Submission to: epbc.referrals@environment.gov.au

Proposal title: **North East Link Project**

EPBC Number: **2018/8142**

Date **17 January 2018**

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Warringal Conservation Society (WCS) is a local not for profit group whose members are passionate about the environment and conservation of green spaces in Banyule, and beyond.

We are concerned that the proposed North East Link Project will have a significant impact on the following matters of national environmental significance or matters protected under the EPBC Act.

Species of concern are:

Species	Status	Known habitat in proposed route
Grey headed flying Fox	Vulnerable	Camp at Yarra bend, breeding, feeding and flight path along Yarra
Latham's Snipe	Migratory	Regular seasonal sightings Banyule Flats
Australasian Bittern	Endangered	No recent sightings
Swift Parrot	Critically endangered	Flight path to Rosanna
Growling Grass Frog	Endangered	No recent sightings
Macquarie Perch	Endangered	Likely to occur
Australian Grayling	Vulnerable	Likely to occur
Matted Flax-lily	Endangered	Simpson Barracks, Hurstbridge Rail Line at Watsonia, M80 Interchange
Clover Glycine	Vulnerable	No recent sightings

The community and local biodiversity cannot be compensated for the loss of 8 hectares of remnant bushland at the Simpson Barracks by planting of similar species in another location.

There are errors of fact in the referral, and many claims are made without justification. It is our contention that a decision should not be made on the basis of this referral. Our comments below are arranged in order of the content of the main Referral Document.

SECTION 1 SUMMARY OF YOUR PROPOSED ACTION

1.5 Locality and Property Description

- The response given for the list of suburbs is incomplete. The project comprises The North East Link (north-south component) and also widening of the existing Eastern Freeway (east-west component). Additional suburbs which will be traversed by the North East Link (north-south project component) are: Watsonia North, Yallambie, and Heidelberg. Additional suburbs which will be traversed by the widened Eastern Freeway (east-west component) are: Donvale, Blackburn North, Doncaster East, Doncaster, Box Hill North, Mont Albert North, Balwyn North, Bulleen, Kew East, Kew, Alphington, Fairfield, Clifton Hill and Abbotsford.

- There is no mention of the wetland areas adjacent to the Eastern Freeway which may be impacted, e.g. Kew Billabong, the billabong at Hay's Paddock and Burke Road Billabong.
- There is no mention of the many parklands adjacent to the Eastern Freeway which may be impacted by Freeway widening.

- The Referral describes 'conditional no go zones' with the '… possible exception of activities relating to site investigations, relocation of minor utilities and ground improvement." These descriptors are vague and open to interpretation which could involve significant surface impact such as re-routing of waterways, establishment of temporary staging areas, or erection of permanent buildings – in locations which have been identified as environmentally sensitive. Banyule Flats Reserve and Warringal Parklands were acknowledged as being of State Significance in the *Warringal Parklands and Banyule Flats Ecological and Conservation Values Assessment* (Practical Ecology, 2017 p 36).

Local Policy Context

- The only local policies identified for the various municipalities are those relating to Planning Schemes. There are many other relevant local policies which should be taken into account e.g. Banyule City Council's:
    - *Integrated Transport Plan 2015-35*
    - *Council Plan 2017-2021.* The Plan includes strategic directions and initiatives relating to Environmental Sustainability (p27).

SECTION 2 MATTERS OF NATIONAL ENVIRONMENTAL SIGNIFICANCE

2.4 Is the proposed action likely to have ANY direct or indirect impact on the members of any listed species or any threatened ecological community, or their habitat?

- The 89 Matted Flax-lily individual plants/clusters identified in the project area are a significant proportion of the remaining population of this species, being 1,400 or 2,500 plants depending on how individuals are defined (Carter, 2010).
    - Many existing populations have already been translocated, increasing the value of significant self-sustaining Matted Flax- lily populations that remain in their original habitat in the project area.
    - It is impossible to assess whether the proposed translocation plan presented is viable because a recipient site has yet to be identified.
    - The five year period of monitoring and management for translocated plants is not enough to ensure their long term survival. Habitat destruction and disturbance are considered major factors threatening species survival (Carter 2010).
    - The translocation plan will not address the loss of Matted Flax-lily habitat that the referred project will cause.

The translocation plan in Attachment F p 15 states that "translocation measures are recognised to reduce residual impact, ultimately this can lead to a reduction in required offsets." More details of the intended reductions to offsets should be described.

- To avoid and minimise impacts to Macquarie Perch and Australian Grayling attachment D, section 7.5 on p55 states “managing stormwater from the constructed pavement surface to reduce the input of contaminated road runoff entering the waterways. These may require engineered water treatment.”
    - Measures that will be taken to ensure water quality are not explained. Where will stormwater go and is there room in the project area to treat runoff?

