

# Expert Witness Report:

North East Link Project, Social and Community Outcomes in  
City of Manningham



**14 July 2019**

This report has been prepared for  
**Manningham City Council**

by

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# 1 Executive Summary

## 1.1 Overview of Scope of Assessment

I have been requested by Harwood Andrews Lawyers to conduct a high level review of the likely social impacts of the proposed North East Link as they relate specifically to the City of Manningham.

In particular, I have been requested to focus on those localities or communities most likely to be adversely affected by the project, either temporarily or permanently, and to examine the adequacy of the risk assessment and related Environmental Performance Requirements (EPRs). This includes a high level assessment of areas where these could be strengthened to ensure that the mitigation and/or compensation proposed is appropriate and sufficiently specific, and that the most severe impacts are avoided where possible.

A limitation to my assessment is the timeframe provided by the direction to proceed on 5 July 2019 and the requirement that my report be circulated by 1600 on 15 July 2019. This has limited the methodology primarily to a review of relevant documents (see Attachment A); interviews with key informants; review of submission by Manningham City Council; and limited primary research in relation to the socio-economic context and a site visit to understand the project and the nature of affected localities.

I confirm that I have read, understood and complied with the Guide to Expert Witnesses.

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Panel.

## 1.2 Qualification and Experience

I understand that my opinion has been sought due to my qualifications and experience in social research and social and economic impact assessment in relation to diverse programs, proposals and policies, including those relevant to the proposed use, during more than 30 years of practice. I hold a Bachelor of Social Work and an interdisciplinary PhD in housing policy, land economics and town planning from RMIT, and have won State and national awards for research related to community planning and impact assessment.

My practice areas focus on social and economic impact assessment of a wide range of urban development proposals including affordable housing, community facilities, licensed premises, major urban developments and infrastructure projects, and natural resources (water and extractive industries).

I hold or have held a range of honorary positions in leading research institutes, government policy bodies and community networks and organisations, including eight years on the three-person independent Social Impact Assessment (SIA) Panel for the NSW Liquor Administration Board of OLGR; Senior Visiting Research Fellow at City Future UNSW; Board Member on

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Federal Government Regional Economic Development bodies; Director of the Property Council of Australia (Illawarra Division); and am a full member of the Planning Institute of Australia.

My curriculum vitae is provided at **Attachment A**.

## 1.3 Overview of the Project

The North East Link will provide a new freeway standard connection between the M80 Ring Road and an upgraded Eastern Freeway, completing the missing link in Melbourne's metropolitan ring road. The project will also provide new and upgraded walking and cycling paths.<sup>1</sup>

With particular reference to Manningham, the project will include the Doncaster Busway providing a dedicated bus route between Hoddle Street and Doncaster with Park and Ride facilities at Doncaster Road and Bulleen Road. The project will augment the local road system through provision of dedicated lanes serving local traffic on the Eastern Freeway between Bulleen Road and Wetherby/Middleborough Road. New walking and cycling paths will be provided along Bulleen Road between Avon Street and Thompsons Road.

Access to the North East Link will be provided through an interchange at Manningham Road.

## 1.4 Differential Distribution of Project Impacts

The North East Link project has been assessed as having significant benefits at the scale of Greater Melbourne. Overwhelmingly, this is with regard to improved access/reduced travel times to the CBD for residents of Melbourne's North Eastern suburbs, in particular the LGAs of Banyule, Whittlesea and Nillumbik.<sup>2</sup> Travel time savings, travel reliability and reduced cost of congestion are reported to account for around 85% of the economic benefits of the project, and these three areas account for much of the benefit calculated.<sup>3</sup>

A further 10 LGAs have been assessed as receiving *some* benefit from the project. These benefits are mainly related to reductions in travel times/congestion from redistributing traffic away from local and arterial roads, widening of the Eastern Freeway and the provision of a dedicated bus lane. There are positive benefits to the City of Manningham, particularly those suburbs to the East, although the quantum of these benefits is far less than those that will be received by the LGAs of Banyule, Whittlesea and Nillumbik.<sup>4</sup>

However, it is my opinion that the adverse social and economic impacts (externalities) of the project fall largely upon Manningham and Banyule LGAs, which contain the north and south tunnel portals. **Manningham LGA is disproportionately affected by negative impacts of the project**, as it receives a far lesser quantum of benefits of the project compared to Banyule. It is

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<sup>1</sup> North East Link (2019) *Environment Effects Statement, Executive Summary*

<sup>2</sup> See for example Ernst and Young, 2018, North East Link Economic Appraisal, Figure 25.

<sup>3</sup> *ibid*

<sup>4</sup> *ibid*

also disproportionately impacted compared with LGAs in the wider North East region, which receive varying benefits of the project but few if any of the adverse impacts.

Best practice in social impact assessment involves identification of the **distribution of impacts**. It is often the case that the positive and negative impacts (or costs and benefits) of an infrastructure project are distributed quite differently across various geographic areas and/or geographic scales. This is certainly the case in the current project. As such, it is particularly important that the negative impacts of the North East Link are properly identified, and that they are **avoided or appropriately mitigated** wherever possible, or properly compensated where mitigation is more problematic.

It is also a key principle of such projects that the **externalities** (the adverse impacts on, or costs borne by, external parties) are internalised to the project as far as possible. Such externalities should be properly understood and where possible quantified, and again avoided, appropriately mitigated and/or compensated.

## 1.5 Definition of Localities for the Purpose of Assessment

The **locality for the purpose of social impact assessment** is determined by the nature of the land use proposed and the nature and distribution of its likely impacts (positive or negative). Again, different localities are likely to experience the impacts of an introduced land use quite differently, including at different scales. The adverse impacts of a project may be highly localised, whereas the positive impacts may be more widely experienced. This is generally the case for the North East Link.

As such, there are likely to be three ‘localities’ relevant to the assessment of social impacts of the proposed North East Link:

- A wider locality (the North East areas of Greater Melbourne), which largely experience long term positive impacts of the development;
- A locality at the LGA scale, which is likely to experience both positive and negative impacts of the project;
- An immediate locality, where negative impacts of the project will be more intensely experienced, either in the short to medium term, or permanently as a result of a project.

Given the nature of the project, and that our brief is to provide a high level assessment of the adequacy of the risk assessment and proposed mitigations in relation specifically to City of Manningham, we have focused on the **three ‘immediate localities’** that are most likely to experience the most intense impacts of the project. These are:

- The area around the **Eastern Freeway Interchange** including Bulleen Park sporting and open space facilities; walking trails to key points of interest and that provide the potential for a North-South link to the Koonung Creek Trail, and existing private recreational and educational facilities;

- 
- The areas around the **Manningham Road Interchange**, for example, the Bulleen Industrial Precinct, Banksia Park and surrounds and areas affected by temporary traffic detours;
  - The areas affected more generally by **widening of the Eastern Freeway** along 11 kms between Bulleen Road and Springvale Road, and by **site operations** related to the project. In the case of the former, this includes precincts like Estelle St, which is affected by relocation of noise walls close to housing and used as a case study in this report. The latter includes areas around the proposed site offices/operations areas such as Katrina Reserve which will be used as a construction compound despite being adjacent to residential dwellings.

## 1.6 Overview of Impacts

Three main types of impacts have been variously identified in relation to these localities:

- **Amenity impacts** of a temporary or permanent nature, including both tangible (objectively measured or measured) and intangible (subjective or experiential) amenity impacts;<sup>5</sup>
- Loss of, or reduced access to, **sporting, recreational and open space** facilities in the LGA, including as mitigation of impacts that will be experienced by other LGAs affected by the project;
- **Loss of jobs** from the demolition of Bulleen Industrial Precinct, and the **loss of future economic growth potential** from its non-replacement in the context of a shortage of industrial land in the LGA and the region more generally.

## 1.7 Summary of Findings

### 1.7.1 Impacts

Based on the evaluation set out in Section 5 of this report, the following impacts were found to be unacceptable:

1. Impacts on **sporting and community facilities in Bulleen Park and adjacent areas** (Risk SO08) due to **loss of facilities** were rated as planned (severe consequence) due largely to their regional status and the lack of appropriate sites to relocate some activities.

Appropriate mitigations could include:

- Make continuity of operations and the relocation of sports fields part of the North East Link Project to ensure that impacts will be mitigated;

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<sup>5</sup> See for example *Macedon Ranges SC v Romsey Hotel Pty Ltd* [2008] VSCA 45 at [58]; and *Hoskins v Greater Bendigo CC* [2015] VSCA 350 at [55].



- Avoid impacts from incorporation of Tennis Centre and extension of two holes of Freeway Golf Course into Bulleen Park by reducing the Golf Course’s par rating (from 69 to 66) whilst maintaining the 18 holes; and finding an alternative site for the Tennis Centre;
  - Redesign the Eastern Freeway interchange to provide ramps in tunnels with appropriate portals in the freeway reserve, rather than the proposed combination of surface roads and viaducts, including relocation of ventilation.
2. Impacts on **sporting and community facilities in Bulleen Park and adjacent areas** (Risk SO09) due to **operational amenity impacts** were rated as planned (major consequence) due largely to their regional status and the duration and severity of impacts.

Appropriate mitigations could include:

- Rebuild the AFL club building facing Bulleen Road so that it faces sporting fields rather than the southern tunnel portal;
  - Redesign the Eastern Freeway interchange to provide ramps in tunnels with appropriate portals in the freeway reserve, rather than the proposed combination of surface roads and viaducts.
3. The loss of jobs from **the acquisition of the Bulleen Industrial Precinct** (Risks BU03 and SO11) was rated as planned (severe consequence), due to the lack of an alternative site for businesses to relocate to, the regional nature of the precinct and the proportion of jobs in Manningham LGA located in the precinct.

Appropriate mitigations could include:

- Make continuity and relocation of businesses part of the North East Link project through the development of an appropriately sited industrial estate in advance of demolition of the estate, to ensure that impacts will be mitigated;
  - Redesign the Manningham Road interchange to avoid impacts on the Bulleen Industrial Precinct e.g. relocate the interchange to the west of the Yarra River, or delete the Manningham Road interchange and rely on the Eastern Freeway interchange to provide access to the North East Link for residents of Manningham LGA (noting that the latter may not be supported by Manningham City Council).
4. **Amenity impacts on a ‘case study’ area by permanent works** (noise walls along Estelle Street, Bulleen) (Risk SO03) were rated as planned (major consequence), due to the severity of the impact and the permanent nature of the impact.

Appropriate mitigations could include:

- Redesign the Eastern Freeway widening at this point to take advantage of the much wider reserve on the southern side of the freeway, so that the existing arrangement of noise walls and deep soil vegetation is maintained.

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5. **Amenity impacts on a ‘case study area’ by construction activities** (proposed construction compound at Katrina Reserve, Doncaster) (Risk SO05) were rated as planned (major consequence), due to the severity of the impact in a residential area.

Appropriate mitigations could include:

- Arranging access to the compound site from the freeway rather than using local roads;
  - Relocating the compound to a non-residential area, as is generally the case in such projects.
6. **Traffic impacts on a case study area by construction activities** (proposed construction compound at Katrina Reserve, Doncaster) (Risk SO06) were rated as planned (major consequence), due to the severity of the impact in a residential area.

Appropriate mitigations could include:

- Arranging access to the compound site from the freeway rather than using local roads;
- Relocating the compound to a non-residential area.

### 1.7.2 Efficacy of EPRs

**EPR SC4** (minimise impacts on sporting, recreation and other facilities) has the following shortcomings with respect to the assessment of implementation on residual risk:

- It assumes that it is possible to identify opportunities to relocate facilities;
- The cost of relocation is not internalised to the project, but rather relies on external parties to mitigate the risk;
- The implementation of mitigations is highly qualified by the use of words such as “where practicable”, “where appropriate” and “that can be taken”, so that there is no certainty in the EPR.

**EPR SC3** (Participate in the Community Liaison Group) has the following shortcomings with respect to the assessment of implementation on residual risk:

- It relates only to construction activities, and does not provide a pathway for affected parties to provide input to the evolving design of the project;
- There is no commitment to normative standards regarding amenity impacts such as those found in the EPRs identified under Risk SO05, including noise, vibration and dust;
- There is no third party or independent oversight of the process to ensure appropriate and timely response to issues raised by the group;
- There is no opportunity to raise ad hoc concerns, such as provision of a complaints line and appropriate staff by contractors or by the North East Link Project.

**EPR B1** (Business Support) has the following shortcomings with respect to the assessment of implementation on residual risk:

- It assumes that it is possible to identify appropriate opportunities to relocate business facilities;
- The cost of relocation is not internalised to the project, but rather relies on external parties (owners and councils) to mitigate the risk;
- Appropriate outcomes are not guaranteed in any way, but only commits the North East Link Project to work with councils to identify opportunities.

**EPR B2** (Minimise disruption to businesses from land acquisition and temporary occupation) has the following shortcomings with respect to the assessment of implementation on residual risk:

- It assumes that opportunities are available to relocate facilities, which appear unlikely due to the shortage of industrial land in the region;
- It assumes that compensation following acquisition will be adequate, however this may not be the case, e.g. in circumstances where land value only is compensated and capital investment and good will is not included, or where compensation goes to the land holder, but the lessee is not appropriately compensated;
- Appropriate outcomes are not guaranteed in any way, but only commits the North East Link Project to identify opportunities;
- The implementation of mitigations is highly qualified by the uses of words such as “minimise”, “to the extent practicable” and “endeavour”, so that there is no certainty in the EPR.

**EPR SC2** (Implement a Communications and Community Engagement Plan) has the following shortcomings with respect to the assessment of implementation on residual risk:

- It relates only to construction activities, and does not provide a pathway for affected parties to provide input to the evolving design of the project;
- There is no third party or independent oversight of the process to ensure appropriate and timely response to issues raised by the group such as appointment of an independent Community Relations Person.

**EPR SC3** (Participate in the Community Liaison Group) has the following shortcomings with respect to the assessment of implementation on residual risk:

- It relates only to construction activities, and does not provide a pathway for affected parties to provide input to the evolving design of the project;
- There is no third party or independent oversight of the process to ensure appropriate and timely response to issues raised by the group such as appointment of an independent Community Relations Person.

**EPR LV1** (Design to be generally in accordance with the Urban Design Strategy) has the following shortcomings with respect to the assessment of implementation on residual risk:

- The implementation of mitigations is highly qualified by the use of words such as “minimise” and “maximise”, so that there is no certainty in the EPR.

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**EPR LV2** (Minimise landscape impacts during construction) has the following shortcomings with respect to the assessment of implementation on residual risk:

- The implementation of mitigations is highly qualified by the use of words such as “generally”, “minimise” and “where practical”, so that there is no certainty in the EPR.

**EPR LV3** (Minimise construction lighting impacts) has the following shortcomings with respect to the assessment of implementation on residual risk:

- The implementation of mitigations is highly qualified by the uses of words “to the extent practicable”, so that there is no certainty in the EPR.

**EPR T2** (Transport Management Plan(s) (TMP)) has the following shortcomings with respect to the assessment of implementation on residual risk related to local streets:

- The implementation of mitigations is highly qualified by the use of words such as “minimise” and “where practicable”, so that there is no certainty in the EPR.

## 2 Description of the project

### 2.1 Overview

The North East Link will provide a new freeway standard connection between the M80 Ring Road and an upgraded Eastern Freeway, completing the missing link in Melbourne's metropolitan ring road. The major benefits of the project are understood to be reductions in travel times, with positive local impacts from redistribution of traffic away from local and arterial roads. The project will also provide new and upgraded walking and cycling paths.<sup>6</sup>

The capital cost of the project is understood to be \$12.241 billion, with total benefits valued at \$111.025 billion.<sup>7</sup> Adjusting for the time value of money, the benefit cost ratio is calculated at 1.3–1.4, with the lower figure including transport benefits only, and the higher figure adding in wider economic benefits.

With particular reference to Manningham, the project will include the Doncaster Busway providing a dedicated bus route between Hoddle Street and Doncaster with Park and Ride facilities at Doncaster Road and Bulleen Road.

The project will augment the local road system through provision of dedicated lanes serving local traffic on the Eastern Freeway between Bulleen Road and Wetherby/Middleborough Road.

New walking and cycling paths will be provided along Bulleen Road between Avon Street and Thompson's Road.

### 2.2 Works in Manningham LGA

#### 2.2.1 Overview

Works have been identified from the following EES documentation:

- The map book;
- Chapter 8 Project Description; and
- Chapter 9 Traffic.

#### 2.2.2 Permanent Works

Considering Manningham LGA only, the following permanent works will be located in the City:

- Bored tunnel between Yarra River and Manningham Road;
- Cut and cover tunnel between Manningham Road and Bulleen Road;

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<sup>6</sup> North East Link (2019) *Environment Effects Statement, Executive Summary*

<sup>7</sup> Ernst and Young (2018) *North East Link Economic Appraisal*, Table 24.

