

# COUNCIL MEETING

## MINUTES



(Open to the public)

**Monday 27 November 2023**

Council Chamber, 8 Inglesby Road, Camberwell.

**Commencement** 6.37pm

**Attendance**

Councillor Felicity Sinfield (Chairperson)  
Councillor Victor Franco  
Councillor Wes Gault  
Councillor Di Gillies  
Councillor Jane Addis  
Councillor Cynthia Watson  
Councillor Susan Biggar  
Councillor Garry Thompson  
Councillor Nick Stavrou

**Apologies**

Councillor Lisa Hollingsworth (Mayor) (Leave of Absence)  
Councillor Jim Parke (Leave of Absence)

**Officers**

Phillip Storer	Chief Executive Officer
Daniel Freer	Director Places and Spaces
Kate McCaughey	Director Community Support
Amy Montalti	Chief Financial Officer
Bryan Wee	Manager Governance and Legal
Jarrold Filosa	Acting Manager Capital Projects
David Cowan	Manager City Futures
David Shepard	Manager Environmental Sustainability and Open Spaces
Rodney Lewis	Acting Manager Facilities, Waste and Infrastructure
Chris Spencer	Coordinator Trees
Clare Davey	Major Project Interface Lead
Andrea Lomdahl	Principal Project Manager
Stefanie Sharp	Project Manager
Saajida Laher	Project Manager
Elizabeth Manou	Senior Governance and Integrity Officer

## Table of contents

<b>1.</b>	<b>Adoption and confirmation of the minutes</b>	<b>4</b>
<b>2.</b>	<b>Declaration of conflict of interest of any councillor or council officer</b>	<b>4</b>
<b>3.</b>	<b>Deputations, presentations, petitions and public submissions</b>	<b>4</b>
3.1	Petitions	4
<b>4.</b>	<b>Informal Meetings of Councillors</b>	<b>5</b>
<b>5.</b>	<b>Public question time</b>	<b>6</b>
PQT1	John of Melbourne	6
PQT2	John of Melbourne	6
PQT3	Amy Hiller of Kew	7
PQT4	Ian Hundley of Balwyn North	7
PQT5	Ian Hundley of Balwyn North	8
PQT6 & PQT7	Theo Bila of Hawthorn East	8
PQT 8	Despina Davatzis of Balwyn North	8
<b>6.</b>	<b>Notices of motion</b>	<b>8</b>
<b>7.</b>	<b>Presentation of officer reports</b>	<b>9</b>
7.1	Contract No 2023/115 - JJ McMahon Kindergarten Building Renewal and Upgrade Works	9
7.3	September 2023 Quarterly Performance Report	11
7.4	Contract No. 2023/36 - Dorothy Laver West Reserve - Playing Surface Renewal	13
7.6	Contract 2023/58 Roofing Services Panel of Providers	15
7.8	Contract Variations	16
7.9	Instrument of Appointment and Authorisation - Planning and Environment Act 1987 & Environment Protection Act 2017	19
7.2	Contract No. 2023/159 Willsmere Park Pavilion - Building Construction and Renewal Works	21
7.5	Tree Protection Local Law Update	23
7.7	North East Link South Alliance Urban Design and Landscape Plan submission	24
<b>8.</b>	<b>General business</b>	<b>27</b>
8.1	Leave of Absence - Councillor Hollingsworth	27
8.2	Electrify Boroondara	27
8.3	Head of the Yarra	27
8.3	Boroondara Eisteddfod	27
8.5	Councillor Franco - Councillor Code of Conduct Matter	27

- |            |                              |           |
|------------|------------------------------|-----------|
| <b>9.</b>  | <b>Urgent business</b>       | <b>27</b> |
| <b>10.</b> | <b>Confidential business</b> | <b>27</b> |

**1. Adoption and confirmation of the minutes****MOTION****Moved Councillor Gault****Seconded Councillor Gillies**

**That the minutes of the Council meeting held on 9 October 2023 and 23 October 2023 be adopted and confirmed.**

**CARRIED****2. Declaration of conflict of interest of any councillor or council officer**

Nil

**3. Deputations, presentations, petitions and public submissions****3.1 Petitions**

In accordance with Rule 57 of the Governance Rules, Councillor Franco presented the following petition to Council:

<b>No.</b>	<b>Ref. no.</b>	<b>Title / Description</b>	<b>No. of signatures</b>	<b>Referred to</b>
<b>1</b>	<b>A9715442</b>	<p>Requesting Council:</p> <ul style="list-style-type: none"><li>• Cease holding citizenship ceremonies on January 26, commencing in 2024.</li><li>• Conduct a public consultation on whether or not Council should conduct a ceremony on January 26 in 2024 and in subsequent years to mark a national day.</li><li>• Consult with the Wurundjeri Woi-wurrung Cultural Heritage Aboriginal Corporation as to whether Council should support any other ceremony on January 26, for example to mark the sorrow and suffering of Aboriginal people because of and since their country was taken from them, and their survival, resilience and healing despite it; and/or to lower the Aboriginal flag to half-mast on that day; and/or to host an annual community event on another day to recognise</li></ul>	500	GOV & DCS

		and celebrate First Nations peoples and reconciliation in the Boroondara community <ul style="list-style-type: none"> <li>• Subject to the result of the public consultation, write to the Federal government advocating for a new national day to replace January 26.</li> </ul>		
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Legend:

DCS	Director Community Support	DUL	Director Urban Living
DC&T	Director Customer and Transformation	DP&S	Director Places & Spaces
		GOV	Governance & Legal

**MOTION****Moved Councillor Biggar****Seconded Councillor Franco****That Council resolve:**

- 1. To receive and note the petition.**
- 2. To note that the petition will be referred to the relevant director for consideration and to advise the first named signatory to the petition that they will receive a response from the Mayor in due course advising of Council's action.**

**CARRIED****4. Informal Meetings of Councillors**

Chapter 6 of Council's Governance Rules requires that a summary of matters discussed at Informal Meetings of Councillors be reported to a Council meeting as soon as practicable.

The attached summary of Informal Meetings of Councillors (**Attachment 1**) is reported to Council in accordance with the requirements of the Governance Rules.

**MOTION****Moved Councillor Addis****Seconded Councillor Biggar**

**That Council resolve to receive and note the summary of Informal Meetings of Councillors, as annexed to the minutes.**

**CARRIED**

## 5. Public question time

### PQT1 John of Melbourne

The **Deputy Mayor, Councillor Sinfield** read the following question submitted with notice:

*“In The Age of 03/11/23 it was reported that there will be a reduction in the hours that Camberwell Police Station will be open. With the Ashburton Police station permanently closed, during the 8 hrs per day that the Camberwell Station will be closed residents in the Ashburton area will be 7.5km from the nearest 24hr police station. Has the City of Boroondara had any discussions with Victoria Police to ensure an effective policing service to Ashburton in light of this reduction in hours at Camberwell?”*

The question was allowed in accordance with Chapter 2 of the Governance Rules.

The **Director Community Support** responded as follows:

- Matters of local community safety such as pedestrian and road safety, safety around transport hubs and graffiti are regularly raised with Victoria Police who are members of our quarterly Boroondara Community Safety Advisory Committee.
- This matter has not been raised at this forum, and Council has not had discussions with Victoria Police about policing in Ashburton in relation to the reduced hours of Camberwell Police Station.

The **Deputy Mayor, Councillor Sinfield** informed the meeting a written response would be provided to the submitter in due course.

### PQT2 John of Melbourne

The **Deputy Mayor, Councillor Sinfield** read the following question submitted with notice:

*“Given the closed status of the Ashburton Police Station and the long term under-utilisation of the land it is on has the City of Boroondara had any engagement with Victoria Police about this site to determine how it can be best utilised to meet the needs of community?”*

The **Director Community Support** responded as follows:

- In 2021, Council was informed by Victoria Police of discussions it was having with community organisations about the possible future use of the former Ashburton Police Station as a community facility. These discussions did not progress. Ashburton is well serviced by community facilities and services. These include:
  - Ashburton Library
  - Ashburton Community Centre
  - Alamein Neighbourhood and Learning Centre, which was recently redeveloped, and Men’s Shed
  - The Craig, which includes a neighbourhood house and kindergarten (Craig Family Centre), Access Health and Community with GPs and allied health, and Ashburton Maternal and Child Health

- Ashburton Pool and Recreation Centre
- Camcare in Y Street, which was recently renewed by Council and provides community support services
- Samarinda, recently redeveloped by Council, which includes a community centre with social activities
- A range of community sporting facilities, including bowls, football, soccer and cricket.
- Policing in Ashburton and the future use of the former Ashburton Police Station are matters for the State Government. It is therefore recommended that you contact the local State Member.

The **Deputy Mayor, Councillor Sinfield** informed the meeting a written response would be provided to the submitter in due course.

### **PQT3 Amy Hiller of Kew**

The **Deputy Mayor, Councillor Sinfield** read the following question submitted with notice:

*“Could Council please advise how your representative voted at the Municipal Association of Victoria October Council meeting with respect to the following resolutions:*

- *Combined Motion C4 - Enshrining climate change responses and environmental sustainability into our planning system*
- *Combined Motion C2 - Building resilience into flood-prone communities*
- *Board Motion 1 - Local Government Emergency Management Arrangements”*

The **Manager Governance and Legal** responded as follows:

- Council’s delegate voted in support of all three motions.

The **Deputy Mayor, Councillor Sinfield** informed the meeting a written response would be provided to the submitter in due course.

### **PQT4 Ian Hundley of Balwyn North**

The **Deputy Mayor, Councillor Sinfield** read the following question submitted with notice:

*“Please advise whether the Koonung Heights Cricket Club sponsors electronic scoreboards on Boroondara Council-controlled open space in addition to that which it has proposed be located at Greythorn Park.”*

The **Director Community Support** responded as follows:

- The Greythorn Park electronic scoreboard is fully funded by the Koonung Heights Cricket Club.
- The Koonung Heights Cricket Club has not funded electronic scoreboards at other Boroondara sportsgrounds.