- Clover Glycine *Glycine latrobeana* was not detected in the project area despite **a** desktop assessment indicating a high likelihood of this species being present.
    - The fact that Clover Glycine is fire dependant was not taken into account (Carter & Sutter, 2010 p 3). There have been no recent fires in the areas surveyed and this would have compromised the ability to detect the species

2.5 Is the proposed action likely to have ANY direct or indirect impact on the members of any listed migratory species, or their habitat?

- Latham’s Snipe is a regular migratory summer visitor to the wetland in Banyule Flats, (Practical Ecology 2010, Appendix 9). We disagree with NELA’s negative response as to adverse effects and contend that:
    - The alterations to Banyule Creek in its upper reaches will negatively impact water levels in the wetland, causing a reduction in habitat for Latham’s Snipe.
    - The run-off from increased road surfaces is likely to cause increases in the intermittent flooding of Banyule Flats, with the possibility of toxic substances damaging the habitat.
    - Water levels within the wetland are maintained in part by ground water; and that tunnelling will impact the hydrology to the detriment of Latham Snipe habitat.
    - The migratory Latham’s Snipe could be impacted by noise, lights and particulate dust during ten years of freeway construction.

SECTION 3 DESCRIPTION OF THE PROJECT AREA

3.1 Waterways and Waterbodies

- The description of the features and watering of the Banyule Flats Reserve is incorrect. The wetlands comprise:
    - Banyule Swamp: an area of open water fed by stormwater via Banyule East Drain and Banyule Creek, with adjacent reed beds.
    - Banyule Creek, which in this locale has been straightened and which disgorges into the Yarra. In peak rainfall the creek may overbank into the swamp.
    - Banyule Billabong, approximately 1 kilometere of old river course, which relies on occasional flooding from the Yarra River, and
    - Several natural ephemeral depressions.

As illustrated by diagram below.

Ref: Practical Ecology (2017) Warringal Parklands and Banyule Flats Ecological and Conservation Values Assessment 2017

Plea

The reed beds and Banyule Swamp margins support the listed Latham's Snipe.

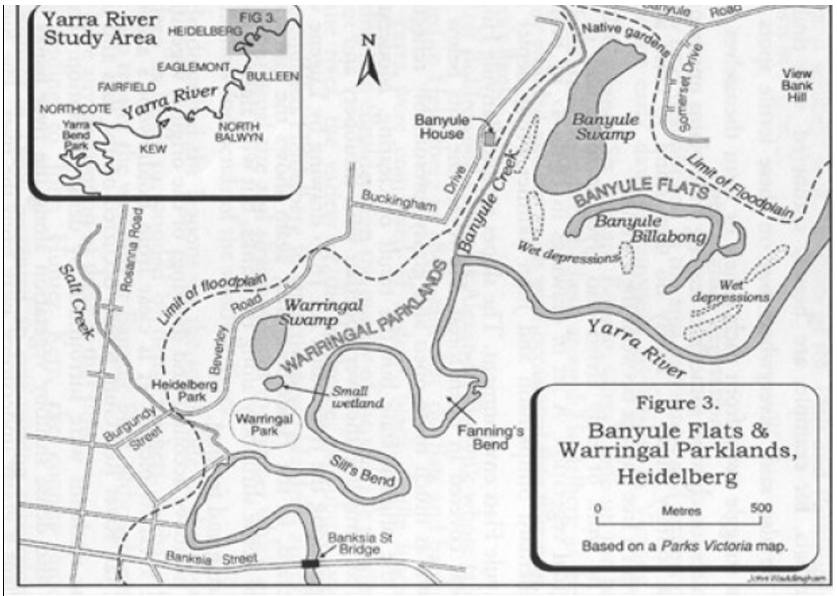

Figure 4.1: Warringal Parklands and Banyule Flats. Source: Lacey, G. 2004. Still Glides the Stream: The Natural History of the Yarra from Heidelberg to Yarra Bend. Australian Scholarly Publishing Pty Ltd.

3.2 Hydrology

- The Victorian Government and local councils are working to improve water quality, and this project is likely to have an adverse impact on quality. Victoria, State Government. (2017). *Yarra River Action Plan: Wilip-gin Birrarung murron,* Victorian Planning Provisions, Clause 56.07-4, Banyule City Council (2017). *Council Plan 2017-2021*.
- The Referral acknowledges the possibility of 'dewatering' and consequent impact on ecosystems. This could affect the habitat of Latham's Snipe, Macquarie Perch and Australian Grayling.
- Channelling and covering sections of the Banyule Creek and the Koonung Creek will reduce surface water access to wildlife and will reduce the humidity in local microclimates, impacting on both fauna and flora, e.g. Growling Grass Frog, Matted Flax-lily and Clover Glycine.