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- Mined tunnel between Bulleen Road and Rocklea Road;
  - Cut and cover tunnel between Rocklea Road and Southern Portal, south of Veneto Club;
  - Manningham Road interchange, including north and south bound on and off ramps and works in Manningham Road and Bulleen Road;
  - Emergency Smoke Exhaust at Manningham Road interchange;
  - Water treatment facility at Manningham Road interchange;
  - Substation at Manningham Road interchange including upgrades to the 66 kV system outside the project boundary;
  - Deluge tanks for fire suppression at Manningham Road interchange;
  - Communications Tower at Manningham Road interchange (relocated from Greenaway Street);
  - Motorway operations centre at Manningham Road interchange, including offices, an operations room, equipment rooms, emergency vehicle staging area, maintenance facilities and car parking for employees;
  - Flood walls and flood gates at Manningham Road interchange and at the Southern Portal;
  - Shared path at Manningham Road interchange;
  - Surface works to Bulleen Road between Avon Street and Koonung Koonung Creek including viaduct;
  - Relocated sewer along Bulleen Road between Avon Street and Koonung Koonung Creek;
  - Shared path along Bulleen Road between Avon Street and Koonung Koonung Creek;
  - Southern tunnel portal in Bulleen Park, just south of the Veneto Club;
  - Ventilation structure in Bulleen Park, just south of the Veneto Club;
  - Water treatment facility in Bulleen Park, just south of the Veneto Club;
  - Eastern Freeway interchange, incorporating surface roads, ramps, viaducts and noise walls (noting that most of the interchange is in the adjacent City of Boroondara, with the boundary in this area Koonung Creek);
  - Surface works to Thompsons Road and Sandra Street including busway interchange;
  - Shared use path connecting to existing shared use path on northern side of the Eastern Freeway between Thompsons road and Doncaster Road;
  - Noise walls to Northern side of Eastern Freeway from Thompsons Road to Doncaster Road (may be outside LGA boundary);
  - Busway along Eastern Freeway from Thompsons Road to Doncaster Road (may be outside LGA boundary);

- Works associated with Doncaster Road interchange including shared path and noise walls;
- Busway, Doncaster park and ride and multi storey car park at Doncaster Road and Hender Street;
- Shared use path over pass at Heyington Avenue;
- Surface works to Eastern Freeway between Massey Street and Springvale Road, noting that the LGA boundary follows an old creek line, so that in some areas the Eastern Freeway is in Manningham LGA;
- Shared use path near Elgar Road and Fink Court;
- Noise wall construction near Doncaster Road, Stanton Street, Sargent Street, Tram Road, Norfolk Circuit, Gedye Street and eastbound off ramp to Blackburn Road;
- Surface works at Sargent Street;
- Surface works at east bound on ramp at Tram Road;
- Part of Wetherby Road eastbound offramp near Norfolk Circuit;
- Part of Blackburn Road eastbound offramp; and
- Springvale Road eastbound offramp.
- Permanent road closures are proposed at Greenaway Street – Between Manningham Road and Bulleen Road, Kim Close – Adjacent to Greenaway Street, and Avon Street – access from Avon Street to Bulleen Road.

### 2.2.3 Temporary Works

Temporary works in Manningham LGA include:

- Tunnel boring machine launch and retrieval site in Banksia Park, north of Bridge Street;
- Access for ground improvement works in Banksia Park, north of Bridge Street;
- A spoil stockpile and handling site at the Manningham Road interchange site;
- Shoring and excavation for the Bulleen Road sewer tunnel;
- Construction compounds at the Manningham Road interchange site (sites 20, 21 and 22), Bulleen Park south of the Veneto Club (site 16), Marcellin College (site 17), part Koonung Creek Linear Park near Kampman Street (site 12), Doncaster Park and Ride (site 11), and part Koonung Creek Linear Park near Stanton Street (site 23);
- Temporary parking will be provided to replace lost parking at Doncaster Park and Ride. The site of this parking is not stated;
- Tunnel spoil is expected to be hauled via Bulleen Road and the Eastern Freeway to spoil sites to the east and west of Melbourne or via Manningham Road west of Bulleen Road to spoil sites to the north of Melbourne.

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## 2.2.4 Traffic diversions

Construction of the Manningham Road interchange is expected to require changed traffic arrangements on Manningham Road for around six months. During this time, traffic would be reduced to one lane eastbound to provide for right-turning vehicles at Bulleen Road, with two lanes of eastbound through-traffic diverted via a widened Bridge Street. Traffic would also be reduced to two lanes westbound between Greenaway Street and Bridge Street. To maintain traffic performance along Manningham Road, Bridge Street would be widened to two lanes in the eastbound direction, and the intersection of Bridge Street and Templestowe Road would be signalised.

Construction of the Manningham Road interchange ramps is anticipated to require closure of Bridge Street for approximately six weeks. This closure would not be undertaken at the same time as the closures required for Manningham Road.

The road that provides access to the Marles Playing Fields within Trinity Grammar School would be closed for around one year to allow for the construction of the North East Link tunnels. A diversion route may not be possible via the existing Marcellin College access road, although a connection may be possible via Barak Street to Thompsons Road. This could require an upgrade of the internal access road.

The Doncaster Road bridge over the Eastern Freeway would need to be removed and reconstructed to allow for the construction of additional lanes along the freeway. These works could take approximately one year, but capacity at this location would not be reduced for this whole period. Instead, the works would occur over multiple stages, realigning traffic to different sides of the bridge to provide sufficient space for construction.

The Eastern Freeway would be widened between Springvale Road and Chandler Highway as part of the project. These works are likely to require a number of stages to accommodate the existing traffic volumes. It is possible that all sections of the Eastern Freeway could be under construction at the same time, although staging of these works may also occur.

## 2.2.5 Land affected by the project

The project will affect a variety of public and private land in Manningham LGA.

The greater part of the Bulleen Industrial Precinct will be displaced to make way for temporary construction works and for the construction of the Manningham Road interchange and other facilities associated with the tunnel operation.

In the northern portal to southern portal element, 97 commercial, 18 residential and 16 other properties would be acquired. The majority of these commercial properties are within the Bulleen Industrial Precinct which is bordered by Bridge Street, Bulleen Road and the Yarra River. Boroondara Tennis Centre and part of the Freeway Public Golf Course would be permanently acquired to allow for the construction of the Eastern Freeway interchange and a Park and Ride facility.

Chapter 14 *Business* identifies over 80 businesses would be displaced in the Bulleen Industrial Precinct.



Part of the Freeway Golf Course will be resumed and it is understood that this may be mitigated by expansion into Bulleen Park.

Playing fields associated with Carey Baptist Grammar Sports Centre, Trinity Grammar School Sporting Complex and Marcellin College will be affected by the construction of the sewer tunnel, and some land will be lost for construction of the Eastern Freeway interchange.

The EES identifies the following community infrastructure facilities<sup>8</sup> (including some privately owned facilities) that are likely to be adversely impacted by the project (disregarding those affected by amenity impacts and connectivity impacts only):

### **Permanent Impact**

#### **Bulleen**

1. Bulleen Art and Garden, which will be permanently acquired for the North East Link, displacing the facility
2. Bulleen Swim Centre, which will be permanently acquired for the North East Link, displacing the facility
3. Carey Grammar Sports Complex, where the area occupied by netball and tennis courts will be permanently acquired for the North East Link, displacing the facility
4. Bulleen Park, where around 15% of the site will be occupied during construction, with some of this area permanently acquired for project infrastructure. The park will also be impacted by mitigations<sup>9</sup> proposed to address the impacts of permanent acquisition of parts of the Freeway Golf Course and Boroondara Tennis Centre in the adjacent Boroondara Municipality and the loss of an AFL field in Bulleen Park, near Bulleen Road. Relocation of displaced facilities into Bulleen Park will displace other existing users including soccer fields, the archery area and the model aircraft area.
5. Bulleen Golf Driving Range, which is proposed as an area to accommodate other facilities displaced from Bulleen Park

### **Construction Impact**

#### **Bulleen**

6. The Veneto Club, where loss of parking is expected
7. Marcellin College, where parts of the sporting fields will be occupied by a temporary laydown area, leading to temporary loss of facilities
8. Trinity Grammar School, where parts of the sporting fields and tennis courts will be occupied during construction, leading to temporary loss of facilities
9. Banksia Park, where around 14% of the area will be occupied by the TBM launch/retrieval site, leading to a temporary loss of facilities

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<sup>8</sup> Technical Report I *Social* Appendix E, Section 4.

<sup>9</sup> Technical Report I *Social* Appendix 2, *Bulleen Park Area Sports and Recreation Options Assessment*.

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10. Yarra Flats Park where around 2% of the site, adjacent to Kim Close, will be occupied during construction
  11. Koonung Reserve, where 64% of the site will be occupied during construction

**Doncaster**

12. Katrina Street Reserve, where 18% of the site will be occupied during construction
13. Tram Road Reserve, where 12% of the site will be occupied during construction, excluding the sporting oval
14. Koonung Creek Linear Park, where 60% of the site will be occupied during construction
15. Stanton Street Reserve, which will be occupied during construction
16. Doncaster Park and Ride, which will be occupied during construction (considered in section 6.4 above)
17. Manningham Park Reserve, where 27% of the site will be occupied during construction

**Doncaster East**

18. Koonung Creek Reserve, where 19% of the site will be occupied during construction
19. Boronia Grove Reserve. Where 23% of the site will be occupied during construction, excluding the sporting oval

**Donvale**

- Koonung Creek Linear Park, where 60% of the site will be occupied during construction

## 3 Framework for Social Impact Assessment

### 3.1 Theoretical framework for SIA

For the purposes of the review of key social impacts conducted in the preparation of my expert report, a working definition of social impact assessment is,

...the process of analysing (predicting, evaluating, reflecting) and managing the intended and unintended consequences on the human environment of planned interventions (policies, programs, plans, projects) and any social change process invoked by those interventions so as to bring about a more sustainable and equitable biophysical and human environment.<sup>10</sup>

Within this conceptual framework, 'social impacts' are defined broadly, with social impact assessment evaluating:

...all human impacts including aesthetic impacts (landscape analysis), archaeological and heritage impacts, community impacts, cultural impacts, demographic impacts, development impacts, economic and fiscal impacts, gender assessment, health impacts, indigenous rights, infrastructural impacts, institutional impacts, political impacts (human rights, governance, democratization and so on), poverty assessment, psychological impacts, resource issues (access and ownership of resources), tourism impacts and other impacts on societies. Consideration of impacts needs to extend to cumulative effects as well as an assessment of the impact history of a community.<sup>11</sup>

### 3.2 Legal Framework for the SIA

#### 3.2.1 Relevant Considerations

In light of the potential for significant environmental effects, on 2 February 2018 the Victorian Minister for Planning (the Minister) declared North East Link (the project) to be 'public works' under section 3(1) of the Environment Effects Act 1978 (EE Act). The declaration was published in the Victorian Government Gazette on 6 February 2018 (No. S 38 Tuesday 6 February 2018) and in consequence, an environment effects statement (EES) must be prepared in respect of the project.

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<sup>10</sup> Vanclay, F. (2002) 'Social Impact Assessment', in M. Tolba (ed.), *Responding to Global Environmental Change* (vol. 4 of *Encyclopaedia of Global Environmental Change*, series ed.: Ted Munn), Chichester: Wiley, 387-93).

<sup>11</sup> Vanclay, F. (2003), 'Conceptual and methodological advances in social impact assessment', in *The International Handbook of Social Impact Assessment*, H. A. Becker and F. Vanclay (eds.), Edward Elgar, Cheltenham, UK, Ch.1, p. 1; see also Lane, M., Dale, A. and Taylor, N. (2001), 'Social assessment in natural resource management: Promise, potentiality and practice', in *Social Assessment in Natural Resource Management Institutions*, A. T. Dale, N. Taylor and M. Lane (eds.), CSIRO Publishing, Collingwood, Victoria, p. 5.

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The Scoping Requirements<sup>12</sup> set out the specific environmental matters to be investigated and documented in the project's EES.

The EES will address the significant effects of all components and stages of the project upon the environment – being “the physical, biological, heritage, cultural, social, health, safety and economic aspects of human surroundings, including the wider ecological and physical systems within which humans live”.<sup>13</sup>

Draft evaluation objectives pertinent to social impact include:<sup>14</sup>

To increase transport capacity and improve connectivity to, from and through the northeast of Melbourne, particularly freight movement via the freeway network instead of local and arterial roads, while managing the effects of the project on the broader and local road, public transport, cycling and pedestrian transport networks;

To minimise adverse air quality, noise and vibration effects on the health and amenity of nearby residents, local communities and road users during both construction and operation of the project;

To manage effects of the project on land use and the social fabric of the community with regard to wellbeing, community cohesion, business functionality and access to goods, services and facilities;

To minimise adverse effects on landscape values, visual amenity, recreational and open space values and to maximise the enhancement of these values where opportunities exist; and

To avoid or minimise adverse effects on Aboriginal and historical cultural heritage values.

### 3.2.2 Locality

The definition of ‘**locality**’ is critical for the assessment of impacts, both positive and negative, and the identification of appropriate mitigation. Guidance in defining the locality is provided from several relevant sources in the NSW Court of Appeal,<sup>15</sup> and from *Jagot J in Milne v Minister for Planning & Anor [No. 2] [2007] NSWLEC 66* at par [24] that ‘the nature of the development and its impacts will influence the scope of the locality to be considered’.

### 3.2.3 Nature of Social Impacts

The identification of social impacts is also informed by relevant case law and planning principles.

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<sup>12</sup> Victorian State Government (June 2018) *Scoping Requirements for North East Link Project Environment Effects Statement*

<sup>13</sup> *Ibid*, page 7.

<sup>14</sup> *Ibid*, page 12ff.

<sup>15</sup> See for example NSW Court of Appeal in *Randall Pty Ltd v Willoughby City Council* (2005) 144 LGERA 119 at 130-131, where it was noted that the concepts of ‘impact’ and ‘locality’ will interact, and that ‘[s]ubject to identifiable outer limits of connotation, [s 79C(1)(b)] should be construed as leaving to the consent authority, or the Commissioner on appeal, the identification of what constitutes a relevant impact in a particular case and what constitutes the appropriate locality within which to consider the impact’.

The social planning concept of ‘amenity’ has tangible and intangible dimensions. The former includes the physical characteristics of an area, such as its visual or scenic qualities, the form of the natural or built environment, its urban footprint and relationship between and concentration of land uses, and other physical indicia including pedestrian and traffic movement that have an impact on the quality of life experienced by those in the relevant locality.

The intangible dimensions of ‘amenity’ include residents’ subjective perception of their locality in relation to matters such as their quality of life, community identity and culture, sense of place, social relationships and community cohesion.<sup>16</sup> Again, having regard to the literature and other primary and secondary research and data, one is able to assess the reasonableness of these perceptions to the extent that they relate to matters such as safety, nuisance and annoyance, family and community relationships, and quality of life generally.

That said, the degree to which a use may adversely affect the ‘way of life’ of a locality or of a community within that locality is a highly subjective matter and in forming a view of the likely impacts of the proposal one must give adequate regard to subjective perceptions of those actually residing in the locality. In this regard I am guided by statements of the Victorian Court of Appeal that “[t]he views which members of a community have about the kind of community in which they wish to live will reflect a whole variety of interests, aspirations, beliefs and experiences”<sup>17</sup> and that in assessing “social impacts”,<sup>18</sup> “the personal views of community members must be given their proper place in the evaluation”.<sup>19</sup>

The tangible and intangible aspects of amenity are interrelated, with subjective perceptions clearly affected by physical characteristics. The introduction or removal of a significant land use can considerably affect subjective perceptions of the locality. Conversely, impacts on intangible perceptions often result in further tangible consequences. The amenity of an area is a matter that affects quality of life, and changes in the former necessarily impact on the latter.

Moreover, subjective perceptions of amenity may give rise to reasonable concerns about future quality of life. Such concern is manifest in measurable phenomena such as community stability and resident turnover rates, land values and the like. Other physical consequences include changes to everyday behaviour and way of life, such as avoiding a place associated with an undesirable use or changing one’s driving route, the way people in a community relate to each other, or leaving one’s community altogether if its qualities are no longer those that caused a person to live or move there in the first place.

The review of social impacts has considered the likely impacts on the amenity of the locality having regard to both tangible and intangible factors that affect the social context of the

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<sup>16</sup> The US Inter-organizational Committee on Guidelines and Principles for Social Impact Assessment notes that ‘social impacts’ mean the consequences to human populations of any public or private actions that alter the ways in which people live, work, play, relate to one another, organize to meet their needs and generally cope as members of society. The term also includes cultural impacts involving changes to the norms, values, and beliefs that guide and rationalize their cognition of themselves and their society (USICGPSIA 1994, p1).

<sup>17</sup> *Macedon Ranges Shire Council v Romsey Hotel Pty Ltd* [2008] VSCA 45 at par [58]; *Hoskins v Greater Bendigo CC* [2015] VSCA 350 at [55].

<sup>18</sup> Under the Victorian Gambling Regulation Act

<sup>19</sup> *Ibid*, at par [66].

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community. Where these relate to matters capable of objective assessment, they have been considered through qualitative research and analysis.

## 3.3 Defining the Scope of Impact Assessment

### 3.3.1 Consultant's Brief

The locality for consideration of social impacts is defined in the brief provided by Harwood Andrews Lawyers. This limits the locality or 'system boundary' for the purpose of the assessment to the Local Government Area of the City of Manningham.

A further limitation of the assessment was the timeframe provided by the direction to proceed on 5 July 2019 and the requirement that my report be circulated by 0900 15 July 2019. This has limited the methodology primarily to secondary research, including:

- A review of project documentation (see list of documents reviewed at Attachment A);
- A review of demographic and other data;
- A review of submissions by Manningham City Council to understand the nature and extent of local stakeholder concerns and issues;
- A site visit to understand the nature and configuration of surrounding land uses and their relationship to the project;
- Interviews with Council Officers.

## 4 Scoping of Potential Social Impacts

### 4.1 EES documentation

A number of potential social impacts are identified in the EES documentation.

Chapter 17 of the EES *Social*, identified a number of social impacts following desktop review and analysis, stakeholder engagement and community engagement. These were in the broad areas of:

- Property acquisition and relocation (assessed as a part of the construction impact phase as this is when the impact would begin but may occur over the long term)
- Amenity and character
- Access and connectivity
- Function and viability of community infrastructure facilities.

