
- If our health and liveability of our homes can't be protected from freeway noise pollution, then the freeways should be closed until they are!
- A search party needs to be set up to find the EPA – they seem to have a limited role in protecting our environment.
- Please consider what will be lost forever & for what –
  - The NEL tunnel can never be widened!
  - The bottlenecks will still be at Hoddle St and the Mullum and Melba tunnels.
  - The grade issues in the Mullum & Melba tunnels for trucks will still continue!

When a freeway is being squeezed in where it doesn't fit, then we need to be exceeding best practice and reducing the pain on those most affected wherever possible. This should be the bare minimum.

Note: I will be having a medical assessment prior to works on NEL starting, taking air and pollution readings in my area and documenting important environmental aspects so that we have evidence for a class action if needed in the future. Unfortunately I feel this is necessary due to the deceptive and minimal information provided during the NELA consultation process and their other disingenuous behaviour.

**Our health, environment and homes are more important than saving a few minutes in traffic**

**The cost to my community was never assessed in the NELA consultation process.**

**I ask you to please focus on the huge environmental cost of this option.**

**What is being taken from my community that can never be returned.**

**Thank you for this opportunity**

**Mary J Harnan**  
**On behalf of the Balwyn North Freeway Noise Group (BNFNG)**  
 (Ventnor St, Balwyn North)

Disclaimer: the EES documentation was too large for me to read fully and I do not have other financial means to do so, therefore, this submission is based on what I was able to access, read and other experiences. Thus, I am/we are not liable for any information or statements made within this submission.