

3 Presentation of officer reports

3.1 Adoption of Council's submission to the Toorak Road level crossing removal Environmental Management Strategy

Abstract

The purpose of this report is to seek endorsement of the Council submission (Attachment 1) to the Toorak Road, Kooyong Grade Separation Project Environmental Management Strategy (EMS).

The EMS, provided in mid-May to Stonnington and Boroondara Councils, aims to outline the overarching approach for the delivery method to be adopted for the project and identify the potential environmental risks, impacts and mitigation measures associated with the project.

Submissions on the EMS were due by 11 June 2019, with an extension granted to 12 June 2019, following a one month review period for Council officers. No public review or submissions were invited.

A submission, based on the Victorian Government's preferred design solution for the Toorak Road level crossing, being rail over road, was prepared by Council officers and submitted within the short timeframe provided by the Toorak Road project team. The covering letter attached to the submission acknowledges Stonnington City Council's firm preference for a rail under road design solution. It also advises the submission has not received Council endorsement, with the matter being considered at the 8 July 2019 Services Special Committee meeting.

The submission (Attachment 1) notes officers have had difficulty in providing meaningful comments as the EMS is vague, generalised and lacking in detail throughout. Several requests for additional information and clarification are included in the submission.

Officers' recommendation

That the Services Special Committee resolve to:

1. Endorse the submission (Attachment 1) to the Toorak Road, Kooyong Grade Separation Project Environmental Management Strategy (EMS).
2. Notify the following stakeholders in writing of the Council resolution:
 - i. Premier of Victoria, the Hon Daniel Andrews, MP.
 - ii. The Minister for Transport Infrastructure, the Hon Jacinta Allan, MP.
 - iii. The Minister for Roads and Road Safety, the Hon Jaala Pulford, MP.
 - iv. All affected State upper and lower house members.
 - v. The Member for Kooyong, the Hon Josh Frydenberg, MP.
 - vi. The Member for Higgins, Dr Katie Allen, MP.
 - vii. Mr Kevin Devlin, Chief Executive Officer, Level Crossing Removal Project.

Responsible director: Carolyn Terry
Acting Director Environment and Infrastructure

1. Purpose

The purpose of this report is to seek endorsement of the Council submission (Attachment 1) to the Toorak Road, Kooyong Grade Separation Project Environmental Management Strategy (EMS).

2. Policy implications and relevance to community plan and council plan

This report is consistent with the Council Plan 2017-21 and the Boroondara Community Plan 2017-27, in particular the following themes and strategic objectives:

- Theme 5: Getting Around Boroondara - Strategic objective: Travel options that are connected, safe, accessible, environmentally sustainable and well designed.
 - Strategy 5.1: Improve road safety for pedestrians, drivers and cyclists through infrastructure improvements, education and traffic management initiatives.
 - Strategy 5.2: Address road congestion through an integrated approach that better manages traffic and promotes public transport, walking and cycling initiatives.
- Theme 7: Civic Leadership and Governance - Strategic objective: Ensure that ethical, financial and socially responsible decision making reflects community needs and is based on principles of accountability, transparency, responsiveness and consultation.
 - Strategy 7.1: Improve advocacy efforts, including building relationships with Federal and State elected representatives.

3. Background

The Toorak Road level crossing is one of four on the Glen Waverley train line near the municipal border of Stonnington and Boroondara. The road, rail, footpath and shared path networks at and near the crossing are used by the Boroondara community every day. The level crossing is one of the original 50 nominated by the Victorian Government for removal by 2022.

On 13 February 2019 the Victorian Government announced their preferred design option for the removal of the Toorak Road level crossing on the Glen Waverley train line in Kooyong. The design option is to bridge the rail over Toorak Road and provide a new open space under the elevated structure.

The Toorak Road project team provided both Stonnington and Boroondara Councils with the draft Environmental Management Strategy (EMS) in mid-May for review and invited submissions by 11 June 2019. Council officers successfully sought an extension to 12 June 2019. No public review or submissions were invited.

The EMS aims to outline the overarching approach for the delivery method to be adopted for the project and identify the potential environmental risks, impacts and mitigation measures associated with the project.