Specific impacts with respect to property acquisition and relocation are set out in table 17-2 of the EES. Impacts are rated from medium for dislocation of social networks for residents, increased unemployment and dislocation of social networks for businesses; to low for need to relocate due to affordability and impacts on residents from relocation of businesses.

It is noted that these risk assessments vary from those in Chapter 14 *Business*. This document (in table 14-2) rates the risk that Permanent acquisition of INZ1 land in Bulleen displaces businesses and reduces the number of jobs available for workers in this area as a planned impact with major consequences.

Attachment III *Risk Assessment*, states at 4.2 that “No risks pathways were assessed as having a high or very high residual risk”. An examination of Appendix A1 shows the residual risk of risk BU03 as “planned” with a major consequence and a certain likelihood. **A better reading would be that the risk has a very high residual risk, and that the authors of the report believe that the adverse impacts should be offset against the positive impacts of the proposal rather than mitigated or managed.**

Impacts related to amenity and character are set out in table 17-3 of the EES. Impacts are rated as medium for changes in amenity and lifestyle and for the tangible impacts of noise, air emissions and visual changes. The residual risk rating of traffic impacts has been down graded from high to medium due to the mitigation of EPR T5 – Traffic monitoring and EPR AQ4 – Monitor ambient air quality.

Table 17-4 of the EES sets out impacts related to access and connectivity. Impacts are rated as medium for loss of connectivity and access, changes to traffic conditions, effects of changed traffic conditions on vulnerable populations and changes in travel routes and travelling behaviour.

The assessed impacts on function and viability of community infrastructure facilities is set out in Table 17-5. Impacts are rated as medium for impacts of noise, air quality and visual changes; changes to traffic conditions affecting the population generally and vulnerable populations specifically; and changes in travel routes and behaviour. Impacts are rated as low for reduced

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opportunities for active lifestyle and social networks as a result of full or partial acquisition of sporting and recreational facilities. The impact of full or partial acquisition of community sporting and recreational facilities has been downgraded from a risk of high to low through the mitigation of EPR SC4 – Minimise impacts on sporting, recreation and other facilities. The mitigation is quite weak, lacking a measurable outcome or clear criteria for measuring success. The mitigation seems to be dependent on the project outcomes, that is to say impacts will be minimised subject to efficient and effective delivery of the project. **In this framework, minimisation could mean little or no change to the impacts of the reference design.**

Operational impacts are rated as low for amenity and character; medium for decreased amenity on feeder roads and low for isolation of vulnerable people; and low for impacts on community facilities.

## 4.2 Council Officers

Council officers have raised the following possible social impacts as referenced in undated memos to Harwood Andrews as supplied to me by Manningham City Council.

Particular concerns include:

- Community engagement and consultation with regard to representative participation;
- Amenity impacts including air quality, noise, vibration and local character;
- Pockets of disadvantage in Manningham will exacerbate impacts;
- Impacts on public transport, noting the reliance on bus services;
- Housing acquisition and the impacts of relocation;
- Effects on neighbourhoods and communities;
- Business closures and relocation;
- Loss of open space and amenity;
- Impact on Koonung Creek trail;
- Traffic and congestion;
- Personal safety;
- Loss of services including Bulleen Art and Garden, Veneto Club parking, child care and aged services, and sporting groups and clubs; and
- Health impacts.

## 4.3 Manningham Council submission

An online submission from Manningham Council dated 5 June 2019 also sets out possible social impacts amongst other impacts. These include:



- Environmental and open space impacts, specifically impacts on Bulleen Park and Koonung Creek corridor;
- Economic and social impacts, specifically impacts on Bulleen Industrial Precinct; and
- Noise, specifically unacceptable construction and operational impacts.

## 4.4 Potential Social Impacts

This review supports the identification of potential social impacts as set out in Chapter 17 of the EES *Social*, set out in Section 4.1 above.

Following a review of documentation, and a visit to the site and localities within Manningham LGA most likely to be affected by the project, key social impacts have been refined to relate principally to the following.

- **Amenity impacts** of a temporary or permanent nature, including both tangible (objectively measured or measured) and intangible (subjective or experiential) amenity impacts;<sup>20</sup>
- Loss of, or reduced access to, **sporting, recreational and open space** facilities in the LGA, including as mitigation of impacts that will be experienced by other LGAs affected by the project;
- **Loss of jobs** from the demolition of Bulleen Industrial Precinct, and the **loss of future economic growth potential** from its non-replacement in the context of a shortage of industrial land in the LGA and the region more generally.

These impacts are the focus of this report.

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<sup>20</sup> See for example *Macedon Ranges SC v Romsey Hotel Pty Ltd* [2008] VSCA 45 at [58]; *Hoskins v Greater Bendigo CC* [2015] VSCA 350 at [55]

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## 5 Review of Adequacy of Mitigations

### 5.1 Overview

This section first provides an assessment of the main adverse impacts in the localities most affected by the North East Link project from a review of relevant documentation, discussions with key informants, and a site visit conducted on 13 July 2019.

This is followed by a review of the adequacy of the risk assessment and related EPRs for the North East Link, and a high level assessment of areas where these could be strengthened to ensure that the mitigations and/or compensation proposed is appropriate and sufficiently specific, and that the most severe impacts are avoided where possible.

### 5.2 Review of Significant Impacts in the Immediate Localities

#### 5.2.1 Eastern Freeway Interchange

A range of permanent impacts are associated with the Eastern Freeway Interchange. A number of these require further consideration in terms of avoidance or appropriate mitigation.

First, it is understood that, under the option currently favoured by North East Link Project, a range of existing sporting and recreational uses that currently occupy Bulleen Park will be need to be displaced. Whilst **some will be relocated, in some cases they will not be replaced**. This includes the following:

- Displacement of AFL Oval 1 by the southern portal. In order to keep AFL facilities together, it is proposed that the other two AFL fields will be moved further to the west so that Oval 1 can also be accommodated on the site;
- Displacement of the two existing soccer fields, and replacement of these fields at the Golf Driving Range 2 kms away in Manningham LGA. It is understood that the privately owned Driving Range will not be replaced. The relocation of the soccer fields also severs their historical connection with the Veneto Italian Centre, which have had important intergenerational connections with the fields (for example, grandparents visiting the club being able to walk across to a child's soccer game);
- Displacement of the Archery Field by two holes of the adjacent Freeway Golf Course in Boroondara LGA, to offset the golf course losing land to the Eastern Freeway Interchange on-ramps. This is in order to maintain its 18 holes and 69 par status. This will result in the loss of the Archery use due to the requirements of this sport and an inability to identify any suitable alternative sites;

- The Model Aircraft Field may be displaced by the relocation of the 23 Court Boroondara Tennis Centre (located in Boroondara LGA) which is displaced for construction of ramps and ultimately for the construction of the Bulleen Park and Ride. There is no proposal for the replacement of the Model Aircraft Field, due to operational limitations;
- It is understood that there will also be a severing of connectivity of the Yarra River walking trails within park land adjacent to the Yarra River due to the expansion of two holes of the adjacent golf course into this area, which will mean that the opportunity to connect expanded walking trails along Koonung Creek and the Yarra River will be lost.

A number of issues arise from the loss and non-replacement of the Model Aircraft and Archery Fields, and the disruption to connectivity of pathways.

- It is not clear why the Golf Course is being privileged over the relatively unique uses of Model Aircraft and Archery. It is understood that an 18 hole Golf Course would still be possible without the need to encroach on land currently occupied by these uses though downgrading the course slightly (to a 66 par course). This would appear to be a reasonable compromise that would ensure the continuation of all uses, as well as maintain the current and potential connection of walking trails, and would contain the impacts experienced by Boroondara LGA within its boundaries;
- Another suitable site for the Tennis Centre could likewise be identified, including due to size and reported usage of the Centre. This should be resolved prior to finalisation of the project's EPRs, with costs internalised to (paid for by) the project. It is understood that it may be possible to relocate the Tennis Centre to part of the site currently occupied by a private Swim Centre, which would likely require acquisition of this site, although I understand this option is not favoured by Manningham City Council. Again, this would be part of project costs if impacts are to be internalised.

Secondly, there are likely to be **significant amenity impacts** on sporting fields and the AFL Clubhouse adjacent to the ventilation tower (10-15 metres high), flood walls (9 metres height), water treatment plant, tunnel portal and ramps. These works are located 50-100 from the closest playing fields and from the AFL Clubhouse, and are likely to result in permanent impacts including visual and noise impacts.

There is the opportunity to **mitigate** the amenity impacts including re-construction of the AFL Clubhouse to face away from works, and to relocate part of the works away within a different area of the project, for example the ventilation stack and water treatment plant;

There is an opportunity to **avoid** the amenity impacts (and loss of AFL Oval 1) entirely through locating the tunnel portal and ramps, and related freeway facilities elsewhere, for example, within the freeway corridor.

### 5.2.2 Manningham Road Interchange

The Manningham Road Interchange has a number of impacts, one of them that is serious and permanent related to the loss of jobs and employment lands, and the others temporary impacts related to site works and traffic diversions.

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The loss of Bulleen Industrial Precinct will result in the loss of around 830 local jobs in 80 businesses from the LGA,<sup>21</sup> and the permanent loss of employment lands that are in short supply in the region. This is a serious permanent loss of jobs, local businesses and business connections, and employment lands, and is dealt with in detail in Section 5.3.3. below;

Temporary but serious amenity impacts related to noise and visual impacts from the use of part of Boronia Park as a Tunnel Boring Machine Retrieval site with significant amenity impacts for surrounding sensitive land uses including the Heide Museum of Modern Art, which overlooks the site from 150 metres away;

Traffic detours on Manningham Road during constructing of the interchange and cut and cover tunnel works;

These impacts and appropriate mitigations are discussed in more detail in Section 5.3.3 below.

### 5.2.3 Widening of the Eastern Freeway and Site Operations

There are a number of likely impacts of a temporary and permanent nature on residential precincts that are close to the widening of the Eastern Freeway, and on parks and adjoining residential areas where there are planned to be site offices/construction compounds, etc. A number of such areas have been identified. A few case studies indicate the nature of such impacts and the need for avoidance and/or appropriate mitigation as part of the project.

There appear to be 11 areas affected by temporary **site offices/construction compounds**, with all of these within residential areas, parks or other sensitive uses. For example, 18% of Katrina Park is proposed to accommodate a construction compound with likely impacts including noise, traffic and visual impacts. This is exacerbated by the nature of surrounding streets, which are relatively narrow and lightly trafficked, and the presence of a children's playground, so that significant local impacts related to noise, traffic, visual impacts and a significant deterioration of the character and general amenity of the area is expected.

Although these impacts are reported to be 'temporary', it is noted that these facilities could be in use for 3-7 years, which is a substantial time to experience such impacts. The location of such operations amid sensitive uses is not normal practice within such infrastructure projects. As such, avoidance of such significant impacts is strongly suggested by relocation of these site offices/construction compounds within more appropriate/less sensitive areas, as discussed below.

The **widening of the Eastern Freeway** will have permanent amenity impacts upon a number of residential areas to the south of the 11 kms affected by the widening. As a case study the proposed Freeway alignment toward these residential precinct of Estelle St will have significant impacts with regard to the relocation of noise walls much closer to affected residences, the height of noise walls in terms of overshadowing and visual amenity, the loss of large trees/deep soil plantings, loss of nature strips, interruptions to the walkway, and significant deterioration of character and residential amenity.

Mitigation at Estelle Street is available through moving the proposed widening/additional lanes around 20 metres further to the south, where there is a wider reserve, a green buffer and

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<sup>21</sup> EES, Chapter 14 *Business*, page 19.

opportunities for much better screening from adjacent residential areas. This is a matter of social equity, and it is reasonable that the impacts of the Freeway widening would be shared by Boroondara LGA.

## 5.3 Review of Adequacy of Risk Assessment and EPRs

### 5.3.1 Introduction

Based on a review of risks identified in the Risk Report, the residual risks associated with a number of risks are of concern. This is because either the calculation of risk level does not reflect local circumstances in Manningham, or because the final EPRs are likely to be ineffective with regard to mitigation.

Table 5.1: Areas where residual risk ratings in EES documentation are of concern

Risk ID	Risk Pathway	Residual Risk Rating
Risk BU03	Permanent acquisition of INZ1 land in Bulleen displaces businesses and reduces the number of jobs available for workers in this area.	Planned (Major Consequence)
Risk SO03	Construction and location of infrastructure closer to private residential properties leading to changes to amenity and lifestyle.	Medium
Risk SO05	Noise, air emissions and visual changes generated due to construction activities, construction traffic and redistribution of traffic, affect the amenity for the nearby residents and reduce the overall liveability and attractiveness of the area causing inconvenience, changes to lifestyle, disruption to daily life and activities.	Medium
Risk SO06	Changes to traffic conditions during construction such as road, lane, or shared path closures and detours may cause safety concerns, disruption to access areas and properties, increase travel time, cause delays and inconvenience for road users.	Medium
Risk SO08	Full or partial land acquisition of sporting and recreational facilities reduces the function and viability of the facility and in turn reduces opportunities for an active lifestyle and impacts on social networks that people create through participation in sporting and recreational activities.	Low
Risk SO09	Noise, air emissions and visual changes including overshadowing generated during construction reduces the overall amenity of community infrastructure facilities, leading to reduce enjoyment of the facility and impacting on the function and viability of the place.	Medium
Risk SO11	Acquisition of commercial properties increases unemployment in the local area, as some people may choose to quit their jobs as the commercial operations relocate to another area.	Medium

Source: EES Attachment III Risk Report, Appendix A Risk Register.

Risks, EPRs and mitigations are assessed below with respect to proposed impacts at the Eastern Freeway Interchange, Manningham Road Interchange and areas affected by widening and construction of the Eastern Freeway. Katrina Reserve, a proposed construction compound, and Estelle Street, where noise walls are relocated closer to dwellings, are used as examples of the impact of the impact of freeway widening and the impact of placement of construction compounds in residential areas, noting that these have been selected as high impact examples

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however there may be other locations in Manningham LGA where similar unacceptable impacts are experienced.

### 5.3.2 Eastern Freeway Interchange

#### Risks

Risks of concern related to the Eastern Freeway interchange are:

- Risk SO08 - Full or partial land acquisition of sporting and recreational facilities reduces the function and viability of the facility and in turn reduces opportunities for an active lifestyle and impacts on social networks that people create through participation in sporting and recreational activities.
- Risk SO09 - Noise, air emissions and visual changes including overshadowing generated during construction reduces the overall amenity of community infrastructure facilities, leading to reduce enjoyment of the facility and impacting on the function and viability of the place.

It is noted that the risk of impacts of permanent infrastructure has not been identified as a risk in Chapter 17 *Social*, however they are impacts that should be considered. Accordingly, the assessment below is based on the amendment of Risk SO09 to read “... *during construction and operation reduces...*”

#### Mitigation

The application of the following EPRs are claimed to reduce the residual risk level to low and medium respectively:

- EPR SC4 - Minimise impacts on sporting, recreation and other facilities.
- EPR SC3 – Participate in the Community Liaison Group.

EPR SC4 is:

##### ***Minimise impacts on sporting, recreation and other facilities***

*Where recreation facilities are displaced by the construction or operation of the project, work in collaboration with facility operators, local Councils and relevant State authorities to identify relocation opportunities with the objective of accommodating displaced facilities and maintaining the continuity of those recreational activities, where practicable.*

*Where construction or operation activities directly impact community infrastructure facilities such as schools, child care centres, and aged care centres, consultation must occur with facility operators, owners and user groups of the facilities to understand and, where appropriate, implement any practical measures that can be taken to avoid or minimise impacts.*

EPR SC4 has the following shortcomings with respect to the assessment of implementation on residual risk:

- It assumes that it is possible to identify opportunities to relocate facilities;

- The relocation is not internalised to the project, but rather relies on external parties to mitigate the risk;
- The implementation of mitigations is highly qualified by the use of words such as “where practicable”, “where appropriate” and “that can be taken”, so that there is no certainty in the EPR.

EPR SC3 is:

***Participate in the Community Liaison Group***

*Contractors must participate in the Community Liaison Group (CLG) that has been established and managed by North East Link Project, to facilitate community and stakeholder involvement for the construction phase of the project. Participation must include:*

- *Attendance at meetings*
- *Regular reporting of design and construction activities*
- *Timely provision of relevant information, including response to issues raised by the group*
- *Regular reporting and monitoring of community feedback, impacts and discussion of mitigation measures and their effectiveness.*

EPR SC3 has the following shortcomings with respect to the assessment of implementation on residual risk:

- It relates only to construction activities, and does not provide a pathway for affected parties to provide input to the evolving design of the project;
- There is no commitment to normative standards regarding amenity impacts such as those found in the EPRs identified under Risk SO05, including noise, vibration and dust;
- There is no third party or independent oversight of the process to ensure appropriate and timely response to issues raised by the group;
- There is no opportunity to raise ad hoc concerns, such as provision of a complaints line and appropriate staff by contractors or by the North East Link Project.

## My assessment of risk

### Risk SO08

With regard to sporting and community facilities in Bulleen Park and adjacent areas, the assessment is:

Extent – the facilities are regional facilities, likely servicing users from a wide area including Manningham, Boroondara, Whitehorse and Banyule LGAs, so this is scored 4.

Severity – This is assessed as high, as some facilities will be lost under the currently favoured option, such as the swim centre, archery field and model aircraft field, so this is scored 6.

Duration – the duration of the impact will be permanent or planned, so this is scored 4.

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This gives an overall consequence of 14, which is at the bottom of severe, and the likelihood is planned, so that the risk level is **planned (severe consequence)**.