The **Deputy Mayor, Councillor Sinfield** informed the meeting a written response would be provided to Mr Hundley in due course.

**PQT5 Ian Hundley of Balwyn North**

The **Deputy Mayor, Councillor Sinfield** read the following question submitted with notice:

*“Please advise in dollar terms the maximum penalty available under the proposed Canopy Tree Local Law, the method prescribed under the Local Government Act for the annualised adjustment of the penalty and whether this penalty may be imposed on more than one party (e. g. the property owner and a tree removal operator, if they are separate parties) in relation to a particular illegal tree removal or damage event.”*

The **Director Urban Living** responded as follows:

- Clause 2 of the Tree Protection Local Law specifies that the penalty fixed for an infringement notice under this Local Law is:
  1. where an offence relates to a tree which in the opinion of the Authorised Officer is dead – 5 penalty units for each offence;
  2. for all other offences – 20 penalty units for each offence.
- Under the proposed Tree Protection Local Law one penalty unit is currently \$192.31, from 1 July 2023 to 30 June 2024. The rate for penalty units is indexed each financial year so that it is raised in line with inflation. Any change to the value of a penalty unit will happen on 1 July each year.
- Based on the new penalty unit that will be used the infringement that can be issued under the proposed local law will be \$961.55 for a dead tree, and \$3,846.20 for any other offence.
- Council can issue an infringements to any person or party who commits an offence, this can include multiple owners and contractors depending on the particulars of an offence.

The **Deputy Mayor, Councillor Sinfield** informed the meeting a written response would be provided to Mr Hundley in due course.

**PQT6 & PQT7 Theo Bila of Hawthorn East**

The **Deputy Mayor, Councillor Sinfield** informed the meeting two questions had been submitted without notice and that a written response would be provided to the submitter in due course.

**PQT 8 Despina Davatzis of Balwyn North**

The **Deputy Mayor, Councillor Sinfield** informed the meeting a question had been submitted without notice and that a written response would be provided to the Ms Davatzis in due course.

**6. Notices of motion**

Nil



## **7. Presentation of officer reports**

### **Procedural Motion - En Bloc**

#### **MOTION**

**Moved Councillor Thompson**

**Seconded Councillor Gillies**

**That the following items:**

- 7.1 Contract No 2023/115 - JJ McMahon Kindergarten Building Renewal and Upgrade Works**
- 7.3 September 2023 Quarterly Performance Report**
- 7.4 Contract No. 2023/36 - Dorothy Laver West Reserve - Playing Surface Renewal**
- 7.6 Contract 2023/58 Roofing Services Panel of Providers**
- 7.8 Contract Variations**
- 7.9 Instrument of Appointment and Authorisation - Planning and Environment Act 1987 & Environment Protection Act 2017**

**be moved en bloc as per the officers' recommendations outlined in the agenda.**

#### **CARRIED**

- 7.1 Contract No 2023/115 - JJ McMahon Kindergarten Building Renewal and Upgrade Works**

#### **Purpose**

This report seeks Council endorsement for the award of Contract No. 2023/115, JJ McMahon Kindergarten Building Renewal and Upgrade Works to the recommended tenderer Bowden Corp Pty Ltd for the sum of \$2,371,645.00 excluding GST.

#### **Background**

Council has allocated funding in Council budget 2023/24 and 2024/25 for the redevelopment works of the JJ McMahon Kindergarten located at 16A Argyle Road, Kew.

The original single storey building facing Argyle Street was constructed circa 1961. A subsequent extension was added to the rear along the eastern boundary between 2012-2013.

Both buildings are single storey and have light weight external walls.

The internal layout of the building lacks adequate space and facilities required to support the desired standard of functionality and operational efficiency for the service, such as a private meeting room for staff to discuss sensitive issues with parents or guardians.

Informed by an asset conditional assessment and further on-site inspections, the proposed works will involve reconstruction of the front original building and refurbishing the existing rear extension. The proposed design seeks to renew and upgrade the building surrounds to achieve compliance with current regulations and standards whilst also improving access and functionality of the facility for current and future use.

In accordance with Council's Procurement Policy 2021-25, Council invited public tenders from suitably qualified organisations, and a recommendation to award Contract No. 2023/115 JJ McMahon Building Renewal and Upgrade Work is presented for Council's consideration.

The works are expected to commence January 2024 and be completed by November 2024.

The project has a total budget of \$3,470,507. Council's overall budget allocation is sufficient to fund the award of this contract.

The total cost of this contract is \$2,371,645.00 (excluding GST).

#### Key Issues

Consideration has been given to the impact of the construction works to the amenity of the neighbouring residents. The contractor's site management plan will minimise noise, parking, and access issues in the residential area as best as possible and includes;

- Designated onsite area for storage of materials, contractor office and amenities set up.
- Appropriate hoarding will be securely installed to minimise disruption to the community and its residents.

#### Next Steps

Upon award of the contract, Council will oversee the delivery of the construction works for the renewal and upgrade of the kindergarten.

#### Confidentiality

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments. The information in this attachment is deemed to be confidential in accordance with Section 66(2)(a) and the definition of 'confidential information' in Section 3(1) of the Local Government Act 2020. The information relates to private commercial information, being information provided by a business, commercial or financial undertaking that—(i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

If discussion of the confidential information in the attachments to this report is required for Council to make a decision, Council may resolve to discuss the matter in a confidential session or to defer the matter to the confidential section of the agenda.

## MOTION

Moved Councillor Thompson

Seconded Councillor Gillies

That Council resolve:

1. To award Contract No. 2023/115, JJ McMahon Kindergarten Building Renewal and Upgrade Works to Bowden Corporation Pty Ltd (ABN 55 097 029 993) for an initial contract period of 24 months (which includes a 12-month defect liability period) for the contract award amount of \$2,608,809.50. The cost to Council after the return of the GST Tax Input Credits (\$237,164.50) is \$2,371,645.00 ex GST.
2. To authorise the Director Places and Spaces to sign and execute the contract on behalf of the Council.
3. Approve the allocation of a separate contract contingency, as detailed within the attached confidential Attachment 1, and delegate authority to the Contract Superintendent to expend this contingency to ensure the successful completion of the contract works.
4. To note that expenditure under this contract is in accordance with Council's 2023/24 adopted budget and expenditure in future years will be in accordance with the approved budget allocations.

## CARRIED

### 7.3 September 2023 Quarterly Performance Report

#### Purpose

The purpose of this report is to present to Council the September 2023 Quarterly Performance Report for the period ended 30 September 2023 (refer to **Attachment 1**). This report is designed to provide performance reporting on both the 2023-24 Annual Budget and Boroondara Community Plan 2021-31 (incorporating the Community Vision, Council Plan 2021-25 and Municipal Public Health and Wellbeing Plan 2021-25).

#### Background

At the end of each quarter, a Quarterly Performance Report is prepared and adopted at Council.

The year to date and annual budget figures referred to in this report reflects the 2023-24 Annual Original Budget, approved by Council on 19 June 2023.

#### Key Issues

##### **Financial performance**

##### **Year to date actual vs. Annual Original Budget**

Council's favourable operating result against year to date budget of \$169.93 million is \$5.46 million above the Annual Original Budget of \$164.47 million primarily due to a number of factors which are outlined in **Attachment 1**.

Capital works actual expenditure is \$10.92 million, which is \$538,000 above year to date budget phasing of \$10.38 million. Priority projects expenditure of \$4.05 million is \$45,000 below year to date budget of \$4.09 million.

Council's Balance Sheet and cash position are sound and depict a satisfactory result. At the end of September, Council's cash position stood at \$178.44 million or \$38.45 million above the year to date budget.

Please refer to **Attachment 1** (pages 62 to 63 and 67) for further detail.

## Non-financial performance

### Major Initiatives

The 2023-24 Annual Budget contains 43 major initiatives.

For the quarter ending September 2023, 7% (3 out of 43) of the 2023-24 major initiatives have been completed. A total of 93% (40 out of 43) of the major initiatives have commenced and are on track to be completed by the end of the financial year. Further details can be found in **Attachment 1** (pages 14 to 55).

### Strategic Indicators

For the quarter ending September 2023, 75% (15 out of 20) of strategic indicators are on track. A total of 20% (4 out of 20) are being monitored and are anticipated to achieve the target by the end of the financial year. A further 5% (1 out of 20) of the strategic indicators are not on track to achieve target by the end of the financial year, with a comment provided below. Further details can be found in **Attachment 1** (pages 13 to 53).

### Details of the strategic indicator not on track to meet target at end of financial year:

Strategic Indicator not on track to meet annual target	Comment
Percentage of graffiti removed from Council-owned assets within one business day of notification.	<p>The monthly and annual target delays were due to:</p> <ul style="list-style-type: none"> <li>wet weather</li> <li>increased number of Council requests, and</li> <li>3rd party Service Supply asset reactive and proactive jobs resulting in these jobs being carried over to the next day.</li> </ul>

### Local Government Performance Reporting Framework (LGPRF)

There are 59 mandatory performance indicators included in the LGPRF under 3 thematic areas:

- Service Performance Indicators
- Financial Performance Indicators
- Sustainable Capacity Indicators.

Of these LGPRF measures, 28 will be audited and included in Council's performance statement.

For the quarter ending September 2023, 89% (34 out of 38) of the non-financial LGPRF measures are on track. A total of 11% (4 out of 38) are being monitored and are anticipated to achieve the target by the end of financial year. There are currently no non-financial LGPRF measures which are not on track to achieve target by the end of financial year. Further details can be found in **Attachment 1** (pages 17 to 58).