A submission, based on the Victorian Government's preferred design solution for the Toorak Road level crossing, being rail over road, was prepared by Council officers and submitted within the short timeframe provided by the Toorak Road project team. The covering letter attached to the submission acknowledges Stonnington City Council's firm preference for a rail under road design solution.

The submission and cover letter noted it has not received Council endorsement and further correspondence following the 8 July 2019 Services Special Committee meeting would be provided to update the status of the submission.

4. Outline of key issues/options

Strategic Planning Framework

The Toorak Road, Kooyong grade separation project has been facilitated by an amendment to the Stonnington and Boroondara Planning Schemes. This amendment has been prepared by the Minister for Planning and is currently under consideration by the Minister.

The amendment includes the draft Toorak Road, Kooyong Level Crossing Removal Project Incorporated Document which identifies the project area and exempts the project from requiring planning permits for the proposed works and uses. The preparation of an EMS is a requirement of the draft Incorporated Document.

The draft Incorporated Document requires that the EMS include:

- a. A summary of key construction methodologies.
- b. An overarching framework for site or work specific measures to reduce and manage environmental and amenity impacts during construction of the Project.
- c. A summary of the consultation that informed the preparation of the EMS and a summary of the proposed ongoing engagement activities with the councils, the community and other stakeholders during construction of the Project including enquiries and complaints management.
- d. A summary of performance monitoring and reporting processes, including auditing, to ensure environmental and amenity impacts are reduced and managed during construction of the Project.

The draft Incorporated Document also requires that the EMS be prepared in consultation with Stonnington and Boroondara City Councils.

Strategic Planning Assessment

The draft EMS is a high level document that has been prepared in advance of any detailed planning of the project. As a result, it does not deal with any specific impacts or outcomes of the project, and instead identifies potential environmental impacts and outlines appropriate means to limit negative outcomes. The EMS includes matters such as noise, sound, vibration and traffic impacts, as well as water, erosion, soil removal, soil contamination and heritage.

Generally, the EMS identifies any potential negative impacts that could arise and nominates the appropriate Australian standard that will be met or exceeded in addressing the impact. There are no specific examples or issues outlined within the EMS.

The range of potential environmental impacts identified within the draft EMS is extensive. There do not appear to be any likely potential impacts that have been omitted.

The EMS includes all of the provisions that have been required by the draft Incorporated Document. Again, this is very high level and does not go into any specific detail, due to the project not having been fully planned out at this stage.

Generally, Strategic Planning Officers consider that the EMS has been prepared in accordance with the requirements of the draft Incorporated Document and includes all the required information.

It provides an assessment of the potential environmental risks of the project, and outlines the appropriate standard that will be met or exceeded by the project. However, in the absence of any detailed assessment of the impacts of the development, it is not possible to provide a more detailed response to the EMS.

5. Consultation/communication

Internal consultation has occurred, with Strategic Planning Officers reviewing the EMS and providing input to the submission (Attachment 1) and this report.

External consultation has been limited to discussions with the Stonnington officers responsible for the project. No community consultation has been possible given the very short timeframes.

6. Financial and resource implications

There are no financial or resource implications associated with this report. Consideration will need to be given to resourcing for future input to the project.

7. Governance issues

The implications of this report have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

The officers responsible for this report have no direct or indirect interests requiring disclosure.

8. Social and environmental issues

The environmental issues associated with this report are generally considered to be positive. The EMS seeks to identify the potential environmental risks, impacts and mitigation measures associated with the project.

Manager: Zoran Jovanovski, Strategic Planning
Jim Hondrakis, Traffic & Transport

Report officer: Clare Davey, Senior Coordinator Transport Advocacy
Nick Brennan, Senior Strategic Planner



12 June 2019

Mr Timothy Naismith
Planning & Environmental Specialist
Level Crossing Removal Project - North East Program Alliance

By email: timothy.naismith@levelcrossings.vic.gov.au

Dear Mr Naismith

Thank you for the opportunity to provide feedback and comments on the Toorak Road, Kooyong grade separation project Environmental Management Strategy (EMS).