This level of consequence requires additional mitigations to reduce the consequence to a medium level. Appropriate mitigations could include:

- Make continuity of operations and the relocation of sports fields part of the North East Link Project to ensure that impacts will be mitigated;
- Avoid impacts from incorporation of Tennis Centre and extension of two holes of Freeway Golf Course into Bulleen Park by reducing the Golf Course's par rating (from 69 to 66) whilst maintaining the 18 holes; and finding an alternative site for the Tennis Centre;
- Redesign the Eastern Freeway interchange to provide ramps in tunnels with appropriate portals in the freeway reserve, rather than the proposed combination of surface roads and viaducts, including relocation of ventilation.

### Risk SO09 (As amended)

With regard to sporting and community facilities in Bulleen Park and adjacent areas, the assessment is:

Extent – the facilities are regional facilities, likely servicing users from a wide area including Manningham, Boroondara, Whitehorse and Banyule LGAs, so this is scored 4.

Severity – This is assessed as medium, as the AFL club building will face onto the North East Link Southern Portal, so this is scored 4.

Duration – the duration of the impact will be permanent or planned, so this is scored 4.

This gives an overall consequence of 12, which is major, and the likelihood is planned, so that the risk level is **planned (major consequence)**.

This level of consequence requires additional mitigations to reduce the consequence to a medium level. Appropriate mitigations could include:

- Rebuild the AFL club building so that it faces sporting fields rather than the southern tunnel portal;
- Redesign the Eastern Freeway interchange to provide ramps in tunnels with appropriate portals in the freeway reserve, rather than the proposed combination of surface roads and viaducts.

## 5.3.3 Manningham Road Interchange

### Risks

Risks of concern related to Manningham Road interchange are:

- Risk BU03 - Permanent acquisition of INZ1 land in Bulleen displaces businesses and reduces the number of jobs available for workers in this area.



- Risk SO11 - Acquisition of commercial properties increases unemployment in the local area, as some people may choose to quit their jobs as the commercial operations relocate to another area.

Neither risk identifies an absolute loss of jobs if business are forced to close down due to lack of opportunity to relocate.

## Mitigation

The application of the following EPRs is claimed to reduce the residual risk level to planned (major consequence) and medium respectively:

- EPR B1 – Business support.
- EPR B2 – Minimise disruption to businesses from land acquisition and temporary occupation.

It is noted that the two risks are essentially the same, and the same EPRs apply to both risks, so it is not clear why the residual risk levels assessed in the EES documentation vary.

EPR B1 is:

### ***Business support***

*Inform and regularly update affected businesses and commercial facilities of the planning and design progress for the project.*

*Prior to construction, North East Link Project would work with councils to identify alternative location options for displaced businesses.*

*Implement support programs to build business resilience and implement a range of marketing and promotional activities to encourage awareness and patronage of businesses located in proximity to construction sites.*

EPR B1 has the following shortcomings with respect to the assessment of implementation on residual risk:

- It assumes that it is possible to identify appropriate opportunities to relocate facilities;
- The relocation is not internalised to the project, but rather relies on external parties (owners and councils) to mitigate the risk;
- Appropriate outcomes are not guaranteed in any way, but only commits the North East Link Project to work with councils to identify opportunities.

EPR B2 is:

### ***Minimise disruption to businesses from land acquisition and temporary occupation***

*Minimise disruption to businesses from permanent acquisition or temporary occupation of land to the extent practicable, and work with affected businesses and land owners to endeavour to reach agreement on the terms for possession of the land in accordance with relevant legislation.*

EPR B2 has the following shortcomings with respect to the assessment of implementation on residual risk:

- It assumes that opportunities are available to relocate facilities;
- It assumes that compensation following acquisition will be adequate, however this may not be the case, e.g. in circumstances where land value only is compensated and capital investment and good will is not included, or where compensation goes to the land holder, but the lessee is not appropriately compensated;
- Appropriate outcomes are not guaranteed in any way, but only commits the North East Link Project to identify opportunities;
- The implementation of mitigations is highly qualified by the use of words such as “minimise”, “to the extent practicable” and “endeavour”, so that there is no certainty in the EPR.

## My assessment of risk

### Risk BU03

With regard to displacement of businesses in Bulleen Industrial Precinct, the assessment is:

Extent – the facilities are regional facilities such as a concrete plant, likely servicing users from a wide area including Manningham, Boroondara, Whitehorse and Banyule LGAs, so this is scored 4.

Severity – This is assessed as very high, as no opportunities have been identified to relocate businesses within the locality. Chapter 14 *Business* identifies over 80 businesses would be displaced in the Bulleen Industrial Precinct. A search of realestate.com.au on 10 July 2019 showed 8 commercial properties for sale in the suburbs of Bulleen, Doncaster and Doncaster East, suggesting that there are limited market opportunities for businesses to relocate within Manningham LGA, and that businesses would most likely have to relocate outside the locality, or close down. Council has advised that it has been unable to identify suitable land for development in the locality as a replacement industrial estate. Displaced businesses are estimated to employ some 830 jobs, comprising approximately 31% of the current local employment in the Bulleen statistical area (SA2).<sup>22</sup> Using ABS place of work data, this is 2.9% of jobs in Manningham LGA. Of these 830 jobs, 340 would be expected to employ residents of Manningham LGA.<sup>23</sup> Severity is scored 8.

Duration – the duration of the impact will be permanent or planned, so this is scored 4.

This gives an overall consequence of 16, which is at the top of severe, and the likelihood is planned, so that the risk level is **planned (severe consequence)**.

This level of consequence requires additional mitigations to reduce the consequence to a medium level. Appropriate mitigations could include:

- Make continuity and relocation of businesses part of the North East Link project through the development of an appropriately sited industrial estate in advance of demolition of the estate, to ensure that impacts will be mitigated;

<sup>22</sup> EES, Chapter 14 *Business*, page 19.

<sup>23</sup> Based on the proportion of jobs in Manningham taken by people who live in Manningham.

- Redesign the Manningham Road interchange to avoid impacts on the Bulleen Industrial Precinct e.g. relocate the interchange to the west of the Yarra River, or delete the Manningham Road interchange and rely on the Eastern Freeway interchange to provide access to the North East Link for residents of Manningham LGA.
- Ensure compensation includes costs of capital and the value of good will, and is extended to lessees as well as land owners.

### Risk SO11

With regard to displacement of businesses and associated loss of jobs in Bulleen Industrial Precinct, the assessment is:

Extent – the facilities are regional facilities, likely servicing users from a wide area including Manningham, Boroondara, Whitehorse and Banyule LGAs, so this is scored 4.

Severity – This is assessed as very high, as no opportunities have been identified to relocate businesses within the locality. A search of realestate.com.au showed on 10 July 2019 8 commercial properties for sale in the suburbs of Bulleen, Doncaster and Doncaster East, suggesting that there are limited market opportunities for businesses to relocate within Manningham LGA, and that businesses would most likely have to relocate outside the locality, or close down. I am advised that Council has been unable to identify suitable land for development in the locality as a replacement industrial estate. Displaced businesses are estimated to employ some 830 jobs, comprising approximately 31% of the current local employment in the Bulleen statistical area (SA2).<sup>24</sup> Using ABS place of work data, this is 2.9% of jobs in Manningham LGA. Of these 830 jobs, 340 would be expected to employ residents of Manningham LGA.<sup>25</sup> Severity is scored 8.

Duration – the duration of the impact will be permanent or planned, so this is scored 4.

This gives an overall consequence of 16, which is at the top of severe, and the likelihood is planned, so that the risk level is **planned (severe consequence)**.

This level of consequence requires additional mitigations to reduce the consequence to a medium level. Appropriate mitigations could include:

- Internalise continuity and relocation of businesses or development of an appropriately sited industrial estate to the North East Link Project, to ensure that impacts will be mitigated;
- Redesign the Manningham Road interchange to avoid impacts on the Bulleen Industrial Precinct e.g. relocate the interchange to the west of the Yarra River, or delete the Manningham Road interchange and rely on the Eastern Freeway interchange to provide access to the North East Link for residents of Manningham LGA.

<sup>24</sup> EES, Chapter 14 *Business*, page 19.

<sup>25</sup> Based on the proportion of jobs in Manningham taken by people who live in Manningham.

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## 5.3.4 Eastern Freeway widening

### Risks

Risks of concern related to the Eastern Freeway interchange are:

- Risk SO03 - Construction and location of infrastructure closer to private residential properties leading to changes to amenity and lifestyle.
- Risk SO05 - Noise, air emissions and visual changes generated due to construction activities, construction traffic and redistribution of traffic, affect the amenity for the nearby residents and reduce the overall liveability and attractiveness of the area causing inconvenience, changes to lifestyle, disruption to daily life and activities.
- Risk SO06 - Changes to traffic conditions during construction such as road, lane, or shared path closures and detours may cause safety concerns, disruption to access areas and properties, increase travel time, cause delays and inconvenience for road users.

### Mitigation

The application of the following EPRs are claimed to reduce the residual risk level to medium for these three risks:

- EPR SC1 – Reduce community disruption.
- EPR SC2 – Implement a Communications and Community Engagement Plan.
- EPR SC3 – Participate in the Community Liaison Group.
- EPR NV3 – Minimise construction noise impacts to sensitive receptors.
- EPR NV4 – Implement a Construction Noise and Vibration Management Plan (CNVMP) to manage noise and vibration impacts.
- EPR NV8 – Minimise construction vibration impacts on amenity.
- EPR NV9 – Minimise construction vibration impacts on structures.
- EPR NV10 – Minimise impacts from ground-borne (internal) noise.
- EPR AQ1 – Implement a Dust and Air Quality Management and Monitoring Plan to minimise air quality impacts during construction.
- EPR CL1 – Implement a Spoil Management Plan to meet EPA requirements.
- EPR CL3 – Minimise odour impacts during spoil management).
- EPR LV1 – Design to be generally in accordance with the Urban Design Strategy.
- EPR LV2 – Minimise landscape impacts during construction.
- EPR LV3 – Minimise construction lighting impacts.
- EPR T2 – Transport Management Plan(s) (TMP).
- EPR T3 – Transport Management (Liaison Group).

EPR SC1 is:

***Reduce community disruption***

*Design and construct the project to reduce disruption to residences and community infrastructure facilities from direct acquisition or temporary occupation of residential land, as far as is practicable. Where residential land is to be permanently acquired:*

*Use a case-management approach for project interactions with affected land owners and occupants*

*Endeavour to reach agreement on the terms for possession of the land*

*Consider the relative vulnerability and special needs of land owners and occupants.*

EPR SC1 relates to occupation or acquisition of private land and is not relevant with respect to the impacts of widening of the Eastern Freeway in Manningham LGA.

EPR SC2 is:

***Implement a Communications and Community Engagement Plan***

*Prior to construction, prepare and implement a Communications and Community Engagement Plan to engage the community and potentially affected stakeholders and communicate progress of construction activities and operation. The plan must include:*

- *A process for identifying community issues and the recording, management and resolution of complaints from affected stakeholders consistent with Australian Standard AS/NZS 10002:2014 Guidelines for Complaint Management in Organisations*
- *Approach to stakeholder identification*
- *Enquiry management and record keeping approach and procedures including making available a 24 hour telephone number, postal address, and an email address and publishing these on the project website*
- *Approach to communicating and engaging with the community and potentially affected stakeholders in relation to:*
  - *Construction activities including temporary facilities and impacts that may affect the community, businesses or individual stakeholders (e.g. dust, noise, vibration and light) and relevant mitigation (e.g. relocations policy)*
  - *Changes to transport conditions and relevant mitigation (e.g. road closures, detours)*
  - *Identifying how stakeholders can access information on environmental performance that is to be made publicly available*
  - *Incident and emergency communications, including notification methods and timeframes in the event of a major incident or overrun*
  - *Approach and processes to ensure that the workforce has appropriate community awareness and sensitivity*
  - *Innovative communications tools and methods to enhance the project's ability to effectively communicate and engage with the community and stakeholders*

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- *Approach to engaging with local schools to provide education opportunities on project activities.*
  - *Approach to making relevant project information available to the community with specific consideration to vulnerable groups (including culturally and linguistically diverse groups)*
  - *How it will evaluate the effectiveness of the communication and engagement under the Communications and Community Engagement Plan.*

*The Communications and Community Engagement Plan must consider and where appropriate address matters of interest or concern to the following stakeholders:*

- *Municipalities*
- *Recreation, sporting and community groups*
- *Potentially affected residents and property owners*
- *Potentially affected business*
- *Other public facilities in proximity*
- *Religious and worship groups*
- *Vulnerable groups.*

EPR SC2 has the following shortcomings with respect to the assessment of implementation on residual risk:

- It relates only to construction activities, and does not provide a pathway for affected parties to provide input to the evolving design of the project;
- There is no third party or independent oversight of the process to ensure appropriate and timely response to issues raised by the group, such as the appointment of a full time independent community relations person.

EPR SC3 is:

***Participate in the Community Liaison Group***

*Contractors must participate in the Community Liaison Group (CLG) that has been established and managed by North East Link Project, to facilitate community and stakeholder involvement for the construction phase of the project. Participation must include:*

- *Attendance at meetings*
- *Regular reporting of design and construction activities*
- *Timely provision of relevant information, including response to issues raised by the group*
- *Regular reporting and monitoring of community feedback, impacts and discussion of mitigation measures and their effectiveness.*

EPR SC3 has the following shortcomings with respect to the assessment of implementation on residual risk:

- It relates only to construction activities, and does not provide a pathway for affected parties to provide input to the evolving design of the project;
- There is no third party or independent oversight of the process to ensure appropriate and timely response to issues raised by the group.

EPRs NV8 - CL3 relate to normative standards and regulatory authorities around a range of amenity impacts and are not considered in detail here.

EPR LV1 is:

***Design to be generally in accordance with the Urban Design Strategy***

*Urban Design and Landscape Plans must be developed and implemented for permanent above-ground buildings or structures (excluding preparatory buildings and works) in accordance with the North East Link Project – Incorporated Document. The design response must be generally in accordance with the North East Link Urban Design Strategy and, to the extent practicable:*

- *Avoid or minimise landscape and visual, overlooking, and shading (with reference to EPR LP4) impacts in extent, duration and intensity*
- *Maximise opportunities for enhancement of public and private receptors including public amenity, open space and facilities, and heritage places resulting from the project.*

EPR LV1 has the following shortcoming with respect to the assessment of implementation on residual risk:

- The implementation of mitigations is highly qualified by the use of words such as “minimise” and “maximise”, so that there is no certainty in the EPR.

EPR LV2 is:

***Minimise landscape impacts during construction***

*Temporary and construction works are to be designed and carried out generally in accordance with the Urban Design Strategy guidance on using design to help manage construction impacts. Areas disturbed by temporary and construction works are to be reinstated in consultation with the relevant land manager.*

*Develop and implement measures to use temporary landscaping, features or structures (including viewing portals) during construction to minimise adverse visual impact of project works and provide visual appeal. Temporary landscape treatments, features or screening must be reused across the project, where appropriate.*

*Implement landscaping enhancement (as part of permanent works) prior to construction works commencing, where practicable.*

EPR LV2 has the following shortcoming with respect to the assessment of implementation on residual risk:

- The implementation of mitigations is highly qualified by the use of words such as “generally”, “minimise” and “where practical”, so that there is no certainty in the EPR.

EPR LV3 is:

***Minimise construction lighting impacts***

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*Develop and implement measures to minimise light spillage during construction to protect the amenity of adjacent neighbourhoods, parks, community facilities and any known significant native fauna habitat to the extent practicable.*

EPR LV3 has the following shortcoming with respect to the assessment of implementation on residual risk:

- The implementation of mitigations is highly qualified by the use of the words “to the extent practicable”, so that there is no certainty in the EPR.

EPR T2 is:

***Transport Management Plan(s) (TMP)***

*Prior to commencement of relevant works, develop and implement Transport Management Plan(s) (TMP) to 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.*

*The TMP must be informed and supported by an appropriate level of transport modelling and must include:*

- *Requirements for maintaining transport capacity in the peak periods*
- *Requirements for limiting the amount of construction haulage during the peak periods*
- *A monitoring program to assess the effectiveness of the TMPs on all modes of transport*
- *Where monitoring identifies adverse impacts, practicable mitigation measures*
- *Consideration of construction activities for other relevant major projects occurring concurrently with construction activities for North East Link and potentially impacting modes of transport in the same area*
- *Potential routes for construction haulage and construction vehicles travelling to and from the project construction site, recognising sensitive receptors and avoiding the use of local streets where practicable*
- *Suitable measures, developed in consultation with emergency services, to ensure emergency service access is not inhibited as a result of project construction activities*
- *Provision of alternative parking where practicable to replace public and commuter parking lost as a result of project construction activities*
- *Requirements to minimise impacts on local streets, community and commercial facilities by providing parking for construction workers at construction compounds where practicable*
- *Measures to ensure connectivity and safety for all transport network users during construction*
- *Consultation with VicRoads and relevant transportation authorities.*

*A TMP may be split into precincts where appropriate but must consider other precinct TMPs through the Transport Management Liaison Group as per EPR T3.*

*TMPs must be submitted to the relevant authority for approval.*

EPR T2 has the following shortcoming with respect to the assessment of implementation on residual risk related to local streets:



- The implementation of mitigations is highly qualified by the use of words such as “minimise” and “where practicable”, so that there is no certainty in the EPR.