Amendments to the 2023-24 Fees and Charges schedule can be found in **Attachment 2**.

## **MOTION**

**Moved Councillor Thompson**

**Seconded Councillor Gillies**

**That Council resolve to**

- 1. Receive and adopt the Quarterly Performance Report for September 2023 (Attachment 1).**
- 2. Adopt the amendments to the 2023-24 Fees and Charges Schedule (Attachment 2).**

## **CARRIED**

### **7.4 Contract No. 2023/36 - Dorothy Laver West Reserve - Playing Surface Renewal**

#### Purpose

The purpose of this report is for Council to consider the award of Contract No. 2023/36, Dorothy Laver West Reserve - Playing Surface Renewal.

#### Background

Council requires a suitably qualified organisation to provide works for the playing surface renewal of Dorothy Laver West Reserve, Glen Iris, as incorporated in the 2023/24 Capital Works Program and in accordance with the requirements of the technical specifications.

The works include:

- Demolition of existing playing field surface;
- Bulk earthworks including installation of additional sand slit drainage lines and new sand carpet soil layer;
- Adjustments to existing irrigation system; and
- Turf resurfacing works.

The works are expected to be completed by May 2024. Further works will be completed prior to the 2025 winter season, via a separate contract, to reinforce sections of the playing surface with an advanced reinforced turf system.

#### Key Issues

For these works to be completed, Dorothy Laver West Reserve will be closed to the public including use by the allocated clubs, Alamein Football Club (AFC) and Ashburton United Soccer Club (AUSC).

Due to the impact of the closure, Council Officers will offer support to both clubs in the form of an alternative training venue within the City of Boroondara.

#### Next Steps

Upon award of the contract, Council will oversee the management of the principal contractor engaged to deliver the works.

#### Confidentiality

Confidential information is contained in **Confidential Attachment 1**, as circulated in the confidential section of the agenda attachments. The information in this attachment is deemed to be confidential in accordance with Section 66(2)(a) and the definition of 'confidential information' in Section 3(1) of the Local Government Act 2020. The information relates to private commercial information, being information provided by a business, commercial or financial undertaking that—(i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

If discussion of the confidential information in the attachments to this report is required for Council to make a decision, Council may resolve to discuss the matter in a confidential session or to defer the matter to the confidential section of the agenda.

### **MOTION**

**Moved Councillor Thompson**

**Seconded Councillor Gillies**

**That Council resolve to:**

- 1. Award Contract No. 2023/36, Dorothy Laver West Reserve - Playing Surface Renewal, to Hendriksen Contractors Pty Ltd (ABN 98 093 866 758) for a total cost of \$858,023.10 (including GST). The cost to Council after the return of GST Input Credits is \$780,021.00**
- 2. Authorise the Director Places and Spaces to sign and execute the contract on behalf of the Council and to authorise invoices to an amount not exceeding \$780,021.00 excluding GST.**
- 3. Approve the allocation of a separate contract contingency as detailed within the attached confidential Attachment 1 and delegate authority to the Contract Superintendent to expend this contingency to ensure the successful completion of the contract works.**
- 4. Note that expenditure under this contract is in accordance with Council's 2023/24 adopted budget and expenditure in future years will be in accordance with the approved budget allocations.**

**CARRIED**

## 7.6 Contract 2023/58 Roofing Services Panel of Providers

### Purpose

The purpose of this report is to seek Council support to award Contract No.2023/58 Roofing Services Panel of Providers to a panel of contractors. This panel of contractors will provide roofing services, including the installation, maintenance, and repairs of flashings, metallic, tiled, or slate roofs, claddings and associated plumbing inclusive of skylights, vents, flues, fixings, gutters, flashings, downpipes and penetrations.

### Background

This contract replaces Contract No. 2019/51 - Roofing Services Panel of Providers. The services are to provide but not limited to, roof repairs and replacements to Council buildings.

This contract is to be awarded in two parts.

**Part A** will be awarded to one (1) primary contractor to supply much of the routine and low value ad hoc roofing repairs and maintenance at an hourly rate and may also be required to perform the minor alterations and improvement works after the provision of a quotation.

**Part B** will be awarded to a panel consisting of three (3) contractors. The contractors on this panel will be utilised for planned and reactive project works after the provision of a quotation.

The contractors on this panel may also perform ad hoc roofing repairs and reactive maintenance works at an hourly rate, or minor alterations and improvement works where there is work in excess of the capacity of the appointed Contractor for Part A.

Contractors from Panel B can be promoted to Panel A when a Panel A contractor is either:

- Unable to continue to provide the services; or
- Is terminated under the contract for a failure to adequately provide the services; or
- Council deems that an additional contractor is required on Panel A.

This contract will provide roofing services for an initial period of three (3), with up to two (2) year increments of one (1) year each up to a maximum contract period of five (5) years.

### Next Steps

Upon award of the contract, Council will oversee the management and execution of these services.

### Confidentiality

Confidential information is contained in **Confidential Attachment 1**, as circulated in the confidential section of the agenda attachments. The information in this attachment is deemed to be confidential in accordance with Section 66(2)(a) and the definition of 'confidential information' in Section 3(1) of the Local Government Act 2020. The information relates to private commercial information, being information provided by a business, commercial or financial undertaking that—(i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

If discussion of the confidential information in the attachments to this report is required for Council to make a decision, Council may resolve to discuss the matter in a confidential session or to defer the matter to the confidential section of the agenda.

## **MOTION**

**Moved Councillor Thompson**

**Seconded Councillor Gillies**

**That Council resolve:**

- 1. To award Contract No. 2023/58, Roofing Services Panel of Providers to the following four (4) Contractors across the two parts:**

**Part A**

- CD Roofing Online (ABN 137 484 55457); and**

**Part B**

- New Plumbing Solutions Pty Ltd (ACN 138 660 616).**
- Reed Plumbing and Drainage Solutions Pty Ltd (ACN 617 148 295);**  
**and**
- Shield Plumbing and Drainage Pty Ltd (ACN 169 750 289).**

**at their tendered schedule of rates for an initial contract period of three (3) years plus optional extension period/s of two (2) years to a maximum contract of five (5) years. The estimated cumulative value over the maximum contract term is \$3,920,435.30 (incl GST) including an annual CPI increase commencing from year two (2) of this new contract. The estimated cost to Council after return of GST Input Credits is \$3,564,032.15 (excl. GST).**

- 2. Authorise the Director Places and Spaces to sign and execute the contracts on behalf of the Council with the above Contractors.**
- 3. Authorise the Director Places and Spaces to negotiate and execute optional extension periods.**
- 4. To note that expenditure under this contract is in accordance with Council's adopted budget for the year 23/24. Future years expenditure is foreshadowed and in accordance with the approved budget allocations.**

## **CARRIED**

### **7.8 Contract Variations**

#### Purpose

The purpose of this report is to seek Council approval for six contract variations that exceed officer delegations and required due to expenditure above the originally forecast value.

#### Background

When Council endorses and awards services contracts an estimate of total expenditure for the maximum term of the contract is made.



The contract specifies the works to be undertaken, an estimate of their value and the necessary budget allocations are subsequently made through the annual budget process.

A recent review of the cumulative spend against specific contracts has identified six contracts that require variations to the original endorsement of expenditure to enable them to continue to be utilised to deliver the required services.

### Key Issues

Contracts 2018/174 General Drainage Repairs and Small Construction Works, 2018/195 - Revegetation Sites Maintenance Services, 2019/17 Boroondara Sports Ground Lighting - Supply Panel and 2020/44 - Amenity Tree Pruning and Electric Line Clearances, Contract 2018/177 Kew Recreation Centre Redevelopment - Architectural and Consultancy Services and Contract 2020/117 Kew Recreation Centre - Project Management Services each have or are anticipated to have cumulative expenditure greater than the amounts awarded by Council.

To continue to utilise these services to maintain and develop our drainage, open spaces and trees, contract variations are required to be approved by Council.

### Next Steps

Should Council approve these variations, no changes to the arrangements with the contractors is required for contracts 2019/17 and 2020/44, however contractors working under contract 2018/174 will be notified of a six month extension and contractors working under contract 2018/195 will be notified of a two month extension to the contract.

The contractors working on Kew Recreation Centre under contracts 2018/177 and 2020/117 will be notified of a contract extension until end of 2026.

The contract management issues identified in this report are being addressed via a number of actions including a review of the Procurement Policy and applicable Procurement and Contract Management procedure and guidelines.

### Confidentiality

Confidential information is contained in **Attachments 1, 2, 3 and 4**, as circulated in the confidential section of the agenda attachments. The information in this attachment is deemed to be confidential in accordance with Section 66(2)(a) and the definition of 'confidential information' in Section 3(1) of the Local Government Act 2020. The information relates to private commercial information provided by a business, commercial or financial undertaking that—(i) relates to trade secrets or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

If discussion of the confidential information in the attachments to this report is required for Council to make a decision, Council may resolve to discuss the matter in a confidential session or to defer the matter to the confidential section of the agenda.

## **MOTION**

**Moved Councillor Thompson**

**Seconded Councillor Gillies**

**That Council:****1. Approve a variation to Contract 2018/174 - General Drainage Repairs and Small Construction Works to:**

- Plumtrax Pty Ltd (ABN 142 872 491); and
- M.Tucker & Sons Pty Ltd (ABN 007 193 811)

At their tendered schedule of rates for an extension period of six months bringing the end date of the contract to 6 May 2024.

The estimated value over the life of the contract term is \$4,718,264.98.

**2. Approve a variation to 2018/195 - Revegetation Sites Maintenance Services to:**

- Acacia Environmental Solutions Pty Ltd (ABN 15651256049);
- Indigenous Design Environmental Services Pty Ltd (ABN 18202803715); and
- Nature Links Landscape Management Pty Ltd (ABN 22097146426)

At their tendered schedule of rates for an extension period of two months bringing the end date of the contract to 31 March 2024.