Although the project is not within the City of Boroondara, it is very close to our border with Stonnington City Council and our residents travel through the level crossing on a daily basis. The construction impact will be felt by both the Boroondara and Stonnington communities.

Council officers have prepared the attached submission. It is important to note the submission has not been adopted or endorsed by Council at the time of submission. Insufficient time was provided by the Level Crossing Removal Project (LXRP) team to allow this important governance process to take place.

The submission will be considered at the 8 July 2019 Services Special Committee (SSC) meeting. I will write following this meeting to advise of the outcome of the meeting.

Our submission is based on the Victorian Government's preferred design solution for the Toorak Road level crossing, being rail over road. We note Stonnington City Council has a firm preference for a rail under road design solution. This preference connects well with the election commitment from the Hon. Josh Frydenberg, MP of \$260 million to construct a rail under road solution at the Glenferrie Road, Kooyong level crossing.



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We value the position of Stonnington City Council with respect to the rail under road design solution and note the election commitment from the Hon. Josh Frydenberg, MP to fund a rail under road solution at the Glenferrie Road level crossing.

The \$260 million commitment is in addition to a commitment from the Morrison Government to provide \$10 million for the development of full business cases for the removal of level rail crossings at Tooronga Road and Madden Grove, also on the Glen Waverley train line. We welcome this commitment and look forward to working with the LXRIP to develop the business case for the Tooronga Road grade separation.

Should you have any further queries regarding this matter please contact Ms Clare Davey, Senior Coordinator Transport Advocacy, on 9278 4520.

Yours sincerely

A handwritten signature in blue ink, appearing to read "J. Hondrakis", is written over a horizontal line.

Jim Hondrakis
Manager Traffic and Transport

A decorative graphic consisting of several overlapping, wavy lines in shades of orange and brown, located at the bottom left of the page.

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Submission to the Level Crossing Removal Project

Environmental Management Strategy

Toorak Road, Kooyong, Grade Separation Project

Submitted by: City of Boroondara

Date: 12 June 2019

City of Boroondara - Submission to the Level Crossing Removal Project: Toorak Road, Kooyong
Environmental Management Strategy

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Environmental Management Strategy

Introduction

Thank you for the opportunity to provide input to the Environmental Management Strategy (EMS) developed for the Toorak Road, Kooyong level crossing removal project.

The comments below have been prepared by Council officers and this document has not, at the time of submission, been endorsed by Council.

This submission will be considered at the 8 July 2019 Services Special Committee meeting.

It is recognised and acknowledged the level crossing removal is seeking to respond to road and rail network congestion and safety issues and it is part of the Victorian Government's program to remove 75 level crossings. The project is an integral component of a level crossing-free, safe and reliable Glen Waverley train line. Our community uses the road, rail, footpath and shared path network in the project area on a daily basis. Council is aware of the issues faced by users and will always seek to advocate on behalf of our community.

We have had difficulty in providing meaningful comments on the EMS for the Toorak Road, Kooyong grade separation project. The EMS is vague, generalised and lacking in detail throughout the brief document.

The EMS is understood to be a higher order strategic document that will be supported by significantly detailed plans. However, on review of other level crossing removal EMS documents there is an alarming lack of project specific information. This lack of information and the speed at which this project is progressing is concerning.

Despite the difficulties, we offer our comments and requests in our desire to be an active and constructive participant in the planning and delivery of the project and in representing our community. We offer our comments on the basis on the Victorian Government's preferred design solution, rail over road, and note the potential implications this design outcome will have on the neighbouring level crossings at Glenferrie Road and Tooronga Road. We note and value the position of the City of Stonnington in that they prefer a rail under road design outcome.

Environmental Management Strategy

Overview

Strategic Planning Framework

The Toorak Road, Kooyong level crossing removal has been facilitated by an amendment to the Stonnington and Boroondara Planning Schemes (GC126). This amendment has been prepared by the Minister for Planning and is currently under consideration by the Minister.