EPR T3 is:

***Transport Management Liaison Group***

*A Transport Management Liaison Group (TMLG) must be established and convene prior to the commencement of any works that may impact on existing roads, paths or public transport infrastructure. The TMLG must include representatives from the State, VicRoads, emergency services, the project, relevant transportation authorities and relevant local councils.*

*The TMLG will be a forum for exchange of information and discussion of issues associated with Transport Management Plans.*

*This must include review of proposed haulage routes for construction sites south of the northern tunnel portal to minimise reliance on a single haulage route between Bell Street and the M80 Ring Road and facilitate different sites using different haulage routes.*

*The TMLG must be provided with the Transport Management Plans, details as to timing of implementation, information about construction traffic monitoring conducted by the project, and other reports as relevant.*

*The TMLG must meet at least monthly until the completion of construction.*

**My assessment of risk**

**Risk SO03**

As a case study, the assessment below relates to the proposed noise wall configuration along Estelle Street, in Bulleen. It is understood that the current proposal is to markedly increase the height of existing noise walls, move the walls to immediately across the road from dwellings, and remove existing vegetation including trees.

With regard to this area, the assessment is:

Extent – the facilities are local facilities, impacting residents of Estelle Street, so this is scored 1.

Severity – This is assessed as very high, as there will be little or no mitigation of visual impacts and the walls will be quite high to replace the existing mound, so this is scored 8.

Duration – the duration of the impact will be permanent or planned, so this is scored 4.

This gives an overall consequence of 13, which is major, and the likelihood is planned, so that the risk level is **planned (major consequence)**.

This level of consequence requires additional mitigations to reduce the consequence to a medium level. Appropriate mitigations could include:

- Redesign the Eastern Freeway widening at this point to take advantage of the much wider reserve on the southern side of the freeway, so that the existing arrangement of noise walls and deep soil vegetation is maintained.

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## Risk SO05

As a case study, the assessment below relates to the proposed construction compound at Katrina Reserve, Doncaster. It is understood that this construction compound will occupy part of the reserve, and access will be via Katrina Street or Stanton Street. These streets are residential, and residences immediately abut Katrina Reserve.

With regard to this area, the assessment is:

Extent – the facilities are local facilities, impacting residents of Katrina Street and/or Stanton Street, so this is scored 1.

Severity – This is assessed as very high. This is because in spite of the EPRs, there will be ongoing impacts on residents through:

- Workers and delivery trucks arriving outside of hours and/or waiting for the compound to open with resultant noise impacts from engine noise;
- Spill over parking on local roads;
- Workers and delivery drivers congregating outside the compound while waiting for it to open with resultant noise impacts from people chatting;
- Workers socialising at the compound after hours, with corresponding late traffic movements and noise from socialising; so severity is scored 8.

Duration – the duration of the impact will be 2 – 7 years, so this is scored 3.

This gives an overall consequence of 12, which is major, and the likelihood is planned, so that the risk level is **planned (major consequence)**.

This level of consequence requires additional mitigations to reduce the consequence to a medium level. Appropriate mitigations could include:

- Arranging access to the compound site from the freeway rather than using local roads;
- Relocating the compound to a non-residential area, as is generally the case in such projects.

## Risk SO06

As a case study, the assessment below relates to the proposed construction compound at Katrina Reserve, Doncaster. It is understood that this construction compound will occupy part of the reserve, and access will be via Katrina Street or Stanton Street. These streets are residential, and residences immediately abut Katrina Reserve.

With regard to this area, the assessment is:

Extent – the facilities are local facilities, impacting residents of Katrina Street and/or Stanton Street, so this is scored 1.

Severity – This is assessed as very high. This is because in spite of the EPRs, there will be ongoing impacts on residents through use of local streets by workers and delivery vehicles; so this is scored 8.

Duration – the duration of the impact will be 2 – 7 years, so this is scored 3.

This gives an overall consequence of 12, which is major, and the likelihood is planned, so that the risk level is **planned (major consequence)**.

This level of consequence requires additional mitigations to reduce the consequence to a medium level. Appropriate mitigations could include:

- Arranging access to the compound site from the freeway rather than using local roads;
- Relocating the compound to a non-residential area, as is generally the case in such projects.

## Appendix A: EES Documents reviewed

North East Link Project Environment Effects Statement:

- Chapter 01 Introduction
- Chapter 02 Project Rationale
- Chapter 03 Legislative Framework
- Chapter 04 EES Assessment Framework
- Chapter 06 Project Development
- Chapter 08 Project Description
- Chapter 09 Traffic and Transport
- Chapter 14 Business
- Chapter 17 Social
- Chapter 27 Environmental Management Framework
- Chapter 28 Conclusion
- Technical Report I Social
- Technical Report I Appendices Social
- Attachment III Risk Report
- Map Book Key Map and Horizontal Alignment Plans Part 1
- Map Book Horizontal Alignment Plans Part 2
- Map Book Vertical Alignment Plans and Indicative Cross Sections
- Executive Summary
- Overview of Social Impacts of the North East Link Project Report

# ATTACHMENT A:

## Curriculum Vitae:

### Judith Stubbs BSW PhD MPIA

## Overview

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Dr Judith Stubbs is an internationally recognised expert in affordable and alternative housing research, practice, policy and strategy. She holds a Bachelor of Social Work majoring in Case Work and Community Development from the University of NSW, and an interdisciplinary PhD in affordable housing policy, land economics and planning law from RMIT, and has won State and national awards for research related to affordable and alternative housing and community planning and social research.

She has held a range of honorary positions in leading research institutes, government policy bodies and community networks and organisations, including 8 years on the three-person independent Social Impact Assessment (SIA) Panel for the NSW Liquor Administration Board of OLGR, where she conducted peer review on all Class 2 SIAs for Gaming Machines Entitlements and for Liquor Licenses likely to be associated with significant social impacts in the relevant localities, including gaming addiction and amenity impacts related to substance misuse.

She also has a high level of practice and research expertise in relation to the impacts of a range of land uses and social programs, including those related to gaming machines and problem gambling, licenced premises, homelessness and mental health, substance misuse, and diversionary programs, and established one of the earliest models of drug and alcohol rehabilitation and crisis accommodation in regional NSW.

Dr Stubbs established Judith Stubbs and Associates (JSA) in 1996 following more than a decade in community services, and strategic and social planning and impact assessment, including in regional and metropolitan councils. As principal of JSA, she has completed a wide range of projects for diverse government, community and private sector clients focusing on evaluation of social programs and policies, affordable and alternative housing research, policy development and strategy; urban renewal of large public and private sites, precincts and whole suburbs; planning for the housing and service needs of an aging population, those with special needs associated with homelessness, mental health and dual diagnosis; and the social and economic impacts of diverse policies, projects and policies.

# Positions and Appointments

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Dr Stubbs holds or has held a number of positions and appointments in a professional or voluntary capacity. These include the following:

- Principal of Judith Stubbs & Associates (1996-present), a social research and planning practice from which she conducts research and publishes on a wide range of matters including affordable housing research, economic modelling, strategy and policy; impacts of an aging population on urban design and development; best practice in community engagement, particularly in urban renewal contexts; community and tenant participation in urban and community planning; social and economic impacts of diverse projects, policies and programs; gaming and alcohol impacts; and natural resources;
- Appointed Senior Visiting Lecturer (previously Senior Visiting Research Fellow) at City Futures/Australian Housing and Research Institute, University of NSW (January 2006 to 2015), in recognition of research and publication in the areas of affordable housing research; urban renewal and regeneration; community participation and social inclusion; gaming and alcohol impacts; housing, labour market and urban issues; accommodation and service issues for seniors and those with a disability;
- Full Member of the Planning Institute of Australia (2010-present);
- Chairperson, Illawarra Community Legal Centre (1995-present), a multi-service community legal service including the Regional Tenants Advice and Advocacy Service, Welfare Rights Service, Credit and Debt Service, Generalist Legal Service, Children's Court Support, Aboriginal Legal Assistance Program, and Policy and Law Reform in related areas;
- Independent advisor to the NSW Office of Liquor Gaming and Racing on the social and economic impacts of Electronic Gaming Machines as a Member of the State Government's Social Impact Assessment Review Panel, which conducted peer review on Class 2 Gaming SIAs prepared by industry, and assisted with the drafting of guidelines and input to legislation; and assessment and peer review of high-impact applications requiring Liquor Community Impact Statement assessments (2002-2009);
- Former Independent Chair of the Redfern-Waterloo Community Learning and Research Group, comprising senior government and community services representatives from agencies involved in planning for the redevelopment of Redfern Waterloo, as well as a wide range of resident precinct representatives – the aim of the Group was to undertake, co-ordinate and provide a clearing housing for best practice research and community participation and community services delivery to inform planning for the redevelopment of the

project areas which have very high rates of mental health issues and substance abuse (2010-13);

- Director of Shelter NSW, the NSW peak housing advocacy body (2006-2010);
- Chairperson of NSW Department of Housing's Illawarra and South East Region Customer Advisory Council, the regional advisory body on public housing policy to the NSW Minister for Housing (1995-2007);
- Independent facilitator of the Illawarra Shoalhaven Region Joint Guarantee of Service (JGOS) group, charged with implementing the Housing and Mental Health Agreement between NSW Health and the Department of Family and Community Services (at that time encompassing Housing NSW; Aboriginal Housing Office; Ageing, Disability & Home Care and Community Services). The Agreement aimed to improve housing outcomes and general well-being of people with mental health problems and disorders who are living in social housing in the community, or who are homeless or at risk of homelessness. Dr Stubbs supported implementation at the regional level 2011 to 2013 to assist with achieving better coordination of services for the target group and successfully maintaining their housing and creating sustainable tenancies within the community.
- Independent facilitator of the Illawarra Shoalhaven Housing and Mental Health District Implementation and Coordinating Committee (DIACC) to assist with the practical implementation of the establishment of the FACS Illawarra Shoalhaven District (ISD) and ISLHD Mental Health Services work plan, practice guidelines and governance structure. Members included ISLHD Mental Health Service, ISLHD Illawarra Drug and Alcohol Service / Alcohol & Drug Information Service, FACS (Housing NSW), Illawarra Community Housing Trust, Wollongong Emergency Family Housing, St Vincent De Paul- John Purcell House and Coniston House, ISLHD Youth Health/Homelessness;
- Board Member of the Property Council of Australia and convenor of the Strategic Planning Committee (Illawarra Chapter) (2011-2016);
- Awarded post-doctoral research fellowship in 2004 to support participatory research into urban renewal, at the Social Justice and Social Change Research Centre, UWS, at which she was appointed Adjunct Senior Research Fellow (2003-2010);
- Director, Illawarra Area Consultative Committee, the Federal Regional Development Board advising the (former) Minister for Transport and Regional Services (DOTARS (1996-2007), and Chairperson, Youth Employment Taskforce (1999-2003).
- Community Services, Community Development and Social and Strategic Planning positions in local government (1982-95) including Manager Social Planning and Research; Assistant Manager Community Development and

Services Wollongong City Council; and Social Planner Camden Council; Community Development Worker Walgett Shire Council.

## Relevant Awards

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- **NSW Innovative Planning in Local Government Award 1994** awarded by the then NSW Local Government & Shires Associations to Wollongong City Council for a project designed, co-ordinated and implemented by Dr Stubbs. The award was for 'significant contribution to the development of community planning and community consultation in NSW' for *Wollongong Profile: A Database for Community Planning*. The community consultation methods and planning/GIS methods were subsequently used as a model for community planning in NSW by a wide range of NSW councils;
- Federal **Integrated Local Area Planning Award**, for *Wollongong Affordable Housing Strategy*, an integrated approach to the development of affordable housing research, policy and planning (whilst working at Wollongong City Council in 1993);
- Scholarship to complete PhD RMIT (Faculty of the Constructed Environment) for an **inter-disciplinary thesis in comparative planning law, housing policy and land economics**, with a focus on the policy environment related to affordable and alternative housing in the USA and Australia (part-time 1998-2003). Also awarded a Visiting Fellowship to UCLA as part of PhD scholarship for three months in 2002 to study Gated Estates in California.
- **ACT Director of Mental Health Recognition Award in 2010** for 'outstanding contribution to consumer engagement within Mental Health ACT' for voluntarily conducting music therapy fortnightly for 5 years for consumers at the Brian Hennessey Rehabilitation Centre within Calvary Hospital, Canberra. Brian Hennessey Rehabilitation Centre was an inpatient facility that provided a recovery focused model of care within a rehabilitation setting, with care tailored to the needs and goals of each consumer. The centre had supported accommodation for up to 30 people with varying mental health needs as well as rehabilitation, extended care, respite care and subacute facilities for residents. Residents with which Dr Stubbs worked closely had chronic mental illness, dual diagnosis and substance addictions, and included three 'forensic' consumers (who had killed members of their families under untreated paranoid episodes and drug induced psychosis);
- Finalist in Australian Newspaper's Excellence in Educational Publishing for **The Business of Law**, for the Law Faculty, University of Wollongong, and for Best New Educational Website in 2002;
- NSW Law Society's Human Rights Grant in 1995 to publish **A Human Right to Justice** based on her study for the Australian Law Reform Commission on the



experiences of women and violence in the legal system, and launched by (the former) Justice Mary Gaudron of the High Court of Australia. The study formed part of the Commission's Women's Equality Before the Law reference.

## Research and Practice

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Dr Stubbs has diverse research and practice interests. An overview of key areas, and of selected projects is provided below.

### *Social and Economic Impact Assessment*

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Dr Stubbs has specialised in social and economic impact assessment in relation to a wide range of diverse development proposals including licensed and restricted premises, aged accommodation and affordable housing, and major projects (infrastructure and natural resources); social and strategic planning and social research; urban renewal including the preparation of plans and successful bids for PPPs; regional economic development; and human services management and development.

Dr Stubbs regularly provides expert advice in diverse jurisdictions, including the NSW Land and Environment Court and the Victorian Administrative Appeals Tribunal, where her methodologies have been accepted.

- The following cases are examples with relevance to **licenced premises** where social impacts were determinative in the matter:
  - *Suh v Liverpool City Council and Casula Community Group for Responsible Planning Inc No. 2* [2016] NSWLEC 1596
  - *Waugh Hotel Management Pty Ltd v Marrickville Council* [2007] NSWLEC 775
  - *Waugh Hotel Management Pty Ltd v Marrickville Council* [2009] NSWCA 390 (3 December 2009)
  - *Motto Farm Pty Limited v Port Stephens Council* [2011] NSWLEC 1293
  - *North Sydney Leagues Club Ltd v Tweed Shire Council* [2014] NSWLEC 1142
  - *Toth v. Campbelltown City Council* [2004] NSWLEC 289
  - *Graham Richter & Associates Pty Ltd v Campbelltown City Council* 10045 of 2000
  - *Chee Keong Thoo v. Shoalhaven City Council* 10148 of 2001
  - *JPR Legal Pty Ltd v Marrickville Council* [2009] NSWLEC 1216
  - *Woolworths Ltd v. Blacktown Council* [2011] NSWLEC 1296
  
- The following cases are examples with relevance to **affordable housing and aged accommodation**:
  - *Punnett and Associates v. Shoalhaven City Council* [2004] NSWLEC 656

- Flower & Samios Pty Limited v. Shoalhaven City Council [2007] NSWLEC 372
  - Australian Lifestyle Corporation Pty Limited v. Wingecarribee Shire Council [2008] NSWLEC 284
  - Crighton Properties Pty Ltd v. Kiama Municipal Council [2008] NSWLEC 1497
  - Wygiren v. Kiama Municipal Council and Anor [2008] NSWLEC 1233
  - GAT & Associates v. Marrickville Council [2010] NSWLEC1321
  - WWL Consulting Pty Ltd v. Marrickville Council [2011] NSWLEC 1161
  - McKees Project Management Pty Ltd v. Manly Council [2012] NSWLEC 1126
  - Tiffany Developments v. Minister for Planning & Infrastructure [2012] NSWLEC 1000
  - Radray Constructions Pty Limited v Hornsby Shire Council [2013] NSWLEC 1024
  - Rianon Mateer v. Lane Cove Council [2014] NSWLEC 1152
- The following cases are examples with relevance to **natural resources and sustainable development**:
    - *Bulga Milbrodale Progress Association Inc v Minister for Planning and Infrastructure and Warkworth Mining Limited* [2013] NSWLEC 48
    - *The Trustee for the Gerald and Catherine Barnard Family Trust t/a Australian Walkabout Wildlife Park Pty Ltd v Minister for Planning & Infrastructure and Rocla Materials Pty Ltd*, Case10024 of 2014 (matter pending).

### *Special Needs Accommodation and Service Development*

Dr Stubbs has worked on the planning, development, establishment and evaluation of a range of accommodation and services for people with special needs including psychiatric disability and dual diagnosis (substance misuse and psychiatric conditions) over 30 years of practice.

- Walgett Proclaimed Place and Drug and Alcohol Rehabilitation Centre – involved convening and working with a local interdisciplinary committee to develop an appropriate model, intake and management guidelines and obtain funding for the centre from 1982 to 1984. The project was granted \$2.0 million capital funding in 1983/84, after which Dr Stubbs worked on the development application and community education campaign, and securing recurrent funding. The Centre was operational from 1984 and provided crisis accommodation to Aboriginal men as an alternative to arrest and incarceration under the then Summary Offences Act, and a residential rehabilitation and counselling component as an adjunct to people leaving detox/withdrawal facilities in Dubbo, Orange and Brewarrina. The development was in a residential street in the town of Walgett.