The estimated value over the life of the contract term is \$3,966,596.57.

**3. Approve a variation to 2019/17 Boroondara Sports Ground Lighting - Supply Panel to:**

- Comlec Services Pty Ltd (ABN 11099484938);
- iPower (VIC) Pty Ltd (ABN 48859665056);
- Sonec Services Pty Ltd (ABN 3906924317); and
- Wallgates Pty Ltd (ABN 27096477842)

At their tendered schedule of rates to the end of the contract term, 10 December 2023.

The estimated value over the life of the contract term is \$1,923,775.93.

**4. Approve a variation to 2020/44 - Amenity Tree Pruning and Electric Line Clearances to:**

- Treeserve Pty Ltd (ABN 87169334712)

At their tendered schedule of rates to the end of the contract term, 30 June 2025.

The estimated value over the life of the contract term is \$18,473,581.94.

**5. Approve a variation to 2018/117 Kew Recreation Centre Redevelopment - Architectural and Consultancy Services to:**

- Williams Ross Architects Pty Ltd (ABN 96 005 624 868)

**Estimated value of variation to the end of the contract term, 31 December 2026 is \$172,008**

**The estimated value over the life of the contract term is \$3,606,044.**

**6. Approve a variation to 2020/117 Kew Recreation Centre - Project Management Services to:**

- **Turner & Townsend Thinc Pty Ltd (ABN 88 123 154 585)**

**Estimated value of variation to the end of the contract term, 31 December 2026 is \$455,234**

**The estimated value over the life of the contract term is \$824,849.**

- 7. To authorise the Director Places and Spaces to issue the requisite notices of variation with the above Contractors.**
- 8. To note that expenditure under these contracts is in accordance with Council's 2023/24 adopted budget and expenditure in future years will be in accordance with the approved budget allocations.**

**CARRIED**

**7.9 Instrument of Appointment and Authorisation - Planning and Environment Act 1987 & Environment Protection Act 2017**

Purpose

The purpose of this report is for Council to consider executing two Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* and *Environment Protection Act 2017* respectively.

The Instruments presented to Council are for the appointment and authorisation for staff from the Urban Living Directorate. This review deals with staffing arrangements and is distinct from the biannual authorisation reviews conducted in March and October of each year.

Background

Maddocks recommend that officers enforcing the *Planning and Environment Act 1987* be authorised by Council resolution and that the Instruments of Appointment and Authorisation be refreshed on a regular basis. The last review of this Instrument occurred in September 2023.

The *Environment Protection Act 2017* and the *Environment Protection Regulations 2021* (the Regulations) came into effect on 1 July 2021.

Council last adopted an Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* in October 2023.

Key Issues

Council subscribes to the Maddocks Authorisations and Delegations Service, and relevant advice has been considered in the preparation of this report and the Instruments of Appointment and Authorisation.

To ensure that the Instruments are up to date and account for staffing changes within the organisation, officers undertake a review of the Instruments bi-annually. There were no legislative changes relevant to the current review, as such the changes merely accommodate staffing arrangements in the Urban Living Directorate.

Officers are now presenting a refreshed Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987* (**Attachment 1**), and an Instrument of Appointment and Authorisation under the *Environment Protection Act 2017* (**Attachment 2**) for adoption.

#### Next Steps

The Instruments will be refreshed as needed to ensure any staffing changes within the Urban Living Directorate are captured.

### **MOTION**

**Moved Councillor Thompson**

**Seconded Councillor Gillies**

- 1. That Council resolve, in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* (Vic) and the other legislation referred to in the attached Instrument of Appointment and Authorisation (Attachment 1), that:**
  - a) The members of Council staff referred to in the Instrument of Appointment and Authorisation (Attachment 1 as annexed to the minutes) be appointed and authorised as set out in the Instrument.**
  - b) The Instrument of Appointment and Authorisation comes into force immediately once the common seal of Council is affixed to the Instrument and remains in force until Council determines to vary or revoke it.**
  - c) The Instrument of Appointment and Authorisation be sealed.**
  - d) On the coming into force of the Instrument all previous Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* are revoked.**
- 2. In the exercise of the power conferred by s 242(2) of the *Environment Protection Act 2017* and the Instrument of Delegation of the Environment Protection Authority under the *Environment Protection Act 2017* dated 4 June 2021, Council resolves that:**
  - a) The members of Council staff referred to in the Instrument (Attachment 2 as annexed to the minutes) be appointed and authorised as set out in the Instrument.**
  - b) The Instrument comes into force immediately upon the common seal of Council being affixed to the Instrument and remains in force until Council determines to vary or revoke it.**
  - c) The instrument be sealed.**
  - d) On the coming into force of the Instrument all previous Instruments of appointment and authorisation under the *Environment Protection Act 2017* are revoked.**

**CARRIED**

## **7.2 Contract No. 2023/159 Willsmere Park Pavilion - Building Construction and Renewal Works**

### Purpose

The purpose of this report is for Council to consider the awarding of Contract No. 2023/159, Willsmere Park Pavilion - Building Construction to the recommended tenderer Peach Construction Enterprise Pty Ltd for the sum of \$3,870,692 excluding GST.

### Background

Willsmere Park in Kew East is an important community sport and recreational space, providing a cricket field, two soccer fields, an off-leash dog park, playground, BBQ and passive open space. It is proximate to the intersection of the popular Main Yarra and Darebin Creek Trails cycling. The existing sports pavilion building is in poor condition and no longer meet the aspirational needs of the community or sports clubs, including Kew Cricket Club and East Kew Football Club. A pavilion assessment audit completed in 2022, identified that this facility was a high use pavilion that had poor functionality. Key components in Boroondara's pavilion policy that the building does not provide for include:

- Accessible change rooms and amenities for players and umpires;
- DDA compliant access in and surrounding the pavilion;
- Multipurpose community space / Social room;
- First aid room; and
- Adequate storage.

It is proposed to upgrade the facilities in the existing pavilion building, including the changerooms and public toilet. It is also proposed to build two new fit-for-purpose pavilion buildings in front of the existing pavilion interconnected by decking for seamless access throughout the pavilion hub. Together the upgraded pavilion and new pavilion buildings will improve accessibility and better meet the needs of the community, aligning with Council's Pavilion Policy.

Key features that have been incorporated into the scope and design to create improvements for the community include:

- Additional changerooms to support female sports;
- Dedicated social space;
- 16 new car parks, accessible parking, and drop-off zone;
- Public realm improvements, including seating, lighting and local landscape enhancement;
- Accessible entry ramps;
- Provision of public toilet;
- Upgraded turning circle at the end of Willow Grove to cater for larger waste truck vehicles;
- Removal of selected trees that are damaged and in decline and replanting of natives to occur within the park; and
- No impact to existing playground during construction.

The project has a total budget of \$4,781,680. Council's overall budget allocation is sufficient to fund the award of this contract.

The total cost of this contract is \$3,870,692 (excluding GST).

### Key Issues

Council completed the first round of community consultation in November 2022.

Significant community feedback was received regarding the proposed design which resulted in the formation of a Resident Action Group (RAG).

Key feedback received during the initial consultation period in November 2022 focussed on the proposed location for the new pavilion building. Community concerns related to obstructed passive surveillance of the playground, negative impact on view lines from neighbouring properties and the extent that open space would be taken up by the building mass and car park. There was strong opposition from the community to the proposed design. In response to a petition led by the RAG, officers met with the representatives to further understand their concerns. Officers considered feedback and developed an updated design which addresses key concerns raised by the community while maintaining the functionality for sports clubs. The updated design has been developed in conjunction with the sports clubs which confirmed their endorsement.

Consideration has been given to the impact of construction works to the amenity of the neighbouring residents and existing users of the facilities. A site compound plan has been prepared which outlines the following;

- Off-street contractor designated parking area;
- Designated on-site area for storage of materials, contractor office and amenities set up;
- Staged refurbishment of existing pavilion amenities to enable uninterrupted use for sporting clubs and avoid the need for temporary facilities;
- Appropriate hoarding will be securely installed to ensure community safety during the works; and
- Tree Management Plan to protect designated trees in accordance with expert arborist recommendations.

#### Next Steps

Upon award of the contract, Council will oversee the delivery of the building works for Contract No. 2023/159, Willsmere Park Pavilion - Building Construction.

#### Confidentiality

Confidential information is contained in **Attachment 1**, as circulated in the confidential section of the agenda attachments. The information in this attachment is deemed to be confidential in accordance with Section 66(2)(a) and the definition of 'confidential information' in Section 3(1) of the Local Government Act 2020. The information relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

If discussion of the confidential information in the attachments to this report is required for Council to make a decision, Council may resolve to discuss the matter in a confidential session or to defer the matter to the confidential section of the agenda.

## **MOTION**

**Moved Councillor Stavrou**

**Seconded Councillor Watson**

**That Council resolve to:**

1. **Award Contract No. 2023/159, Willsmere Park Pavilion - Building Construction to:**
  - **Peach Construction Enterprise Pty Ltd (ABN 43 641 024 606)**

at a total cost of \$4,257,761.20 (including GST). The cost to Council after the return of the GST Tax Input Credits (\$387,069.20) is \$3,870,692 ex GST;

2. **Authorise the Director Places and Spaces to sign and execute the contract on behalf of the Council;**
3. **Approve the allocation of a separate contract contingency, as detailed within the attached confidential Attachment 1, and delegate authority to the Contract Superintendent to expend this contingency to ensure the successful completion of the contract works; and**
4. **Note that expenditure under this contract is in accordance with Council's 2023/2024 amended budget and expenditure in future years will be in accordance with the approved budget allocations.**

**CARRIED**

## **7.5 Tree Protection Local Law Update**

The purpose of this report is to outline proposed amendments to the current Tree Protection Local Law ('Local Law'). An update to the Local Law will enable consistency and alignment with the *Local Government Act 2020* ('Act').