3.4 Outstanding natural features and/or any other important or unique values relevant to the project area.

- There is possible direct and indirect impact on the water table and local waterways, which could affect the habitat of Growling Grass Frog, Macquarie Perch and Australian Grayling. Claims that the tunnel will prevent direct impact on the Yarra River are unsubstantiated.

3.11 Commonwealth Land

- The Simpson Barracks abut Greensborough Road, not the Greensborough Bypass.

4.1 MEASURES YOU WILL UNDERTAKE TO AVOID OR REDUCE IMPACT FROM YOUR

PROPOSED ACTION.

Specific management measures

- The construction of a large trench with multiple road lanes and the removal of 8 hectares of remnant bushland from the Commonwealth owned Simpson Barracks will create permanent visual impact which cannot be 'mitigated by appropriate urban design response' – whatever that means.
- Drainage patterns will be substantially altered, not just by relocation of the Banyule Creek into a culvert, but also due to increased run-off from additional hard roadway surfaces. As above, this could impact the habitat of Latham's Snipe.
- The statement 'If treatment (of road run-off) is not an option an offset payment may be considered.' is not acceptable as this will not mitigate impact on local ecosystems.

SECTION 5 - CONCLUSION ON THE LIKELIHOOD OF SIGNIFICANT IMPACTS

5.1.5

- The negative response is incorrect. Latham's Snipe is a regular summerl visitor to the project area.

SECTION 6 – ENVIRONMENTAL RECORD OF THE PERSON PROPOSING TO TAKE THE ACTION

6.1 Does the person taking the action have a satisfactory record of responsible environmental management?

- "Activities undertaken to date by NELA include field investigations including geotechnical for North East Link, and there were no environmental incidents during these investigations"

This statement is incorrect. On 9th October 2017 the EPA and Banyule City Council were notified of the discharge of drilling waste into the Yarra during geotechnical investigations at Banyule Flats.

SECTION 8 – PROPOSED ALTERNATIVES

Several alternatives were not considered:

- Extending tunnelling to avoid the area of Simpson Barracks containing the bulk of EPBC listed Matted Flax-lily
- Improving public transport
- Moving freight by rail
- More efficient use of the existing road network

ATTACHMENT D Part 1 ECOLOGY REPORT

4.2.1 **Flora and Vegetation**

- The extent of native vegetation, particularly trees is not adequately documented.
- The definition of a remnant patch in the glossary of the ecology report cites DEPI 2013 (Permitted clearing of native vegetation Biodiversity assessment guidelines), but includes a caveat that "This excludes regrowth that has regenerated and is < 10 years old", that is not in the guidelines. This caveat is problematic as it will underestimate the extent of native

vegetation. It is also ambiguous as there is no explanation of what is defined as regrowth, and there is no explanation of how the age of vegetation will be determined.

- The only reference to the number of trees is that “A total of 98 scattered trees were identified within the project area.” No details are provided of trees occurring at under that remnant patch classification. . A clear description of the number of indigenous trees and their size should be provided. The most recent guidelines (DELWP 2017 Guidelines for the removal, destruction or lopping of native vegetation, page 20) stipulate that large trees within a patch should be documented.

REFERENCE LIST

Banyule City Council. (2015). *Banyule Integrated Transport Plan 2015-35*. Banyule Council. Accessed 1 Feb 2017 from https://www.banyule.vic.gov.au/Services/Transport-Parking-and-Roads/Banyule-Integrated-Transport-Plan

Banyule City Council (2017). *Council Plan 2017-2021*. Accessed 1 Feb 2018 from https://www.banyule.vic.gov.au/Council/Council-Plan

Carter, O. (2010). *National Recovery Plan for the Matted Flax-lily, Dianella amoena*. Victorian Government Department of Sustainability and Environment (DSE) Melbourne. Accessed 1 Feb 2018 from http://www.environment.gov.au/biodiversity/threatened/recovery-plans/national-recovery-plan-matted-flax-lily-dianella%C2%A0amoena

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DELWP (2017) *Guidelines for the removal, destruction or lopping of native vegetation.* Melbourne: The State of Victoria Department of Environment, Land, Water and Planning. https://www.environment.vic.gov.au/__data/assets/pdf_file/0021/91146/Guidelines-for-the-removal,-destruction-or-lopping-of-native-vegetation,-2017.pdf

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Practical Ecology. (2017). *Warringal Parklands and Banyule Flats Ecological and Conservation Values Assessment.* Accessed 1 Feb 2018 from https://www.banyule.vic.gov.au/Council/Advocacy/Transport-Project-Advocacy/Completing-the-Ring-Road-North-East-Link-Advocacy

Victoria, State Government. (2017). *Yarra River Action Plan: Wilip-gin Birrarung murron.* Accessed 1 Feb 2018 from

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Victorian Planning Provisions (2018) Clause 56.07-4 Integrated Water Management. http://planningschemes.dpcd.vic.gov.au/schemes/vpps