- Preparation of two Social Impact Assessments, related research and operational Plan of Management (POM) for Denison Street Clinic, a private drug and alcohol counselling and rehabilitation service in Wollongong town centre that provides services to 347 patients of the NSW Health Opioid Treatment Program. The SIAs and POM related to development applications for the relocation of the Clinic within the same locality and related change of use for the proposed site in 2018. The second development applications was approved by the Wollongong Local Planning Panel in November 2018, including a POM to mitigate against any risk of amenity impacts on neighbouring properties as part of conditions of consent. JSA is currently preparing the POM based on best practice.
- Preparation of Preparation of Social Impact Assessments, related research and operational Plans of Management (POM) to accompany a range of development applications for Group Homes for people with a moderate to severe psychiatric and/or psycho-social disability within suburban residential streets for private providers servicing consumers registered under the NDIS. It is understood that each of these developments have been approved.
- Facilitation, strategic planning and best practice research services in relation to management and governance models to the Illawarra Shoalhaven Joint Guarantee of Service group, and the Illawarra Shoalhaven Housing and Mental Health District Implementation and Coordinating Committee (DIACC), as described. The principle aim of these groups and activities was to ensure successful integration of people with mental health and dual diagnosis within normal residential settings, and to provide support required to maintain successful tenancies within social housing.
- A wide range of projects related to affordable and alternative housing, the integration of people with special needs into public open space and residential communities, etc as described below.

### *Affordable and Alternative Housing*

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Dr Stubbs is an acknowledged expert in the field of Affordable and Alternative Housing in Australia and Great Britain, and has undertaken research, planning, policy and strategy development for a wide range of local, state and federal government clients as well as those from the community and private sector over the past 20 years.

She has also assisted with the implementation of a range of strategies including the development of affordable housing development partnerships; putting together debt-equity projects; and obtaining funding for affordable housing projects for local government and community housing providers under various government funding

programs. She has undertaken economic feasibility analyses that have resulted in a significant increase in the supply of affordable housing.

She has an expert understanding of planning law in a number of Australian state jurisdictions, and has or is currently developing Environmental Planning Instruments, Planning Policies, Housing Strategies and VPA Templates for a range of local and state government authorities in NSW, Victoria, Western Australia and Queensland.

Examples of recent studies and projects include:

- ***Overcoming Community Resistance to Affordable Housing*** (2016-present) for the NSW Federation of Housing Associations/Urban Growth NSW involving an extensive literature review; primary research on housing markets in all NSW LGAs, economic modelling and review of planning frameworks in all Urban Growth Urban Renewal/Transformation Areas of Sydney; and review of case law on affordable housing since 2009; and primary research on 16 NSW best practice case study developments. As well as a number of project reports, JSA is currently developing a tool kit to support proponents of affordable housing, as well as researching, writing and producing four training videos to be used with community housing providers and local governments throughout Australia.
- ***Best Practice in Multi-Tenure Development*** (2016-present) for the NSW Federation of Housing Associations/Urban Growth NSW involving an extensive literature review and primary research on a range of national (Adelaide, Melbourne and Sydney) and international (London and Glasgow) case study developments, and the development of a tool kit to support proponents of best practice in Multi-Tenure development in the NSW policy context. Dr Stubbs undertook a study tour of the UK for the Federation as part of this project in 2017, and has an ongoing collaboration with UK agencies in the roll out of related projects.
- Development of ***Affordable Housing Policies, Strategies and/or evidence-based and economically feasible planning mechanisms, controls, policies and development partnerships for forty Australian Councils and State Government Authorities***, including the NSW Department of Planning and Environment and Urban Growth NSW (various co-funded projects); the Western Australian Planning Commission (for three major urban renewal sites); Places Victoria (for Fisherman's Bend Urban Renewal Area, the southern extension of Melbourne CBD); Shoalhaven City Council NSW; Southern Sydney Region of Councils (SSROC) NSW; Inner West Council NSW; Cardinia Shire Council Vic; City of Freemantle WA; Port Phillip Council Vic; Maribyrnong Council Vic; (the former) Marrickville Council NSW; (the former) Wyong Council NSW; City of Mandurah Council WA; North Sydney Council NSW; City of Ryde Council NSW; Mid-Western Regional Council NSW; Byron Shire Council NSW; Kiama Municipal Council NSW; Eurobodalla Shire Council NSW; (the former) Gosford City Council NSW; Brisbane City Council Qld; Clarence Valley Council NSW; Wollongong City Council NSW; Greater Taree Council NSW;

Tweed Shire Council NSW; Liverpool City Council NSW; Camden Council NSW; The Hills Shire Council NSW; Parramatta City Council NSW; City of Sydney Council NSW; Manly Council NSW.

Work variously included:

- housing market research, demographic and housing needs analysis, target group assessments, development of defensible targets and benchmarks, etc;
- establishment of strategic site selection criteria, land audits of public and privately owned land to determine those suitable for affordable housing partnerships, including between local government, community or other social housing providers, private developers and/or aged care providers including under various government funding opportunities;
- economic analysis, business cases and financial modelling on local and regional housing markets, projects and proposals, including for potential affordable housing sites owned by council and other government authorities;
- development and application of appropriate site selection criteria for different types of sub-markets including older people and those with a disability, for example, in relation to physical accessibility, and access to public transport and services;
- preparation of economic feasibility analysis on sites and precincts suited to Planning Agreements involving voluntary (incentive based) and mandatory (inclusionary zoning) mechanisms, including feasible and defensible affordable housing contribution rates;
- preparation of evidence-based Affordable Housing Strategies within JSA's ***Affordable Housing Strategic Framework*** in close consultation with council staff, elected representatives, key stakeholders and affected communities;
- preparation of Affordable Housing Policies to support implementation of selected strategies, including in relation to mandatory contributions, voluntary planning agreements, and affordable housing development and management partnerships;
- development of Environmental Planning Instruments, provisions and controls to support legal and transparent implementation of Affordable Housing Strategies and/or Policies, including in LEPs/LPSs, DCPS, Masterplan DCPS or similar instruments in different jurisdictions.

More recent projects include:

- ***Affordable Housing Policy for Inner West Council*** (adopted by Council in late 2017) – the Policy was based on expensive research and economic modelling by JSA, and includes a 15% affordable housing levy on all new development above a specified threshold. JSA also supported Council in its negotiations with the Greater Sydney Commission and NSW DOPE, including interrogation of targets and modelling, and **assisted Council with its successful application for inclusion under SEPP 70 (Affordable Housing)**. (It is also noted that another of JSA’s affordable housing clients, Ryde City Council, was also one of only a handful of council to be included under the SEPP in late 2017.
- ***Affordable Housing Strategy for Shoalhaven City Council*** (adopted by Council in late 2017) - the Policy was based on expensive research and economic modelling by JSA, and on an assessment of the most effective strategies for a highly unaffordable regional council strongly influenced by the Sydney housing market. Strategies endorsed included the dedication of three Council sites for affordable housing partnerships based on economic feasibility analysis and site suitability assessment by JSA; as well as amendments to relevant EPIs to remove impediments to affordable housing in the local housing market context, and to provide for increased opportunities and incentives to increase supply.
- Development of an ***Affordable Housing and Urban Renewal Strategy for Places Victoria Urban Renewal Authority for Fisherman’s Bend***, the largest urban renewal project undertaken in Australia to date. The project constitutes a major extension of the Melbourne CBD to accommodate a further 50,000 dwellings and 40,000 jobs. A number of the key strategies are currently being implemented by the State Government in tandem with Port Phillip Council and City of Melbourne.
- ***Affordable Housing Needs Analysis and Strategies for major release areas for Metropolitan Perth and Sydney (in Wyong and Mandurah Councils)***. These were jointly funded by the Councils and relevant State Planning Authorities in NSW and Victoria. This involved all aspects of needs assessment, demographic and housing market analysis, economic modelling, land audits, strategic site selection, and development of detailed planning strategies and mechanisms including to amend local planning schemes, development control plans and local policies. These were again conducted with JSA’s ***Affordable Housing Strategic Framework***.
- ***Development of State-, Metropolitan- and Local-Level Affordable Housing Strategies for three major redevelopment areas in the Perth Metropolitan Area*** (including the new City Centre of Stirling) for the West Australian Planning Commission (WAPC). The work included:
  - A detailed demographic analysis to identify the extent of housing stress and the need for affordable and diverse housing in the redevelopment areas in terms of key target groups for different forms of affordable

housing including the number, tenure, location and typology of affordable housing required over 25 years for relevant target groups;

- A detailed analysis of the rental and purchase housing markets to identify economically feasible options for various mechanisms of supply of affordable and diverse housing including incentives and planning controls to facilitate market supply; mandatory and incentive based mechanisms to increase off-market or subsidised affordable housing provision; mechanisms to protect the supply of existing stocks and types of affordable housing; and partnership and direct provision by state and local government regulatory and redevelopment authorities;
- An audit of the WA planning system from ‘top to bottom’ to remove impediments to the creation of new stocks of affordable housing, ensure legality and consistency at all levels of the planning hierarchy, and related recommendations for relevant amendments to the *Planning and Development Act 2005 (WA)*, WA Affordable Housing Strategy, relevant State Planning Policies (e.g. re multi-unit development, development contributions, residential design codes, relevant regional or redevelopment schemes and plans, and relevant local planning schemes). It also included the drafting of new draft state policies related to affordable housing, and a form of voluntary planning agreement based on amended version of the NSW template and similar policies drafted for several NSW councils which have now been adopted by these councils, currently under consideration by the WAPC;
- Consultation with stakeholders at various stages of the project, including three ‘round tables’ with the development industry, key state planning, infrastructure and housing bodies, community housing providers, the four relevant local government and redevelopment authorities and other key community stakeholders and peak bodies. This ensured that the proposals were ‘reality tested’ from different perspectives, and were ultimately viewed as legal, reasonable and feasible by all stakeholders involved.
- **Development of an *Affordable Housing Strategy* for the City of Perth.** The study included:
  - A detailed demographic analysis to identify the extent of housing stress and the need for affordable and diverse housing in the City;
  - Development of appropriate site selection criteria within a sustainability framework for different types of housing and different target groups; conducting land audits to identify land suitable for affordable housing projects by Council in accordance with criteria, either directly or in partnership with providers, and by other bodies;
  - A detailed analysis of rental and purchase housing markets across suburbs to identify economically feasible and reasonable options and locations for

various mechanisms of supply of affordable housing; including incentives and planning controls to facilitate market supply; developer contributions and bonus schemes; and partnership and direct provision;

- Consultation with stakeholders including a comprehensive consultation strategy over the six months of the project to ensure feasibility and acceptability of initial options and proposals;
- A review of planning instruments including an assessment of impediments to provision of affordable housing; drafting of objectives and clauses to facilitate affordable housing in relevant EPI; drafting of voluntary planning agreements and preparation of amendments to local planning schemes and related controls and policies.

### *Community and Co-Operative Housing Projects*

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Dr Stubbs has also assisted a number of NSW and Victorian Community Housing Providers (CHPs) with growth strategies, amalgamations or corporate group formations to position them to take advantage of the NSW Government's *Community Housing Growth Strategy* as well as opportunities under the Federal Government's *National Rental Affordability Scheme*. Her work includes researching and assisting with the implementation of appropriate legal, operational and governance structures; strategic planning; facilitating relationships between CHPs and appropriate partners including local government and the private sector to develop land and affordable housing, and obtaining funding under Federal and State Government funding programs.

Examples of studies and projects include:

- Management of the successful transition of the Association to Resource Co-operative Housing (ARCH), a resourcing body for co-operative housing in NSW, to **Common Equity NSW**, a housing company, which brought together 34 individual co-ops under the Corporations Act 2001 (Cth). Project commissioned by NSW Office of Community Housing (NSW Department of Housing). This included planning and managing all aspects of the transition process for 12 months, including extensive sector consultation, developing and implementing governance and operational structures, developing their new strategic and business plans; evaluating and advising on future financial operations, assessing staff alignment, employing new staff and advising on redundancies; assistance with business systems, etc. We also prepared key documentation required for registration of the new company as a community housing provider.
- Development and facilitation of the ***Amalgamation and Growth Strategy*** between Community Housing Limited (originally a large Victorian-based community housing provider with 'Growth Provider' status in NSW) and (the former) Community Housing Mid-North Coast (made up of four sub-regional offices from an earlier amalgamation of smaller schemes, which had not



gained 'Growth Provider' status). The project involved developing a range of options for legal, governance, and operational structures and related financial arrangements, facilitating an agreed position between the two CHPs as to the preferred options, outlining and doing preliminary work on steps toward the amalgamation including initial due diligence, operational systems review, financial review and advice on systems, consultations with Boards and staff at all levels of the organisations to identify and deal with key issues and barriers to amalgamations, and a communications strategy to facilitate harmonious change management.

- Subsequent work with (the former) **Community Housing Mid-North Coast** (becoming the Northern Region of CHL) in order to position it to take advantage of growth opportunities with local councils in the region with which JSA is also working (Byron Shire Council and Clarence Valley Council), including brokering relationships with such councils for potential partnerships in the development of Council-owned land (which JSA had identified in land audits with these Councils as part of undertaking their *Affordable Housing Strategies* and preparing their Environmental Planning Instruments). JSA is also 'linking up' or brokering relationships between appropriate local or state-wide community housing providers and a range of other councils for whom it has or is preparing affordable housing strategies (e.g. to partner on council owned sites including redevelopment sites, and/or to develop long-term partnering relationships).
- Development of ***Growth Strategies for a range of NSW Community Housing Providers*** (CHPs) over the past 20 years including assistance with development of Special Purpose Vehicles / Joint Venture Companies under the *Corporations Act 2001 (Cth)*; development of strategies to facilitate growth through amalgamations and partnering arrangements, assistance with successful housing needs analysis and funding submissions under various State and Commonwealth funding programs, and facilitating relationships between CHPs and local councils with land and other resources to dedicate to affordable housing (e.g. debt equity) projects. This has included work with CHPs such as Argyle Community Housing, The Housing Trust, Community Housing Limited, North Shore Community Housing, Link Housing, Ryde Hunters Hill Community Housing, North Coast Community Housing and St George Community Housing.
- ***Strategic planning*** for a new amalgamated organisation formed by North Shore Community Housing and Garrigal Housing Association (LINK Housing). This involved identifying the high level strategic priorities of the new company, whilst still preserving the values and priorities of the merging entities. The process aimed to find areas of cultural alignment and facilitate resolution of areas of contention. The resulting plan is the cornerstone of a successful bid for new housing stock under the Nation Building program.
- Project managed the ***development of options for two large affordable housing sites in Byron Shire*** (one for Council and one for the Byron Hospital

Trust). In the case of the former, this included preparation of three draft concept plans, economic feasibility analysis/business case on each, preparation of funding submissions and alternative financing arrangements.

## *Urban Renewal*

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Dr Stubbs has a long-standing research interest in urban renewal of public housing estates in NSW.

- Currently undertaking an ***evaluation (process and outcome based) of the first 2 years operation of RedLink multi-service centre***, located in the McKell Building in Redfern Public Housing Estate, which Dr Stubbs assisted in developing in 2015. RedLink and related activities is a place-based initiative of FACS –Housing NSW and a range of legal, health and community agencies to improve quality of life within the Estate, and improve social inclusion and access to services for the Estate’s most vulnerable families and individuals.
- She was involved in establishing the ***Neighbourhood Improvement Program*** in Airds and Macquarie Fields pilot areas in Sydney’s South West in 1994-95. Her studies into the social and economic impacts of urban renewal were instrumental in securing substantial state and federal government funds for estate improvements in a number of large estates in Sydney’s west, and for the rolling out of community renewal programs in the mid-late 1990s. Her work with John Storer in the application of cost benefit methodology to community and urban renewal is regarded as seminal.
- ***Social Cost Benefit Analysis: Case Study Airds*** represented the first application of CBA evaluative methodology to a social program of this nature in NSW utilising methodologies commonly used in the evaluation of public infrastructure projects. The CBA led to the rollout of physical and social community renewal programs on large public housing estates in Western, South Western and Inner Sydney areas and the commitment of \$100.0 million by the Federal Government to NSW over 10 years to the then Neighbourhood Improvement Program.
- Co-researched and wrote the ***Evaluation of Three Urban Renewal Strategies*** in 2000 for South West Sydney Region NSW Department of Housing, a report on different urban renewal strategies being employed by the Department in large public housing estates in South Western Sydney (Claymore, Airds and Minto). Led to the extension of the Minto Intensive Management Model to 11 other housing estates.
- Her research into the immediate and longer-term impacts of the redevelopment of Minto public housing estate involve an ongoing research partnership between the SJSC Research Centre, UWS, local residents, services and networks, and NSW peak bodies including NCOSS, Shelter and the NSW Tenants Union. The participatory research provided important insights into impacts of the redevelopment process from a resident perspective, and

proposes and implements a participatory approach to the way such impacts may be understood and evaluated. The first stage of the research was published in the report **Leaving Minto**; and has also been the subject of some 12 invited seminars throughout Australia and New Zealand for the Planning Institute of Australia and the Australasian Housing Institute over 3 years.

- Completed a 2-year project on the design and implementation of all community renewal and community engagement strategies for Phase 1 of the **Renewal of Bonnyrigg Public Housing Estate** in Fairfield LGA, the largest Public-Private-Community Sector Partnership of its kind to be undertaken in Australia (\$900 million project). Dr Stubbs and her team were selected for their experience working at the intersection between urban design, community renewal, community participation, urban planning and social impact assessment; and for their particular capacity in working with marginalised communities, in this case where only one-third spoke English, and a high proportion were Indigenous.