The original Tree Protection Local Law for trees on private land commenced operation in November 2006 and was replaced with the current Local Law in November 2016. The local law was made pursuant to the *Local Government Act 1989* ('previous Act'). Under the previous Act, the Local Law ends 10 years after it was made, in November 2026.

The new Act was introduced in 2020. The relevant differences in the legislation include how local laws can be enacted, limits on how local laws can operate and the value of penalty units that apply when an offence under a local law is committed.

This report details the timeline and next steps for updating the Tree Protection Local Law.

## **MOTION**

**Moved Councillor Thompson**

**Seconded Councillor Gault**

**That Council resolve to commence the formal process to amend the Tree Protection Local Law pursuant to the *Local Government Act 2020*.**

**CARRIED**

## 7.7 North East Link South Alliance Urban Design and Landscape Plan submission

### Purpose

The purpose of this report is to present the draft submission (**Attachment 1**) to the North East Link Eastern Freeway Upgrades - Burke Road to Tram Road Urban Design and Landscape Plan (UDLP) for consideration and endorsement.

### Background

The North East Link South Alliance (NELSA), now known as the Burke to Tram Alliance (BTA) but referred to as NELSA in this report, are the preferred consortium for the North East Link (NEL) southern package of works. The works area extends from Burke Road to Tram Road and incorporates all land within the declared project area. NELSA has not been awarded the contract for the works at the time of writing.

The NELSA UDLP includes:

- The Eastern Freeway:
  - From Hays Paddock to Burke Road.
  - Adjacent to the Yarra Flats Reserve and Musca Street Reserve in the west.
  - From the Estelle Street bridge in the Koonung Creek Reserve (KCR) east to Tram Road in Whitehorse.
    - This section includes both the Estelle Street bridge and the Doncaster Road bridge.
- The busway within each of the Eastern Freeway sections.
- Discreet elements of the Southern Interface Zone approved under the Spark/Tunnels UDLP.
- Yarra Flats Reserve.
- Musca Street Reserve.
- The eastern half of the KCR.

The NELSA UDLP excludes the below, with these areas included in the Minister for Planning endorsed Spark/Tunnels UDLP.

- The NEL, Bulleen Road and Eastern Freeway interchange.
- The Freeway Golf Course.
- The western half of the KCR.
- Leonis Avenue Reserve.
- Columba Street Reserve.

The NEL Incorporated Document (ID) dated December 2019 (amended September 2023) requires a UDLP be prepared “prior to the commencement of development of permanent above-ground buildings or structures” and “must be prepared to the satisfaction of the Minister for Planning”.

In November 2020, Council and the State of Victoria (through the North East link Project (NELP)) entered into a Memorandum of Understanding. This MOU establishes the relationship between NELP (on behalf of the State of Victoria) and Council for the purposes of the development, design and construction of the NEL. In accordance with clause 21(f), the MOU is legally binding on both the State and Council.



Among other things, the MOU provides for the process that NELP and Council must follow in relation to any 'Returned Works' and 'Returned Assets', meaning NELP works and assets that will be vested in Council following their completion. Importantly, clause 8 provides that works will not become Returned Assets unless agreed in writing by Council prior to commencement of the relevant works. Clause 8 also requires NELP to consult with Council on the design documentation, during the construction of the works, and after the works are constructed, before the assets being vested in Council under the MOU. The UDLP is part of the 'design documentation' that clause 8 contemplates.

These provisions under the MOU are in addition to provisions under the *Local Government Act 1989* that could lead to assets and works vesting in or otherwise belonging to Council.

NELSA developed a UDLP for the south package and put it on public exhibition from 9 to 29 October 2023 (21 calendar days), the minimum statutory exhibition period. Copies of the UDLP documents were available at Camberwell and Balwyn libraries and at the Greythorn Community Hub.

The UDLP includes a design for the eastern half of the KCR. During the public exhibition period, Council conducted a community consultation to gather feedback on the draft concept design of the reserve. A summary report from this consultation can be seen in **Attachment 2**.

The UDLP document and attachments have been reviewed by Council officers and urban design and landscape architecture consultants Hansen Partnership. These reviews, along with conversations with residents and the findings from Council's KCR survey have informed Council's draft submission (**Attachment 1**).

### Key Issues

Council officers have reviewed the UDLP and have concerns about the quality of the UDLP as well as the design solution it presents.

Critical issues are:

- The inclusion of the drainage ditch and associated infrastructure in the KCR impacting the open space.
- The lack of mode separated walking paths and cycling trails.
- The mounding support rather than pier supports for the Estelle Street bridge in the KCR.

Key issues include:

- Size and complexity of the UDLP, as well as the very limited time to assess the documents.
- The disregard for the community impacted by the NEL.
- The strong focus on the widening of the Eastern Freeway and the lack of care and attention given to the revitalisation of the land used by the project and adjacent land once the 5+ years of construction works are complete.
- The visualisations and images used throughout the UDLP presented the end product and not the year 0, year 5 or even year 10 views of the project.
- Refusal to acknowledge the long term occupation of 65% of the KCR and ~2 hectares of the FGC with construction compounds.

- No information about ball net containment fencing to protect users of the NEL from errant golf balls.
- Lack of consistency with the North East Link Urban Design Strategy (2020)
- Lack of consistency by NELP in observing the requirements of the MOU.

### Next Steps

Should Council choose to endorse the submission, it will be sent to the Premier, Minister for Planning, Minister for Transport Infrastructure, Major Road Projects Victoria CEO, NELP Executive Program Director and others as detailed below. The endorsed submission will be uploaded to Council's website.

## **MOTION**

**Moved Councillor Watson**

**Seconded Councillor Thompson**

**That Council resolve to:**

- 1. Endorse the draft submission to the North East Link Eastern Freeway Upgrades - Burke Road to Tram Road Urban Design and Landscape Plan (UDLP), Attachment 1 as annexed to the minutes.**
- 2. Write to the following to advise of this resolution and the submission:**
  - a. The Hon. Jacinta Allan, MP, Premier of Victoria.**
  - b. The Hon. Sonya Kilkeny, MP, Minister for Planning.**
  - c. The Hon. Danny Pearson, MP, Minister for Transport Infrastructure.**
  - d. Mr Duncan Elliott, CEO, Major Road Projects Victoria.**
  - e. Mr Jim Waller, Executive Program Director, North East Link Program.**
  - f. Mr Matthew Hill, Director, North East Link South Alliance**
  - g. Members of State Parliament with seats representing Boroondara.**
- 3. Write to the State Government and North East Link Program pursuant to the Memorandum of Understanding, to confirm under clause 8 that, it will not agree to the above-ground drainage asset becoming a 'Returned Asset' unless Council's preferred design (including the continued use of an underground drainage solution) is adopted.**
- 4. Following formal notification to the State Government and North East Link Program under the Memorandum of Understanding, continue to engage with North East Link Program and its contractors to design an outcome that achieves the best outcome for the community, having regard to Council's key objective to retain the pre- North East Link Program functionality of Koonung Creek Reserve (consistent with its legal rights under the Memorandum of Understanding).**

**CARRIED**

## **8. General business**

### **8.1 Leave of Absence - Councillor Hollingsworth**

#### **MOTION**

**Moved Councillor Gault**

**Seconded Councillor Thompson**

**That Council resolve to grant Councillor Hollingsworth a leave of absence from Council for 27 November 2023.**

#### **CARRIED**

### **8.2 Electrify Boroondara**

**Councillor Gault** informed his colleagues that positive feedback from the community had been received regarding the Electrify Boroondara Expo.

### **8.3 Head of the Yarra**

**Councillor Gault** advised his colleagues he attended the Head of the Yarra on 25 November 2023 and informed the meeting of the condition of the pontoon.

### **8.3 Boroondara Eisteddfod**

**Councillor Watson** provided the meeting with some key highlights from the 2023 Boroondara Eisteddfod and noted the enthusiasm of all the volunteers.

### **8.5 Councillor Franco - Councillor Code of Conduct Matter**

**Councillor Franco** requested the councillors who submitted a misconduct complaint under the Councillor Code of Conduct in June 2021 in relation to comments he made about the Council Prayer, withdraw their complaint and apologise.

## **9. Urgent business**

Nil

## **10. Confidential business**

Nil

**The meeting concluded at 7.40pm.**

**Confirmed**

**Chairperson**

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**Date**

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# MINUTES ATTACHMENTS



## **Council**

**Monday 27 November 2023**

**Attachments annexed to the minutes for the following items:**

- 4. Informal Meetings of Councillors**
- 7.7 North East Link South Alliance Urban Design and Landscape Plan submission**
- 7.9 Instrument of Appointment and Authorisation - Planning and Environment Act 1987 & Environment Protection Act 2017**