The amendment includes the draft Toorak Road, Kooyong Level Crossing Removal Project Incorporated Document which identifies the project area and exempts the project from requiring planning permits for the proposed works and uses. The preparation of an EMS is a requirement of the draft Incorporated Document.

The draft Incorporated Document requires that the EMS include:

- a) A summary of key construction methodologies.
- b) An overarching framework for site or work specific measures to reduce and manage environmental and amenity impacts during construction of the Project.
- c) A summary of the consultation that informed the preparation of the EMS and a summary of the proposed ongoing engagement activities with the councils, the community and other stakeholders during construction of the Project including enquiries and complaints management.
- d) A summary of performance monitoring and reporting processes, including auditing, to ensure environmental and amenity impacts are reduced and managed during construction of the Project.

The draft Incorporated Document also requires that the EMS be prepared in consultation with Stonnington and Boroondara City Councils.

General commentary

The draft EMS is a high level document that appears to have been prepared in advance of any detailed planning of the project. As a result, it does not deal with any specific impacts or outcomes of the project, and instead identifies all potential environmental impacts and outlines generic means to limit negative outcomes. These generic means include nomination of the appropriate Australian Standard that should be met or exceeded when addressing the impact.

The EMS includes matters such as noise, sound, vibration and traffic impacts, as well as water, erosion, soil removal, soil contamination and heritage. However, there are no specific examples or issues associated with any of these matters outlined within the EMS. It is noted the range of potential environmental impacts identified within the draft EMS is extensive. There does not appear to be any likely potential impacts that have been omitted.

The EMS includes all of the provisions that have been required by the draft Incorporated Document. Again, this is very high level and does not go into any specific detail. It is considered the EMS has generally been prepared in accordance with the requirements of the draft Incorporated Document and includes all the required information. However, this

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consideration does not translate to acceptance or 'approval' of the EMS as there remains concerns about the content of the document.

Project Description

The project description is well detailed and provides a clear description of the proposed works. The clarity is somewhat clouded by the continued misspelling of the Gardiners Creek through the EMS.

We are supportive of the use of areas other than Patterson Reserve as construction set-down areas. If Patterson Reserve is to be used by the Toorak Road level crossing removal project team, we request:

- At least 28 business days notice of the project team's intention to use the reserve.
- The completion of a joint Council officer and project team pre-construction condition survey.
- Written advice detailing:
 - The duration of occupation.
 - The works and activities to be undertaken at the reserve.
 - The hours and days of works.
 - Commitment to avoid using Auburn Road, Toorong Road and Toorak Road during the school drop-off and pick-up period.
 - Commitment to avoid works and to avoid using Auburn Road and Toorak Road on Boroondara Farmers Market event days.
 - Agreement to restore the reserve to the satisfaction of Council immediately after the level crossing removal team has left the site.

Construction methodologies

Overall construction strategy

The adoption of a principle and objective based construction strategy is a welcome innovation. The principles and objectives are generally sound, however they lack consideration of all road, shared path and footpath users when road and rail closures are contemplated.

We request:

- The consideration of all road, shared path and footpath users in the principles and objectives.

Construction approach

This section of the EMS is vague and borders on evasive. It provides next to no information or detail. EMS documents for other level crossing removal projects provide information about the proposed construction methods for each element. For example, the EMS for the Caulfield to Dandenong removals details, amongst other matters, the following:

- What will be demolished and when.
- How different elements of the elevated rail structure will be constructed and where.
- Estimated timeframes for the construction time for each different element.

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We request:

- Additional information about the construction approach on par with other level crossing removal EMS documents.

Approach to Rail Occupations

The 'Approach to Rail Occupations' component of the EMS is also vague and indirect. When compared with other EMS documents for level crossing removal projects, such as the Caulfield to Dandenong project, the lack of information is stark and the use of lingo is off-putting.

The need to work within the confines of Metro Trains Melbourne timetabling to ensure the continued provision of public transport services is understood. However, the section of the EMS should be expanded to include information and details about the construction program and likely timings for major road, rail, footpath and shared path shutdowns.