Phase 1 saw the transfer of all public housing to a large not-for-profit community housing provider, as well as commitments to the funding and provision of a wide range of services and facilities by the private sector, government and NGOs in accordance with Dr Stubbs services plan, in the areas of mental and physical health, employment and economic development, mentoring, education and training, community support, youth services and early intervention for families. **Bonnyrigg Social Impact Assessment**, prepared by Dr Stubbs under Part 3A of the NSW EP&A Act, contains a detailed, holistic and inter-disciplinary assessment of the range of likely impacts associated with such a project and a **Mitigation Strategy** that aims to embed the range of services plans prepared by her into the Conditions of Consent should the project be approved.

- In 2005, Dr Stubbs partnered with Professor Bill Randolph and Dr Bruce Judd of City Futures in developing, conducting and reporting on a **Baseline Survey of Bonnyrigg Living Communities Area** for the NSW Department of Housing. The survey was developed in consultation with a range of key stakeholders, including members of the Bonnyrigg Community Reference Group. Together with the Leaving Minto report, the Baseline Survey was instrumental in shaping the NSW Government's approach to the renewal of Bonnyrigg Public Housing Estate (discussed above).
- Researched and authored **20 Years of Innovation in Community Housing** for The Housing Trust and the NSW Office of Community Housing, in 2002.

### ***Community Consultation and Participation, & Social Inclusion***

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**Dr Stubbs is an acknowledged expert in the areas of Communications, Community Participation and Consultation, and in developing practical strategies to promote social inclusion of marginalised communities.** She has designed and implemented numerous communication and consultation strategies for diverse private,

government and community sector client including the translation of complex planning or technical documents into plain English, development of cross-cultural communication materials and educational programs for universities and the judiciary, project management of complex consultation and communication strategies on highly sensitive urban renewal projects including under PPPs, and across Australia as part of massive social change facing regional and rural communities. She regularly prepares and implements consultation strategies in relation to development application and assessment process, including in relation to major projects under Part 3A of the Act.

Examples of projects include the following:

- Completed a 2-year project on the design and implementation of all community renewal and community engagement strategies for Phase 1 of the ***Renewal of Bonnyrigg Public Housing Estate***, the largest Public-Private-Community Sector Partnership of its kind to be undertaken in Australia (\$900 million project). Dr Stubbs and her team were selected for their experience working at the intersection between urban design, community renewal, community participation, urban planning and social impact assessment; and for their particular capacity in working with hard to reach communities, in this case where only one-third spoke English, and a high proportion were Indigenous.

Among many roles, Dr Stubbs designed and implemented the Communications and Consultation Plan, and implemented this over an 18 month 'transition' period, supervising seven staff from JSA and multiple staff from Housing NSW and the Private Sector Consortium 'on the ground'. This included running a 'shopfront' drop-in consultation process 6 days per week, running numerous community workshops on design issues, community services and urban planning in 6 community languages, including design of plain English and translated materials, plans, etc; and reporting against outcomes as part of the Part 3A process for the Private Sector Consortium.

- *Exploring the Relationship Between Cotton Growing and Community Resilience in the Murray Darling Basin in the Context of Changes to Water Policy and Climate* for the Cotton Catchment Communities Co-Operative Research Centre (2009-2010) – included extensive community consultations with 24 regional and rural communities across 4 states over an 18 month period;
- ***Integration of Homeless People and Young People within Urban Public Space*** for Parramatta City Council. In 2015, JSA provided PCC with research and recommendations regarding key principles and directions for appropriate physical design and administrative processes to ensure the integration of marginalised groups; including homeless people, young people and other vulnerable people, in public spaces within the Parramatta CBD, including the major extension of the CBD. Also assisted with implementation strategy.
- JSA recently developed the ***Bellambi Public Housing Estate Renewal Plan*** in 2015 for FACS – Housing NSW in close consultation with the Bellambi

community, and based on extensive qualitative and quantitative research, including a survey of 300 public, private and community housing households (around 50% of households in the estate); in-depth resident and service interviews; focus groups; inter-governmental/community services workshops; and targeted activities with a range of stakeholder groups including estate 'mapping' primary school children, Aboriginal communities, and people with a disability. Most of the recommendations are currently being implemented by FACS – Housing NSW and the Department of Premier and Cabinet.

- Assisted FACS – Housing NSW with the development of the **RedLink Integrated Service Delivery Model** through a series of consultative workshops between tenant representatives, and health, mental health, housing, disability, justice, police, youth, children's and other human services in the government and NGO sectors. A range of services will be delivered at the RedLink Centre (opened on 29 July 2015) in the heart of the Redfern high rise public housing precinct at 55 Walker Street in the McKell Building in one of the highest need estates in NSW.
- Developed and assisted FACS – Housing NSW with the development and implementation of a **Tenant Participation Model** for a highly and disadvantaged and disengaged public housing community in Camperdown (the Joanna O'Dea building and Alexandra Terraces), with around 70% of tenants having a mental illness or dual diagnosis. The community engagement strategy included face to face interviews with around 50% of tenants (90 households), informal community events such as BBQs and drop ins, and working closely with existing community structures such as the Tenants' Group to develop and assist with implementing recommendations.
- Assisted FACS – Housing NSW with the **restructuring of a range of tenant participation and human services forums across Redfern** developed in close consultation with a wide range of agencies and networks across Redfern. This is occurring in close consultation with the Redfern Neighbourhood Advisory Board, key agencies and services networks to develop an effective and workable solution for all parties.
- Project managed the **Federal Attorney General Department's Access to Justice Project** auspiced by the Law Faculty of Wollongong University in 1997-98. The project involved researching, writing and producing three short films and associated teaching materials to illustrate the need for increased cultural responsiveness in the areas of Criminal, Contract and Family Law. The materials was designed to be incorporated into mainstream curriculum in Law Faculties in all Australian Universities, and also incorporated into teaching materials in overseas campuses. Films produced titled: 'I Tried to Tell Them', 'They Didn't Understand', and 'Perceptions of the Family'. Subsequently, Dr Stubbs implemented awareness raising and cross-cultural communication training with members of the judiciary in the Family Court and Federal Court;
- Designed and implemented the community consultation process for Moorebank Recyclers Pty Ltd as part of their pre-DA lodgement and reporting

process for their proposal to develop a recycling facility at Newbridge Road, Moorebank. This included preparation of plain English materials for dissemination to the local community, conducting community forums, and reporting on the process and outcomes as part of lodgement.

- ***Responding to Homelessness: Australian and International Case Studies*** for Parramatta City Council. In 2009, JSA completed a comprehensive review of 17 local government areas in Australia, Canada, UK and the United States recognised for their work addressing homelessness at the local level regarding strategies employed to reduce and mitigate homelessness in their communities, and to promote social inclusion of marginalised groups.

### *Aged Accommodation and Services*

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Dr Stubbs has extensive experience in aged and disability services development and management, and in research and planning for the development of aged and disability accommodation and services, including the following.

- Strategic site selection for aged accommodation for a number of NSW Councils, including as part of their strategic planning and the preparation of LEPs under the Model Template (see below for Councils and State Government Authorities for which she has prepared strategies for affordable and diverse housing). Criteria based on good practice re sustainability and SEPPSL;
- Researched and authored *A Place for Aging?*, (2004) for Shoalhaven City Council a study into the impacts of a rapid aging community on services, infrastructure and social structures. Also advised the Federal Department of Health and Aging on improved needs based area planning subsequent to this study;
- Prepared successful submission, and detailed bid including commissioning of architectural plans and costings, and ensuring that it was fully accessible under SEPPSL, for a purpose-built Dementia /Day Care Centre at Fairy Meadow for Sydney Anglicare;
- Conducted a strategic review of aged accommodation and services for Sydney Diocese of Anglicare including projected need assessment and economic feasibility analysis for services across 40 LGAs in Greater Metropolitan Sydney and the Illawarra, which resulted in restructuring of services and refocus of strategic directions for older people and those with a disability;
- Provide services to developers and councils in relation to strategic site selection for aged accommodation, including in relation to meeting appropriate accessibility policies and standards;
- Whilst working as Assistant Manager Community Services at Wollongong Council, was responsible for a range of service areas including aged and

disability services and community transport, as well as duties related to supporting Council's Access Committee.

Whilst working in Community Development at Walgett Shire Council, funded and developed the first aged accommodation complex in the Shire, and established the first aged services program

### *Other Housing Projects*

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Dr Stubbs has undertaken a range of other projects related to planning and evaluation, including:

- Developed a *Strategic Plan for Aboriginal Housing* for the NSW Department of Housing in the Western Region and Illawarra and South Coast Region, involving detailed site analysis and consultation on integrated housing and service needs.
- Conducted a study into the *Contemporary Political Economy of Manufactured Housing Estates in NSW* for the Australian Housing and Urban Research Institute (AHURI). Case studies in Western Sydney, Illawarra and the far North Coast. Presented an initial paper at AHURI and subsequently published in *Urban Policy and Research*, "MHE's Increasing Housing Choice or Benchmarking Suburbia?" (Co-authored with Prof. Martin Mowbray of RMIT).

### *Evaluations and Organisational Planning*

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Dr Stubbs has conducted evaluations for numerous public and community sector clients against strategic plans and objectives on a wide range of proposals, programs, services and projects that have been based on a comprehensive, inter-disciplinary approach. She has assisted in the transition of funding arrangements on major program areas. Demonstrated capacity in this area includes the following projects.

- Developed the new Needs Based Funding Model and Strategy for Community Legal Centres in NSW (2015-2021) for Legal Aid NSW. The project involved working directly to the **CEO of Legal Aid NSW and the NSW Attorney General** in a sensitive political environment to develop a new needs based funding model and optimal funding strategy for NSW Community Legal Centres based on defensible data and methodology that included a review of sector performance, changing state-wide need, existing service synergies and the political realities of the current funding arrangements.
- Developed and assisted with the implementation of the **Transition Plan for the Going Home Staying Home (Homelessness) Reforms** for Sydney Division of the NSW Department of Family and Community Services – one of the largest service reforms to be undertaken of social services in NSW. This involved the defunding of the entire NSW homelessness sector in 2014, and re-tendering of

all homeless support and accommodation services across NSW, and the planning for the transitioning of all properties and tenants to new providers in a seamless way, with minimal impact on highly vulnerable clients over a 6 month period.

- Developed and implemented a **Model Strategic Planning and Evaluation Process** for the Community Legal sector in NSW comprising 29 generalists and specialist CLCs across NSW. This included the development of a Legal Needs Assessment Framework and a Needs Based Planning Tool for the sector, based on evidence of legal need geographically, for priority target groups and in key areas of law. The project was conducted as a partnership between government and the community sector, and **led to the redistribution of resource across geographic and service boundaries based on legal need and gaps in service provision**. The project also involved capacity building with CLCs and government in the application of the Framework and the tool independent of JSA.

**LINK TO RESOURCES:**

[http://www.clcnsw.org.au/cb\\_pages/legal\\_needs\\_project.php](http://www.clcnsw.org.au/cb_pages/legal_needs_project.php)

- Funded by the Federal Attorney General to extend the **Model Strategic Planning and Evaluation Process** outlined above across all Australian States and Territories for the National Association of Community Legal Centres (NACLC). The sector-wide strategic plan formed the basis of important changes to service delivery in several States, and informed the Federal Government's allocation of resources to CLCs and public legal services, including models of service delivery, and allocation of funding geographically and for key target groups. This work has also provided an excellent and ongoing resource for NACLC and CLCs around the country to strategically address both 'met' and 'unmet' legal needs at the national, state and local levels, including as a well-regarded self-evaluation and strategic planning tool.

**LINK TO RESOURCES:**

[http://www.nalc.org.au/cb\\_pages/legal\\_needs\\_assessment\\_framework.php](http://www.nalc.org.au/cb_pages/legal_needs_assessment_framework.php)

- **Economic evaluation of the national impact of the Community Legal sector** for the National Association of Community Legal Centres. This involved the development of a comprehensive national evaluation framework, detailed qualitative and quantitative assessment of the value of activities undertaken by diverse Centres in three Australian States including review of key policies, indicators of legal need, service statistics, review and assessment of 160 case files/matters, interviews and focus groups, and evaluation of outputs and outcomes against program objectives and KPIs. The economic evaluation (Cost Benefit Analysis) of the operations of the national CLC sector, where benefits were found to exceed costs by a factor of 18 on average, has been highly influential at the national level. The work was the subject of an invited paper at Oxford University at the International Legal Services Conference in 2012.



- **Evaluation of four Duty Advice Outreach Services in the SSAT, NCAT, AE&O and AAT Tribunals (for separate projects) for Legal Aid NSW**, including a review of program effectiveness in meeting objectives, partner satisfaction (Tribunal Members and Registrars) and Clients using a detailed quantitative and qualitative methodology (2015).
- Detailed **evaluation of Wollongong Women’s Housing (WWH) Homelessness Service** against organisational objectives and those of the NSW State Government’s *Going Home Staying Home* policy reforms. The evaluation, funded under the *Going Home Staying Home Innovation Fund*, is regarded as seminal work in the homelessness program area and fills an important gap in this research area. WWH began to reshape its service delivery approach and methods based on the research as finding emerged, so that it is regarded as ‘action research’ in this regard.
- Detailed **economic evaluations of large homelessness services provided under the Common Ground model**, one in Victoria and the other in NSW. The evaluation is being conducted in partnership with UNSW, and is funded by the relevant State housing authorities. The evaluation requires identification and quantification of project outcomes against organisational and funding body objectives, and a comparison of the effectiveness of the services by comparison with other service delivery models using cost benefit analysis, and other social outcomes.
- Completed an extensive review of the operation and achievement of the **Public Purpose Fund for Legal Aid NSW**, including all projects funded under this program. The review considered each project’s stated objectives, outcomes and outputs in relation to its effectiveness and capacity to address legal need in the relevant community, and included an analysis of service delivery outcomes based on centre statistics, community need, budget reporting and extensive qualitative research. As a result of the evaluation, it is understood that **Legal Aid NSW was successful in its application to the Public Purpose Fund for an additional three years of funding** to continue the program, although some projects were discontinued and other higher priority projects were funded across NSW.
- **Evaluation of the Aboriginal Legal Service (ALS) NSW/ACT** regarding staff and organisational performance, governance structures and opportunities for improvement to operations and governance. A range of recommendations for organisational change and re-orientation of service delivery and resource distribution were adopted by the ALS Board.
- Development of a **Trade Marked National Accreditation Scheme Model (“Accreditation Model”)** for the National Association of Community Legal Centres (NACLC). NACLC’s sought to develop an Accreditation Model for a national, sector- led Accreditation process for community legal centres in Australia, recognising the diversity of the various State Associations, and the diversity of Australian CLCs themselves. It balanced the needs for minimum industry standards and quality assurance in CLCs and protecting the CLC

“brand”. The Model was designed to be consistent with and complementary to the existing “standards” systems already in place, such as the Commonwealth Service Standards and the National PII Scheme.

- Conducted an evaluation of International Pathways (a funding initiative for to support audience and market development for touring Australian musicians) for **The Australia Council for the Arts**. The evaluation sought to understand whether the initiative is meeting its objectives through an analysis of acquittal reports, an email survey, and in-depth case studies, and make recommendations on program and process improvements that may make the initiative more effective.
- Research and analysis conducted for **Arts NSW** regarding the feasibility of introducing an arts purchasing scheme in NSW as part of an initiative to stimulate the contemporary visual arts sector in the state. The review provided a comprehensive account of existing arts purchasing schemes in the UK and Tasmania, and included a series of interviews with representatives from existing international and national schemes, NSW gallery owners and other relevant organisations such as the National Association of Visual Artists.
- Completed an evaluation of the Arts Law Centre of Australia on behalf of the **Australia Council for the Arts**. The key review questions revolved around whether the organisation was meeting the needs of its client groups, and the development of a new business plan. The review included a series of interviews with Arts Law Centre staff and key stakeholders from relevant organisations across the country, as well as detailed analysis of Australian Bureau of Statistics and Arts Law Centre data regarding a profile of artists in Australia and their legal needs.
- Recently completed an extensive review for **Legal Aid NSW** regarding fifteen projects undertaken by different Community Legal Centres between 2008 and 2011 funded for approximately \$1.4 million by the Public Purpose Fund. The review considered each project’s stated objectives and outcomes in relation to its effectiveness and capacity to address legal need in the community, and included an analysis of service delivery outcomes based on centre statistics, budget reporting and extensive qualitative research based on 60 interviews with centre staff and external stakeholders related to each project. As a result of the evaluation, Legal Aid NSW was successful in its application to the Public Purpose Fund for an additional three years of funding to continue the fifteen projects.
- Completed an extensive evaluation of the **Redfern Legal Centre**, with a particular emphasis on identifying and moving forward with a cohesive strategic direction. The evaluation involved wide ranging consultation with internal and external stakeholders, data analysis and review of documents. Resolution of the key questions for the organisation was achieved through 4 half-day workshops with management committee members and staff. The

organisation is currently implementing a new organisational structure and strategic program direction arising from the evaluation.