# Record of Informal Meetings of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
Councillor Briefing & Discussion <b>9 October 2023</b>	Cr Parke Cr Sinfield Cr Franco Cr Gault Cr Gillies Cr Hollingsworth Cr Addis Cr Biggar Cr Thompson Cr Stavrou	Phillip Storer (CEO) Daniel Freer (DPS) Kate McCaughey (DCS) Scott Walker (DUL) Mans Bassi (DCT) Amy Montalti (CFO) Andrew McHugh (MHWS) Kirstin Ritchie (CG) Benjamin Breslin (YDL) Suzanne Jervies (EMYL) Elizabeth Manou (SGIO) Shannon Farrell (YPO) Nathan Gee-Landman (Technician)	<ul style="list-style-type: none"> <li>Youth Voice Presentation</li> </ul>	Nil
Councillor Briefing & Discussion <b>16 October 2023</b>	Cr Parke Cr Sinfield Cr Franco Cr Gillies Cr Hollingsworth Cr Watson Cr Biggar Cr Thompson Cr Stavrou	Daniel Freer (Acting CEO) Scott Walker (DUL) Amy Montalti (CFO) Bryan Wee (MGL) Sapphire Allan (CMA) Liam Merrifield (SGO)	<ul style="list-style-type: none"> <li>2023-24 Amended Budget</li> <li>Councillor Assignments</li> <li>Upcoming meetings schedule</li> <li>Proposed changes to Bulletin and Ward Newsletters</li> </ul>	Nil
Councillor Briefing & Discussion <b>23 October 2023</b>	Cr Parke Cr Sinfield Cr Franco Cr Gault Cr Gillies Cr Hollingsworth Cr Addis Cr Watson Cr Biggar Cr Thompson	Daniel Freer (Acting CEO) Mary-Anne Palatsides (Acting DPS) Kate McCaughey (DCS) Scott Walker (DUL) Mans Bassi (DCT) Amy Montalti (CFO) Jeanine Nieuwenhuizen (CCO) Betty Genovezos (MAC) Fiona Brown (MCPD) Michelle Forster (MLC) Michael Hutchison (HSPR) Katherine Stakula (HSC) Kirstin Ritchie (CG) Lucinda Bakhach (LEL) Elizabeth Manou (SGIO) Renee Swanson (BCMS) Megan Levvey (SCS)	<ul style="list-style-type: none"> <li>Proposed changes to Bulletin and Ward Newsletters</li> <li>Canterbury Community Precinct Heritage Centre Naming</li> <li>Hartwell Mural Project</li> </ul>	Nil

# Record of Informal Meetings of Councillors

Assembly details	Councillor attendees	Officer attendees	Matters discussed	Conflict of Interest disclosures
Councillor Briefing & Discussion <b>30 October 2023</b>	Cr Parke Cr Sinfield Cr Franco Cr Gault Cr Gillies Cr Hollingsworth Cr Addis Cr Biggar Cr Thompson Cr Stavrou	Daniel Freer (Acting CEO) Mary-Anne Palatsides (Acting DPS) Kate McCaughey (DCS) Scott Walker (DUL) Jim Hondrakis (MTT) Michelle Forster (AMLC) Kirstin Ritchie (CG) Craig Woods (CP) Bhushan Jani (CTM) Brendon Burke (SLA) Elle Phillips (AAL) Nikhil Maharaj (STE)	<ul style="list-style-type: none"> <li>Willsmere Road and Kilby Road on Road Bike Lanes</li> <li>Meals on Wheels Subsidy</li> <li>St James Park Draft Master Plan</li> <li>Update on Kew Recreation Centre (Verbal Report)</li> <li>Contract Extensions</li> <li>Reading of Ministers Message at citizenship ceremonies</li> </ul>	Nil

# MINUTES ATTACHMENTS



## Council

**Monday 27 November 2023**

Attachments as annexed to the resolution:

- 7.7 North East Link South Alliance Urban Design and Landscape Plan submission



# North East Link Eastern Freeway Upgrades - Burke Road to Tram Road - Urban Design and Landscape Plan

Submission from Boroondara City Council

Date: 27 November 2023

# Table of contents

Table of contents .....	i
1 Introduction .....	1
2 Critical issues and concerns .....	2
2.1 Koonung Creek Reserve .....	2
2.2 Residential impacts.....	9
2.3 Public exhibition period.....	9
3 General issues .....	11
3.2 Urban design visualisations .....	13
3.3 Crime Prevention Through Environmental Design.....	14
3.4 Quality .....	15
3.5 Design status.....	17
3.6 Language.....	19
3.7 Continuity and connectivity .....	19
4 Appendices .....	21
Appendix A: September and October 2023 community consultation and engagement findings report.....	
Appendix B: Council's requests.....	
Appendix C: Hansen Partnership report.....	
Appendix D: Detailed comments.....	
Appendix E: EPR comments.....	

# 1 Introduction

We welcome the opportunity the North East Link Program (NELP) has provided Boroondara, Whitehorse and Manningham Councils and our communities to view and comment on the North East Link Eastern Freeway Upgrades - Burke Road to Tram Road Urban Design and Landscape Plan (UDLP).

We note the public exhibition period was from 9 to 29 October 2023 and appreciate the extension NELP granted Council for its submission to ensure good and transparent governance processes are followed.

This submission has been prepared with assistance from our community, internal subject matter experts and Hansen Partnership, our expert witness reports in urban design and landscape at the 2019 Inquiry and Advisory Committee (IAC) panel hearing. It represents Council's formal positions on a number of matters the UDLP covers and seeks to offer feasible solutions to the issues it raises.

We present this submission in the spirit of cooperation and look forward to working constructively with NELP and its contractors to achieve exceptional outcomes for our community. We are an impacted stakeholder to be brought into the tent as a trusted source of local information, professional and pragmatic ideas and constructive criticism.

This submission gives NELP the opportunity to ensure the design presented in the UDLP and delivered by its contractors is more than just a freeway upgrade.

This submission was considered, adopted and endorsed by Council at the 27 November 2023 Council meeting.

## 2 Critical issues and concerns

The UDLP generates a number of critical issues and concerns for Council and our community. The bulk of these are within the Koonung Creek Reserve (KCR).

Council does not support the UDLP in its current format and with its current content because of these issues and concerns.

Should NELP seek to address the issues raised by Council, the owner of the KCR, and amend the KCR and road design as we request in this document and have requested in multiple forums over the last 5 years, Council will reconsider this opposition.

### 2.1 Koonung Creek Reserve

#### 2.1.1 The Boroondara community's opinion

Council has conducted two community engagement and consultation projects with our community to understand their opinions about the KCR and hear their voices.

These projects have ensured we are truly speaking for our community in this submission, in all other submissions made about the NEL and in all interactions with NELP and its contractors. Our community have been consistent in their opinion and feedback throughout these two engagement and consultation projects.

Council requests NELP and its contractors listen to the Boroondara community, the community directly impacted by its project, and amend the road and KCR design to reflect their feedback.

##### 2.1.1.1 September and October 2023

The September and October 2023 community engagement and consultation included an online survey, a pop-up event in the Boroondara shopping centre, a drop-in session and a facilitated workshop at Trentwood at the Hub in the Greythorn shopping centre. The engagement and consultation was advertised on Council's social media channels, with posters in the KCR and at key community venues nearby and via postcard drop to over 4,500 homes and businesses near the KCR.

Through this engagement and consultation the community told us:

- They (66% of respondents) strongly oppose or oppose NELPs proposed stormwater management infrastructure/the drainage ditch with a further loss of usable open space, issues associated with stagnant water and retention of stormwater cited as reasons.

- They (over 80%) strongly support or support more separated walking paths and cycling trails with safety for all path, trail and park users cited as reasons for support.
- They want the KCR to remain 'untouched' and not become too 'manicured' or 'artificial'.
- They (60% of respondents) strongly support or support the inclusion of a new playground at the western end of the KCR.

See Appendix A for the report associated with the September and October 2023 community consultation and engagement project.

#### **2.1.1.2 May 2022**

The feedback we received from our community in May 2022 was used to inform Council's submission to the Spark/Tunnels UDLP public exhibition and the concept design NELP was preparing for the KCR.

Through this consultation and engagement we learnt:

- Over 80% of our community do not want a shared path for pedestrians and cyclists.
- People said they wanted to have a separate walking path and cycling path next to each other.
- They value the playground as an important community asset and meeting place for families.
- Having public toilets in the KCR increases time people can spend there and are valuable assets.
- Using the KCR for walking, running, cycling, playing, relaxing and bird watching has a positive impact on their health and wellbeing.
- They want the KCR to be returned to them with green open spaces offering biodiversity habitat, a variety of recreation areas with spaces for all ages and better lighting.

#### **2.1.2 Permanent land impact**

The UDLP does not show or detail the permanent land impact on the KCR.

The UDLP does not show where the existing edge of the Eastern Freeway is located, nor where any noise walls or other noise attenuation measures are located.

Council and the community can only assume the NEL, as a whole, will result in the permanent loss of over 20% or 6-7 hectares of the KCR based on the outdated reference design presented at the 2019 IAC.

At this point in the project, we should not have to make this assumption.

Focussing on this UDLP only and following extensive investigations and work, we understand the permanent land loss associated with this UDLP alone is 34,400m<sup>2</sup> or 3.44 hectares. This is 11% of the entire KCR or close to the equivalent 2 MCGs worth of public open space. This is just from the eastern half of the KCR and does not include the permanent land lost from the western half of the KCR.

The land take from the KCR should be clearly detailed and described in the UDLP. NELP cannot, at this point in the project, deny the existence of preliminary road design plans which would detail the permanent KCR land impacts. Council requests NELP and its contractors detail and describe the land impacts to the KCR in the UDLP.

It is to be understood Council strongly opposes the encroachment into the KCR and the permanent loss of public open space.

Council requests NELP and its contractors review their design with the aim of reducing the land impact within the KCR. The O'Brien Traffic/Andrew O'Brien design presented at the 2019 IAC for the Council Alliance is considered a suitable alternative.

This loss cannot be replaced and will be exacerbated by the impacts to public open space along our northern chain of parks.

Council and the community who use the KCR in their day to day lives have expressed their concern about this impact.

### **2.1.3 Stormwater management infrastructure/The drainage ditch**

Council very strongly opposes the inclusion of the stormwater management infrastructure within the KCR and requests the removal of your stormwater management infrastructure from our land.

The Boroondara community, our residents and visitors, strongly support our positions.

Council considers there are opportunities downstream of the KCR to achieve water cleansing benefits and request NELP and its contractors properly investigate and implement these opportunities. Council is willing to work with NELP, NELPs contractors, Melbourne Water and Carey Grammar School to implement these improvements within the Koonung Creek from the west side of Bulleen Road to its confluence with the Birrarung (Yarra River).