Approach to Site Environmental Measures

In general, this section of the EMS is incredibly generalised. It could be a section of any EMS for any construction works. There is nothing in the 'Approach to Site Environmental Measures' that differentiates this EMS from any other.

Environmental and amenity affects approach

Vegetation

The over-arching objective of avoiding native vegetation removal and minimising removal if avoidance is not possible is supported. The retention of native vegetation, be it remnant or 'amenity planting', is critical to the biodiversity values of the area. The birdlife that relies on the vegetation for food and habitat do not differentiate between a remnant tree and an 'amenity planting' tree.

The planting of offsets to replace any removed vegetation is also supported. It must be noted offsets should be located as close to the site of loss as possible and not in the You Yangs as tends to be the practice. Offset planting is a lot more effective close to the site of loss where it can fulfil its intended role in the landscape. Opportunities for revegetation and tree replanting exist along Gardiners Creek which forms the border between Boroondara and Stonnington. Both councils should be consulted to discuss these opportunities.

We request:

- Offset planting be located as close to the site of loss as possible.

Fauna

It is not a great surprise no threatened fauna species were identified during the ecological surveys undertaken. We are, however, interested in the ecological survey report.

We request:

- Councils are provided with a copy of the ecological survey findings.

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Contaminated land

The contaminated land component of the EMS notes 'bezo(a)pyrene' has been found in two locations within the rail corridor. We assume the correct contaminant found is 'benzo(a)pyrene', a known carcinogen.

The approach to managing contamination to ensure it will not pose unacceptable risks to human health or the environment is sound, however the ambiguity of what is considered an unacceptable risk is concerning. Given the known contaminant in two locations within the rail corridor, a more nuanced approach to risk management that clearly defines what is an unacceptable risk to human health is suggested.

We do not support the use of Patterson Reserve for stockpiling of material (contaminated or natural) or on-site treatment of material.

We request:

- No material (contaminated or natural) stockpiling or on-site treatment takes place on Patterson Reserve.

Weed dispersal

The need to eradicate and prevent growth and spread of declared noxious weeds is understood and supported. The means by which this aim is achieved should be responsive to the current issues facing the weed control industry in that the use of glyphosate based herbicides must be avoided.

Local amenity

The maintenance of local amenity in the surrounding environment as a key objective is commendable. The proximity of residential properties to the project area and construction locations creates a real and proper need to consider the impact the project will have on the community throughout construction and operation.

Planning clearly defined and communicated haulage routes is a welcome consideration in terms of the local amenity. It would be highly desirable for this principle to include a clear statement of intent from the project team about not using local streets as haulage routes.

The reference to occupying and using land outside the project boundary is a cause for concern. While the need to obtain the relevant permits and licences is clearly articulated and understood, the need to use land outside the project boundary is not.

The reinstatement of land outside the project area that has been affected by construction activities is considered appropriate. There is confusion, however, about the exclusion of land inside the project area and how it will be treated post-occupation. It is expected that all land, whether it is inside or outside the project area, be reinstated post-occupation to the satisfaction of the land owner and committee of management where applicable.

As the site is close to Gardiners Creek, the cleaning of roads and footpaths should be done with consideration to water efficiency and reducing impacts on stormwater.

We request:

- The maintenance of the local amenity.

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- Haulage routes avoid local streets.
- Information about the use of land outside the project boundary (e.g. which land, for how long and why).

Noise

The completion of background noise monitoring is noted. A proactive engagement strategy with nearby residents to fully inform of the potential magnitude and length of noise generated is a commendable approach to community engagement. To ensure the community is empowered, the strategy must be accompanied by an action plan that responds properly and effectively to the issues the prolonged noise generation will create for residents.

The annotation of 'unavoidable works' strongly suggests noise levels will exceed the acceptable levels on numerous occasions. This is unacceptable and links back to the need to engage proactively and meaningfully with the community to respond to the issues noise will create for residents. 'Unavoidable works' scheduled for night time must be minimised.

A respite and relocation plan should be an absolute last resort as all residents should be able to comfortably and without impact stay within their own home, near their own community. The project team must do everything within their powers to ensure this is the case. If the respite and relocation plan is needed, it must be tailored to each impacted property. The plan must take into account shift workers and others who do not work a '9 to 5', Monday to Friday job.