- A comprehensive evaluation of the NSW Tenants' Hotline using a multi-faceted research methodology to provide the **NSW Tenants' Union** with information and recommendations to determine the most useful and efficient way forward for the service. The project resulted in significant re-positioning of their service delivery to reflect their expertise and their place in the telephone information network for tenants with legal needs, and the more efficient use of the TU's resources generally.
- Development of service evaluation and strategic plan to guide the future development of Community Youth Work Services funded under DoCS' Community Services Grants Program in the most disadvantaged areas of Western Sydney, for Edmund Rice Community Services, MacKillop Family Services and the NSW Department of Community Services. The review of the current and future operations of services was undertaken in the context of a study of key indicators of young people being "at risk" of poor health and safety, disengagement from work or study, meaningful social interaction, legal needs and of long-term marginalisation, and the extent to which the Mount Druitt catchment area displayed these types of indicators. A preliminary review of other services funded to meet youth needs in the catchment area was also undertaken to inform a preliminary analysis of service gaps in the Mount Druitt area. Qualitative research including interviews with CSGP community youth work services and other services and key informants provided a further context to recommendations regarding possible service development options in the future.
- Development of service evaluation and strategic plan to guide the future directions of Eddy's Place Youth Accommodation Services (servicing 8 LGAs in the Illawarra and Southern Region) so as to make the best use of scarce resources against growing regional youth homelessness.
- Development of **Sydney ANGLICARE** Strategic Plan, a 12 month exercise involving working with staff at all levels across the organisation to review the nature and extent of around 30 service types across 44 Local Government Areas (LGAs), develop and apply a set of indicators of need against which to assess current service delivery (e.g. geographic and demographic mix of their client profile as well as those whose needs were not being met through current service provision/geographic location, with detailed mapping of services against indicators of need), and a comprehensive strategic plan developed in close consultation with all staff for the strengthening of certain services and the reconfiguration or refocusing of other where service delivery and community needs were not aligned. It is understood that this Strategic Plan, prepared in 2006, has been instrumental in significant service realignment and growth in areas of high disadvantage that were previously under-serviced.

- Research, development and implementation of the **Myimbarr Project (Stage II) for the NSW Premier's Department**. This project, developed in conjunction with local Indigenous communities, and the NSW Departments of Juvenile Justice, Employment and Training, Community Services, Health, and Housing, involved a whole of government approach to servicing the needs of Aboriginal Families with multiple and complex support needs. Its implementation commenced in 2003, and has negotiated substantial commitment of resources for 3 years from each of the Government Departments (staff secondments to a special unit) as well as recurrent/operational funds from NSW Premier's Department.

### *Regional Economic Development and Economic Evaluation*

- **Greater Illawarra: The Smart Growth Agenda** – a major research and strategic project conducted from 2013-15 for the Property Council of Australia which sought to understand recent regional economic issues and trends in relation to education, labour market, urban development and affordable housing, social and physical infrastructure, inter- and intra-regional connectivity, access to services and transport, so as to forecast and seek to shape the economic future on the Illawarra through strategic positioning vis a vis other regions.
- **Beating the Odds: Young People and Employment in the Illawarra**, a major youth labour market and regional economic development study for the Federal Department of Employment, Workplace relations and Small Business in 2000. A number of special apprenticeship and training models have now been developed and funded by the Federal Government for the Region on the basis of this study, including DETYA's Group Training Apprenticeships Targeted Initiatives Scheme, and Growing the Region, an innovative Apprenticeship and Training Model targeting small business with a track record in R&D and Export and Young people who at risk in the labour market.
- Developed a range of *innovative apprenticeship programs* (including extensive economic modelling) for Australian Business Limited, a peak Australian business association. A number of these were adopted and funded by DETYA and formed the basis of their Regional Targeted Initiative Scheme.
- Also developed *Growing the Region*, a \$6.0 million pilot apprenticeship scheme currently targeting the young people at risk of early school leaving for subsidised apprenticeships with special mentoring and support in small businesses with severe skills shortages. Also adopted by the Federal Government and rolled out in priority communities.
- Research and prepared *Smart-Arts / Artsites: Linking Wollongong's Past and Future in Real and Virtual Spaces*, for the NSW Ministry of the Arts City of the Arts Program, 2001.

- Prepared the *Illawarra Regional Economic Development Strategy* for the Illawarra Area Consultative Committee and the Federal Department of Employment, Workplace Relations and Small Business in 1997. This document was used as a model for other Regional Employment Strategies by the Federal Government.
- Cost Benefit Analysis of a range of *Employment Development Initiatives* undertaken by Argyle Community Housing Association over the past 3 years under DOTARS funding.
- *Key Worker Study* – Partnership between UWS, Shelter and NSW Labor Council. Examined the extent and nature housing and work dislocation in three key Sydney employment/transport nodes, and the social and economic impacts upon lower paid essential services workers, and on the local labour market. Papers prepared and presented at several conferences.
- Completed *Audit of Government Services and Expenditure* for the NSW Premier's Department in South Western Sydney under the Better Cities Program in 1998. Detailed audit of human service and public infrastructure provision and funding from twenty-eight Local, State and Federal Government Departments. Also involved extensive consultation with representatives of government and the community re qualitative aspects of the audit.

### *Planning for Sustainability*

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- ***Framework and Baseline Study to measure the long-term social and economic impacts of the cotton industry on communities in rural NSW and Queensland*** for the Cotton Catchment Communities Co-Operative Research Centre (CRC), a partnership between industry, state and local government. The study has developed a broad set of quantitative and qualitative indicators to investigate community wellbeing within a social sustainability framework, so that the immediate and long-term impacts of the cotton industry can be better understood and measured. Indicators were developed and refined in consultation with representatives from the communities involved so as to understand what 'community wellbeing' means to them. Other key aspects of the project involved developing a methodology for measuring community views of social inclusion/social capital, as well as capacity building with local government and the Cotton Catchment Communities CRC so that they can replicate the study to conduct longitudinal studies in the future without the need to engage external consultants.
- *Exploring the Relationship Between Cotton Growing and Community Resilience in the Murray Darling Basin in the Context of Changes to Water Policy and Climate* for the Cotton Catchment Communities Co-Operative Research Centre (2009-2010). The study was principally designed to understand the complex relationship between cotton growing and community resilience in the face of significant changes to water availability in some of the most remote and disadvantaged areas in Australia. The Social and Economic Impact Assessment,

including a comprehensive cost benefit analysis, sought to understand the distribution of quantitative and qualitative costs and benefits at different geographic scales (the farm, LGA, Catchment, Basin and National levels). It has been influential in the developing position of the Federal Government in relation to planning for the Murray Darling Basin currently under way.

### *Socio-Legal Projects*

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- ***Social and Economic Impact Assessment of the value of Community Legal Centres in Australia***, through the development of a robust framework based on the microeconomic principles of public policy and the economic theory of the law (Richard Posner), and application of a cost benefit analysis which analyses 160 randomly selected cases in centres in WA, Victoria and NSW. Preliminary results, presented by Dr Stubbs in October 2011 at the National Community Legal Centres Conference in Hobart, indicate that the Community Legal Sector is likely to have an average cost benefit ratio of 1:18 (noting that major infrastructure projects would be generally justified by a CBR of 1:2 or 1:3). The final results were the subject of an invited paper at Oxford University in late Sept 2012 for the UK Legal Service Commission Biennial International Conference.
- ***National Legal Needs Assessment for the National Association of Community Legal Centres***, a strategic planning and research project that developed an innovative framework for the assessment of unmet legal needs, and compares these across all regions of Australia. Builds on a NSW project conducted in 2009-10 for the equivalent state body, which was the subject of a paper presented by Dr Stubbs to the UK Legal Service Commission conference at Cambridge University in 2010.
- Developed and authored ***'The Business of Law'***, a web delivered introduction to business law for small business and those completing undergraduate studies in the BBA / B Com., for the Wollongong University Faculty of Law. Runner up for the Australian Newspaper and Australian Publishers' Association's Award for Excellence in Educational Publishing 2000.
- Scripted, produced and directed ***LAW100 Law in Society (Introductory Law) Audio Lectures*** for the Law Faculty, University of Wollongong. Topics included: 'The Nature and Sources of Law'; 'The Australian Constitution'; 'Judicial Decision-Making'; 'Access to Justice'; 'Legislation and its Interpretation'; and 'Legal Change'. Also worked on a number of educational flexible delivery initiatives for the Law Faculty associated with this Subject in 2000.
- Project managed a ***Federal Attorney General Department's Access to Justice Project*** auspiced by the Law Faculty of Wollongong University in 1997-98. The

project involved researching, writing and producing three short films and associated teaching materials to illustrate the need for increased cultural responsiveness in the areas of Criminal, Contract and Family Law. The materials was designed to be incorporated into mainstream curriculum in Law Faculties in all Australian Universities, and also incorporated into teaching materials in overseas campuses. Films produced titled: 'I Tried to Tell Them', 'They Didn't Understand', and 'Perceptions of the Family'.

- Joint venture with the University of Wollongong (Department of Economics and Management) on Stage I and II evaluation of the impact of Occupational Health and Safety Legislation in workplaces covered by the Commonwealth Back Service Officers (CBOS) union. An initial (benchmark) study is being undertaken for WorkCover and the CBOS, and involves a comprehensive survey of 2000 employees in all functional areas of the Commonwealth Bank in NSW. A second post-educational study will follow a CBOS/WorkCover OHS awareness campaign, and aims to evaluate the effectiveness of training and the degree of OHS compliance in these workplaces compared with the benchmark study.
- Joint venture with the University of Wollongong (Department of Economics and Management) on Stage I, II and III evaluation of the impact of Occupational Health and Safety Legislation in workplaces covered by the Finance Sector Union. Similar methodology to above.
- Received a Director's Human Rights Grant from the Law Foundation of NSW to revise and publish, "***A Human Right to Justice: Experiences of Women and the Law.***" The book is based on 70 interviews with women as part of work carried out for the Australian Law Reform Commission's Equality Before the Law Reference. The report was launched on 14 July, 1994 by the Hon. Justice Mary Gaudron of the High Court of Australia. Recommendations in the original study contributed to a number of amendments to the federal Family Law Act.

### *Pro Bono Work Related to Housing and Homelessness*

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Dr Stubbs combines paid work with predominantly public and community sector/NGO clients in relation to a range of Public Interest matters with pro bono work that can be funded through cross-subsidisation by professional/paid work. This work principally involves improving access to justice for marginalised individuals and communities, and bringing their voices into the forums where decisions are made. Recent Pro Bono work includes:

- **Lansdowne Caravan Park (2004-05)** – Initially retained by Fairfield Council to conduct a Social Impact Assessment (SIA) on the Development Application by Meriton Apartments to redevelop its Caravan Park with into a 'prestige residential development', thus displacing 220 low-income 'renter-renters'. Assisted the Resident Association to be joined in the proceedings as second respondent, the first time this has happened in such a matter. Continued to assist residents with representations to the Department of Planning, advocacy

and preparation and presentation of material in the CTTT when facing evictions on a pro bono basis when Fairfield Council determined not to continue to defend the appeal by Meriton Apartments.

- **Casa Paloma Caravan Park (2005-06)** – Assisted residents of Casa Paloma on a similar matter on a pro bono basis when Liverpool Council determined not to support residents facing eviction and redevelopment of their homes. Prepared over 100 affidavits for appearances in the CTTT, with around 50% of time on a pro bono basis, and the balance funded by the NSW Tenants Union. Though this case did not reach the NSW LEC, the cumulative impact of the various representations in relation to this redevelopment, Lansdowne and others is understood as being instrumental in amendments to the Residential Parks Act which give increased protection to tenants, including S 102(1A) which requires that notice of termination may not be given on the ground of a change of use unless development consent has been granted under the EP&A Act.
- **Voluntary representation of behalf of NSW Councils to the NSW Minister for Housing and NSW Minister for Planning** in relation to improvements to the NSW Standard LEP Template to include planning provisions for Affordable Housing developed by Dr Stubbs in work for Councils (2007-08) Councils seeking to increase the stock of affordable housing for low and very low income households including those with special needs currently face significant barriers in the NSW planning system, so that assisting them to make such representations assists to address one of the principal factors in marginalisation, inappropriate or unaffordable housing and homelessness.
- **Pro Bono representations on behalf of Boarding Housing residents in North Sydney LGA** currently facing evictions (2008), building on previous work in the preparation of North Sydney Council's recently released Affordable Housing Strategy. Around 100 boarding house residents faced eviction, and the work included advocating with them for Council to improve its assessment and notification processes in relation to threats to Boarding Houses, and the development of defensible criteria regarding refusal or re/development consent and appropriate mitigation under s 79C(1)(b) of the EP&A Act (social and economic impacts). North Sydney Council also supported the action and assistance we provided.
- **Sandon Point LEC Case (2006-07)**- approached by NSW Legal Aid Commission to provide advice and assistance to Jill Walker, resident of Sandon Point (near Bulli on NSW South Coast) regarding a decision to approve the last 6 stages of Sandon Point development by Minister for Planning, Frank Sartor, under Part 3A of the Act. The proposed development has been the subject of around 7 years of community action including by traditional (Indigenous) owners of the land, who continue to have a tent embassy at the Point to the present day. The EDO ultimately took carriage of the case, and the initial advice Dr Stubbs provided was instrumental in Walker being successful in the Land and Environment Court (on the basis that the Minister had failed to act in the Public Interest by failing to consider the Objectives of the Act, in particular section



5(a)(vii) ESD) (see *Walker v Minister for Planning* [2007] NSWLEC 741). The matter has now been appealed by the NSW State Government to the NSW Supreme Court, Court of Appeal. It has significant implications in the context of sustainability of future development decisions in the context of climate change.

### *Human Rights Impact Assessments for Industry*

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Preparation of risk assessment in complex social and physical environments. Examples of projects include the following.

#### *BHP Billiton (Illawarra Coal) Human Rights Impact Assessment*

Illawarra Coal is a wholly-owned subsidiary of BHP Billiton, and produces premium quality, hard coking coal for use in the production of steel and some energy coal. In 2013, JSA was contracted by BHP Billiton (Illawarra Coal) to conduct a comprehensive Human Rights Impact Assessment (HRIA) in relation to its direct and indirect operations in Australia (outlined below), and in relation to potential upstream and downstream impacts, for example, from countries where it sources and sells its materials and products and which often have poor human rights track records. This complex project was completed within five months.

The HRIA was conducted in relation to all management and support functions (Finance; Health Safety and Environment; Human Resources; External Affairs; Processing and Logistics; Projects; Resource Planning; and Development) carried out in its head office at the Innovation Campus of the University of Wollongong. A HRIA was also conducted in relation to its three high-volume underground longwall mines in the Illawarra/Wollondilly region, including Appin Colliery; West Cliff Colliery and Coal Preparation Plant; and Dendrobium Colliery (located at Mount Kembla) and Coal Preparation Plant (located at Port Kembla); as well as some of its activities in relation to the coal loading facilities at the Port Kembla Coal Terminal.

The HRIA was conducted in accordance with ISO 31000 and the company's commitments as set out in Group Level Document 008: Community (GLD.008), which has as its overarching principle that "*Activities must be undertaken so that people's human rights are respected and BHP Billiton's Human Rights commitments are met,*"<sup>[1]</sup> and other relevant documents including a risk rating calculated in accordance with GLD.017 Risk Management. It was conducted within a HRIA Framework developed by JSA specifically for this project. The HRIA framework was a vital and highly innovative conceptual task, as this HRIA was one of the first conducted for industry on such a scale in Australia, and its development by JSA was necessary due to the lack of detail, impracticality and significant gaps in other HRIA tools reviewed by JSA.

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<sup>[1]</sup> BHP Billiton (2012) GLD.008: Community, p 4.

The methodology and process of the HRIA, though somewhat different to the current fee proposal, gives an indication of JSA's work in this sector. It included the following:

- Established a close working relationship with senior staff and relevant line management within Illawarra Coal's operations, maintained through the project;
- Developed a detailed draft **Human Rights Impact Assessment Framework** in accordance with the operating environment of Illawarra Coal, with relevant company policy, procedures and human rights commitments, and with relevant international human rights instruments and principles, and legislation in host countries;
- Conducted initial workshops with internal staff in various operational areas to scope potential internal and external human rights risks of their operations, and calculate and document their initial views regarding likely severity of risk;
- Refined and finalised the Framework, focusing on key areas of likely risk; detailed compliance areas / KPIs (350 developed in 10 key function areas); and methods of and sources for data collection and validation of Illawarra Coal's performance regarding its human rights obligations;
- Conducted an initial assessment using the HRIA Framework with the Project Reference Group and Steering Committee;
- Verified and validated the initial assessment with internal and external stakeholders using diverse engagement methods approved by the Reference Groups (structured interviews, phone surveys, focus groups, feedback forms attached to plain English information on the company's operations and the HRIA process, information evenings, etc), including:
  - Operational staff at the three mine sites and washeries, PKCT, function areas at the Innovation Campus;
  - Community representatives and consultative committee members in the host communities of Appin, Douglas Park and Mount Kembla regarding IC's northern and southern operations;
  - A wide range of stakeholders including WorkCover; Sydney Catchment Management Authority; NSW Office of Environment and Heritage; Environmental Protection Authority; National Parks and Wildlife Service; and local government authorities;
  - Representatives of local Aboriginal groups, including the Illawarra Local Aboriginal Land Council and the Tharawal Local Aboriginal Land Council; and
  - Representatives of relevant unions including the Construction, Forestry, Mining and Energy Union (CFMEU) Mining and Energy Division; and the Association of Professional Engineers, Scientists and Managers Australia (APESMA).
  - Produced a preliminary report documenting the HRIA as set out above, provided preliminary report to a qualified human rights specialist for peer review and to the Project Steering Committee for comment, and revised as appropriate;

- Finalised report, identifying key human rights impact areas where a potential material risk exists both in the absence of controls and with existing controls; and assessing the efficacy of existing controls, areas of demonstrated compliance or promotion of human rights, specific areas where a material risk exists and opportunities for improvement; and
- Where a material risk issue was identified, provided recommendations for matters to be incorporated in a Human Rights Management Plan, including identification of existing and proposed controls.

In accordance with BHP Billiton's procedures, JSA also engaged the services of an expert human rights specialist, Associate Professor Adam McBeth of the Castan Centre for Human Rights Law, Monash University, to provide a peer review function at critical points of the HRIA. JSA's HRIA Framework and Draft HRIA Report received highly favourable comments from Dr McBeth (available on request).

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