We cannot be any clearer and trust this resolves any confusion within NELP about our position on the matter.

### **2.1.3.1 What's in a name?**

Throughout the UDLP the stormwater management infrastructure is referred to as any number of things, including:

- A system to optimise water treatment of Freeway runoff.
- Areas of open landscape where flood waters can be retained.
- An asset which conveys water during storm events.
- Stormwater and flood flow retention and treatment system.
- Rocky creek bed.
- Drainage swale.
- Permanent and ephemeral ponds.
- A means of retaining water in the landscape.
- Bioretention system.
- A method to minimise irrigation needs.

It is abundantly clear NELP have not provided a consistent basis for the inclusion of this infrastructure and its purpose.

From the various names given to the infrastructure and a review of the incredibly limited details shown in the UDLP, it would not be inaccurate to assume the infrastructure is in place for the sole purpose of capturing and transferring road run-off from the Eastern Freeway and Doncaster Road. Both are State roads under the care and management of the Department of Transport and Planning (DTP), a sister agency to NELP.

### **2.1.3.2 Why does Council oppose the drainage ditch?**

The inclusion of the drainage ditch within the KCR creates a number of issues for the land, the community and Council. The issues are unbearable but not unresolvable.

1. It fractures the KCR rendering the area between the ditch and the noise walls and a large portion of the KCR at the Doncaster Road end inaccessible and unusable. This fracturing leaves approximately half of the KCR leftover by NELP or 37.5% of the existing public open space available for use.

The visualisations prepared by NELPs contractors and included in this UDLP support this concern. Visualisations 12 and 13 of UDLP Attachment 3 very clearly show a totally inaccessible half of the KCR because of the drainage ditch and vegetation necessary to hide the eyesore.

2. The ditch disturbs and disrupts the community's ability to access and enjoy their public open space.
3. It is a pseudo land acquisition by the State and further land loss for the community.
4. The inclusion of the infrastructure in the UDLP despite constant opposition from Council officers and Councillors over the last 12-18 months is an example of NELPs disregard for Council and the community.
5. The commentary about the supposed benefits of the ditch in the UDLP report ignores and undermines Council's knowledge, decades of on the ground work and widely acknowledged and celebrated improvements to the biodiversity values of the KCR.
6. There is no documented or demonstrated engineering or other need for the drainage ditch.
7. From our decades of owning and managing the KCR we know there is no need for passive irrigation as NELP suggest the KCR.
8. There are opportunities downstream of the KCR to cleanse and transfer the road run-off before it reaches the Birrarung (Yarra River).
9. There is an existing underground pipe along the length of the KCR which currently captures and transfers the road run-off and can continue to do so.
10. The infrastructure will be a State asset located within Council owned land.
11. There is an unsaid assumption Council will own and maintain the State asset as it is located in and on Council land.
12. No amount of detailed design the UDLP promises will make the ditch anything but a drainage channel with sparse planting and pools of stagnant water generating health and safety risks.
13. The sketch 'design' of the drainage ditch shown in the UDLP landscape design section is demonstrated to be inconsistent and misleading. It shows a consistent 4m wide ditch through the KCR. The very limited number of cross sections, as incomplete as they are, show a 7.5m to 8m wide ditch.

The removal of the drainage ditch would resolve every issue listed above.



### **2.1.4 Mode separation of walking paths and cycling trails**

The NELP plan provides, despite repeated and constant requests from Boroondara and other Councils as along with cyclists, pedestrians, dog walkers, runners, community groups and NELP convened 'Technical Discussion Groups', shared use paths for pedestrians and cyclists instead of truly mode separated walking paths and cycling trails.

It is widely acknowledged current walking and cycling volumes on the Koonung Creek Trail, a State government C1 level Strategic Cycling Corridor (SCC), warrant mode separation.

The DTP owned and managed permanent counters demonstrate this need. The Bicycle Network (BN) Super Tuesday and Super Sunday counts demonstrate this need.

The DTP approach to SCC design recognises this need and responds by delivering mode separated SCCs where there is physical space.

The Boroondara Bicycle Strategy (2022) recognises this need and responds by committing to delivering mode separated walking paths and cycling trails where this is physical space.

In Council's opinion, as the owner of the KCR, there is sufficient space within the KCR to design and deliver truly mode separated walking paths and cycling trails should the drainage ditch be removed given the at grade nature of the paths.

Council requests NELP and its contractors design and deliver mode separated walking paths and cycling trails across the whole project area, including the area this UDLP covers and in sections currently marked as outside the project boundary to avoid any stitching of paths of mixed width, age, quality, materiality and colour.

Council recognises the constraints the Bulleen Road bridge presents and acknowledges a mode separated path and trail is not possible on the west side of the bridge. Council requests the reinstatement of a 2.1m wide minimum path on the west side of the Bulleen Road bridge as originally proposed by NELP.

#### **2.1.4.1 Why has Council not mode separated the Koonung Creek Trail?**

The NEL was announced as a project in 2017, with a reference design made public in 2019 and no final design available yet. It has generated absolute uncertainty for all land and asset managers within the declared project area, of which Council is one.

In an effort to be financially responsible Council has not invested ratepayers money mode separating the Koonung Creek Trail simply because we did not and do not know

if NELP will use their extraordinary powers to enter our land and remove any and all Council assets.

### **2.1.5 Estelle Street bridge**

While it is not easily or readily noticeable from the sparse detail in the UDLP, the Estelle Street bridge sits on a mound rather than piers in the KCR.

This mounding is another loss of public open space and fracturing of the KCR. It restricts east-west access along the KCR for all park users. It is another disturbance and disruption to the community's use and enjoyment of the public open space.

Council acknowledges the need for the Estelle Street bridge to be Disability Discrimination Act (DDA) compliant and the ramp length ensures the bridge meets Universal Design guidelines.

Council opposes the current design of the Estelle Street bridge in the KCR, specifically the mounding to support the ramp structure and bridge.

Council requests the Estelle Street bridge design is amended to include piers and not mounding in the KCR.

The architectural plans of the bridge are annotated "final connections between SUPs and Estelle Street ramps are subject to detailed design". We look forward to actively participating in the detailed design process, as the July 2020 settlement agreement between NELP and Council requires, to ensure the safety and accessibility issues the current 'design' presents can be removed and the bridge can safely cater for all types of cyclists and walkers.

### **2.1.6 Water pressure reducing station**

The inclusion of a Yarra Valley Water (YVW) pressure reducing station in the eastern end of the KCR is not explained in the UDLP. The 'design' of the facility is not documented, save for the 21m long, 8m wide and 3m tall 'feature steel fence' surrounding the building.

This station will see further public open space lost and further disturbance and disruption to the use and enjoyment of the KCR by our community.

The lack of design detail raises question as to whether this element of the UDLP meets the Minister's requirements in that no detail of an above ground permanent structure, the pressure reducing station, is provided.

Council opposes the proposed location of the YVW pressure reducing station.

Council requests the relocation of the YVW pressure reducing station from public open space in the KCR to land owned by the State.

## **2.2 Residential impacts**

Overlooking and overshadowing of residential secluded private open space by NEL related road infrastructure is unacceptable. During the winter equinox it will be worse than shown in Attachment 4 of the UDLP and raises the matter of the date used for overshadowing modelling by NELP and in general.

Attachment 4 of the UDLP shows potential overshadowing of north facing habitable room windows, solar panels and secluded private open space to several Winfield Road residential properties. We have described it as potential overshadowing because the drawings are unclear and do not show, for example, contours or sections. Additionally, the noise walls have not been correctly modelled.

Council requests all overshadowing modelling is undertaken and provided with the community demonstrating the true and accurate input data used, including but not limited to the true height of the noise walls, and showing all relevant and required data on the diagrams.

Council requests overshadowing modelling is completed for the winter equinox, 21 June, rather than 22 September.

We recognise this is a departure from standard practice, however we believe NELP should model best practice behaviour in their design and self-assessment of their design. Where the standard approach is widely recognised as flawed and in favour of developers over the community, a better approach should be adopted.

Council requests NELP and its contractors review their design with the aim of relocating road infrastructure such as noise walls away from residential properties. The O'Brien Traffic/Andrew O'Brien design presented at the 2019 IAC is considered a suitable alternative.

## **2.3 Public exhibition period**

Whilst conforming with the requirements of the Incorporated Document (2019), the 21 calendar day public exhibition period is utterly insufficient.

The scale and scope of the UDLP is in our view too large for community members to fully comprehend, analyse and respond to within 21 calendar days. The public exhibition period ignores the simple fact the community have existing commitments and pressures on their time. Asking them and Councils to respond to a 350+ page technical and wordy report as well as multiple plans, designs, cross sections and overshadowing diagrams in such a short period of time is not likely to elicit an appropriately considered response..



The impact of the NEL on the community will be long lasting and the community deserve more than 21 calendar days to understand that impact and how they can constructively respond and participate.

The 21 calendar day public exhibition period is in stark contrast to the 5 week Bulleen Park and Ride (BPR) UDLP public exhibition period.

## 3 General issues

### 3.1 Northern chain of parks

The UDLP and southern interface zone incorporates much of the Boroondara northern chain of parks. The chain stretches from Winfield Reserve east of Doncaster Road through the Koonung Creek Reserve to Leonis Avenue Reserve, Columba Street Reserve, Musca Street Reserve, Freeway Golf Course, Yarra Flats Reserve and beyond to and through the Burke Road Billabong Reserve. It is one of the last linear habitat corridors in metropolitan Melbourne and connects places of great biodiversity value.

Council and the community are rightly proud of the northern chain of parks and highly value the services the parks provide, from biodiversity services, recreation opportunities, nature bathing and gentle green views.