We request:

- Copies of the reports associated with the noise monitoring.
- Results of the noise monitoring.
- The 'Respite and Relocation' plan is sensitive to the different needs of the community.

Vibration

The vibration section of the EMS notes the extent of potential vibration impacts will be dependent on the construction methodologies implemented. At this point in the project and acknowledging the speed at which the project is progressing, this seems to be a nonsense statement. The construction method must be known by the project team at this stage of the project.

The offer of pre-construction condition surveys to land-owners is sensible. There is ambiguity in the roll-out of the surveys generated by the language used in the EMS. There is concern the surveys will be offered only and are not mandatory for all buildings likely to be impacted by vibrations from the works.

We request:

- Information about how the offers will be made to land-owners.
- A map of the area or 'catchment' showing where pre and post surveys will be rolled out.
- The supporting information and documents to be provided with the offers.
- The timeframes provided to land-owners to make a decision.

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Working Days and Working Hours

The EPA defined normal working hours are noted and acknowledged. There is serious concern about the general requirement for construction activities to take place on a “24-hour-a-day basis”. This general requirement is in complete contradiction to the EPA defined normal working hours and will cause serious impacts on the health and well-being of nearby residents.

We request:

- Information about the construction program, including the anticipated '24-hour-a-day' working periods.

Air quality

Based on previous major transport project experience, airborne dust will be the greatest air quality issue for the project. The impacts on human health and wellbeing are significant and can cause respiratory issues in some people.

We request:

- All loads and stockpiles are covered at all times, not just 'where practicable'.

Traffic, transport and car parking management

The EMS does not make any mention of the establishment of a Traffic Management Liaison Group (TMLG) for the project. From a review of EMS documents for other level crossing removal projects the establishment of a TMLG would be normal practice and ensure Councils are aware and up-to-date in terms of traffic, transport and car parking management and impacts.

We do not support the use of Council on or off street car parks by construction workers. Advising project personnel to avoid parking in the local streets is welcomed. The advice should be supported by signage similar to that employed for the Caulfield-Dandenong project.

We request:

- The establishment of and participation in a TMLG for the Toorak Road, Kooyong grade separation project.
- Construction workers do not park in the Auburn Road off-street car park at any time.

Sustainability

The recognition of sustainability as a “core objective project” to maximise social and environmental outcomes is considered positive. There is some confusion about how sustainability will be embedded across the project and what the 'IS rating' actually means.

We request:

- Context and information about the 'IS rating'.
- Explanation as to what an 'Excellent' IS rating is and means for the project.
- Input to the sustainability strategy.
- An assessment of climate change risks and adaptation measures to be implemented.

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Environmental Management Strategy

Community and Stakeholder Engagement

Construction notification timeframes

The provision of timely and accurate information will be critical to the success of the project. All project notifications must be sent to Council's Media and Communications, Traffic and Transport departments and the Council's key liaison officer prior to distribution.

The inclusion of a standing item on 'construction notifications' on the TMLG agenda would be supported and is considered appropriate.

The 'normal working hours' listed in the table detailing the type and time of works, type of notification and notification period are different to the EPA define normal working hours detailed in earlier sections of the EMS. Please correct the incorrect definition of normal working hours.

We request:

- All project notifications are sent to Council prior to distribution.
- A standing item of 'construction notifications' on the TMLG agenda.

Councils

We appreciate and welcome the inclusion of Councils through most stages of the project. Council officer participation in the 'Design Review Process' will be critical to the success of the project and acceptance of the project by both Council and the community. We look forward to participating in the four stages of the process.

We request:

- Information about the dates for the stages of the 'Design Review Process'.
- Timeframes for Council to review and comment on documents through the 'Design Review Process'.
- Council is provided a copy of the responses to our comments prior to the EMS being finalised and published.
- Council is involved in pre and post construction condition surveys of relevant roads, footpaths, shared paths, Council land occupied by the project team and Council properties proximate to the works area.