#### 3.1.1 Vegetation removal and replacement

The vegetation removal and replacement is shown as 'indicative only' throughout the UDLP, with notes about arborist and ecologist surveys 'yet to be received'. This leaves us unable to comment on specifics and leaves us wondering what the impact on vegetation will be. The flow-on impacts to fauna and other biodiversity are unknown and very concerning.

It appears a large percentage of vegetation within project area is either 'proposed for removal' or 'to be confirmed for removal'. Little is confirmed as remaining in-situ, which will result in small, isolated islands of vegetation for the duration of construction and remediation - a period of over 5 years.

This is a frustrating and upsetting outcome as Council and the community have worked hard to improve vegetation quality and volume, as well as improve biodiversity values in the northern chain of parks. We have a tried and true method of increasing land managed for biodiversity purposes, with the NELP set to wipe out more than the equivalent of 15 years worth of this work.

From what can be deciphered on the landscape plans, the 'mixed shrub planting and garden beds' green colour is included in the legend but rarely employed on the plans. The design seems to include mostly mixed grass planting. This is a poor biodiversity outcome and does not match the visualisations included in the UDLP.

Council requests NELP and its contractors reconsider the need for vegetation removal and work harder to find solutions to retaining more vegetation in-situ.

### **3.1.2 Construction compounds**

At no point in the UDLP is the occupation of up to 65% of the KCR by construction compounds for up to 5 years mentioned. This is despite the NELP completing a community notification exercise about the two proposed construction compounds in July 2023.

The UDLP does not make mention of the construction compound proposed for the Freeway Golf Course (FGC), nor that it will be in place for up to 5 years.

The only commentary about the construction compounds is to brush off the idea as “there are no approved Construction Compound Plans located within the area subject to this UDLP...”.

Council requests the UDLP be amended to reflect there are three (3) construction compounds planned for the KCR and FGC and provide details of locations and durations they will be in-situ.

#### **3.1.2.1 Lost ‘rental fees’**

If NELP and/or its contractors were to pay Council what would be considered a fair and reasonable fee for its occupation of just KCR with the two construction compounds the total fee would be close to \$10,000,000.

NELP and its contractors operates with extraordinary powers granted to it by the Major Transport Project Facilitation Act 2009 (MTPFA or the Act). Section 167 of the Act allows NELP to enter, occupy and use public land for project purposes without paying a single cent in compensation. This section of the Act was amended in the recent past to give major transport projects this right and to strip Council of its ability to receive any compensation for use of public land.

#### **3.1.2.2 Community value add projects**

Council has, on a number of occasions, shared a list of community value add projects NELP and its contractors may wish to consider funding.

1. Koonung Creek Reserve: Playground renewal.
2. Leigh Park: Playground and amenity works.
3. Freeway Golf Course: Koonung Creek revitalisation.
4. Musca Street Reserve: Arboretum.
5. Columba Street Reserve: Playground design and construction.
6. Freeway Golf Course: Club room and pro-shop refresh.
7. Shopping Centre Improvement Plan: Boroondara shopping centre, Balwyn Road.

With the exceptions of Leigh Park and the Boroondara shopping centre, each project is within the northern chain of parks and would bring benefits to the community, biodiversity, NELP and Council.

The potential of these projects being an in-lieu contribution to Council and the community for the lost 'rental fees' associated with the KCR construction compounds has not, it seems, been considered. It could be viewed as a way of giving back to the community in exchange for the occupation of the KCR for up to five years.

Council requests NELP and its contractors fund the 7 community value add projects.

### **3.1.3 Musca Street Reserve and Yarra Flats Reserve**

The UDLP presents next to no information about either the Musca Street Reserve or the Yarra Flats Reserve. The latter is more frequently referred to as Yarra Bend Park throughout the UDLP than Yarra Flats Reserve, reducing any perception of the value it holds for the community and for the flora and fauna it is home to. For context, Yarra Bend Park is located some distance further to the west of the Yarra Flats Reserve and is outside the scope of this UDLP.

There is no commitment of acknowledgement of the need or lack thereof to use either reserve for construction compound purposes. This lack leaves the matter open to interpretation and only serves to raise concerns in the community about how Musca Street Reserve might be used NELP and its contractors.

The Council endorsed Musca Street Arboretum design is not acknowledged in the UDLP. Noting the NEL infrastructure encroachment into the Musca Street Reserve is limited, incorporating the arboretum design in the UDLP, or at least the proposed path alignments and high level concept of an arboretum, should be the sensible approach.

Council requests NELP and its contractors be clear in their intended use of both Musca Street and Yarra Flats Reserve, even if NELSA do not intend to use either for construction compound or other purposes.

Council requests NELP and its contractors include the Musca Street Arboretum design in the UDLP.

## **3.2 Urban design visualisations**

The visualisations included in the UDLP are misleading and fail to show key viewpoints for the Boroondara community. The scale and density of the vegetation included in the images suggests they represent an end product and not a year 0, year 5 or even year 10 view. The locations of the visualisations in Boroondara are limited and the images do not appear to be to scale.



Each visualisation should include a location point marked on an inset map so the reader can understand what they are looking at and where it is located. This should be supported by a map in the UDLP attachment to show where each visualisation is and which direction it is looking.

Council request NELP and its contractors:

- Include a map showing the location and direction of view of all visualisations shown in the UDLP attachment.
- Generate year 0, year 5 and year 10 visualisations for all current visualisations.
- Label each visualisation with a year and include an inset map showing the location of the visualisation.
- Ensure all visualisations are to scale, with all assets shown including the southern ventilation structure, are to scale.
- Prepare visualisations for the following locations at human eye level and include them in the next version of the UDLP:
  - Estelle Street bridge looking north from its landing in the KCR.
  - Estelle Street bridge looking both east and west from within the KCR.
  - Various locations in the KCR looking to NEL infrastructure.
  - Looking to the KCR, YVW water pressure reducing station and proposed stormwater management infrastructure from the Doncaster Road off-street car park.
  - From Winfield Road Reserve (Boroondara) looking to the NEL infrastructure (i.e. noise walls).
  - Looking north-east to the NEL infrastructure from 20, 22 or 24 Orion Street.
  - Looking north to the NEL infrastructure from 14, 16 or 18 Koonung Street.
  - Burke Road overpass looking east from the centre of the Eastern Freeway.

### **3.3 Crime Prevention Through Environmental Design**

The UDLP provides very little information about crime prevention through environmental design (CPTED) elements.

We trust bridge and other elevated structures will provide protection for pedestrians, cyclists and motorists through the inclusion of appropriately designed safety fencing and rails. This trust extends to all design elements which may pose a risk to any and all users.

As confronting as it may be, NELP would do well to include signage on bridges and elevated structures advertising Lifeline and similar organisations which can help people in need.



### **3.3.1 Art and placemaking as CPTED**

It is acknowledged the UDLP comments anti-graffiti coating will be applied to surfaces likely to attract graffiti.

The opportunity to use public art and placemaking as CPTED seems to have been missed. It is our experience professionally designed and painted murals are the best graffiti and anti-social behaviour deterrent available to public land managers. The art combined with well-designed lighting can make otherwise gloomy, scary spaces light, bright and welcoming. The places become a destination and help to make people feel safe and welcome.

Broader placemaking thinking can and should be considered to ensure NELP delivers more than just a freeway, especially for the impacted community. This placemaking can realise opportunities for playfulness and fun in the UDLP and Councils northern chain of parks impacted by the NEL.

Council requests NELP and its contractors apply a public art and placemaking lens in its application of CPTED principles.

### **3.3.2 Walking path and cycling trail lighting**

Lighting of walking paths and cycling trails particularly through reserves with high biodiversity values is a balancing act. It can be a CPTED design element and one that is respectful of its impact when designed well.

Councils Bicycle Strategy (2022) supports the construction of site specific and location sensitive lighting on walking paths and cycling trails. Council has a documented history of designing and installing site specific and location sensitive lighting (e.g. hand rail lighting) by adopting a multi-disciplinary team approach to each project.

Council requests NELP and its contractors include lighting to walking paths and cycling trails and work with Council to understand our expectations and requirements where the lighting is in our reserves and our land.

## **3.4 Quality**

The quality of the UDLP and supporting advertising collateral is poor and there are issues related to drawing legibility and level of information provided. The plans shown in the UDLP attachments do not meet accessibility standards and are difficult to the point of being unreadable to even those with perfect eyesight.

The chosen scales of 1:2000 and 1:5000 limit the provision of detailed information and is in contrast with the Spark/Tunnels UDLP drawing scale of 1:500. The Spark/Tunnels UDLP physical scope is significantly larger than this UDLP, which suggests a scale of 1:500 is possible for this UDLP.

The chosen colour palette for the landscape design drawings is at times indistinguishable using multiple shades of yellow/orange and green/blue. The distinction between the shades is indiscernible on NELP printed copies of the UDLP, Council printed copies and the online version. Again, this is in contrast with the Spark/Tunnels UDLP colour palette and application of the same.

There are simple mistakes through the document, demonstrating both a disregard for and profound lack of interest in the areas adjacent and within the project area. These mistakes include:

- Incorrect titles of critical areas of impact.
- Duplicated plans and pages.
- Images missing legends and/or incorrectly captioned.
- Drawings/plans/renders/images not to scale.
- Large portions of text missing from key design requirements taken directly from the Urban Design Strategy.
- Whole sections of the UDLP report being copied and pasted from the section prior without change (see section 5 Consistency with the Urban Design Strategy of the UDLP report).

### **3.4.1 It is all in the detail**

The level of detail on the plans is lacking in sufficient detail, particularly when compared to similar projects, including the Ring Road Completion UDLP and the Spark/Tunnels UDLP.

Some of the concerns in the proposed plans, include but are not limited to:

- Incorrect, inaccurate and totally misleading labels, titles and call outs on many pages of the UDLP report and UDLP attachments.
- The blocking out of the southern interface zone, effectively blinding readers to the details including important walking and cycling connections, critical landscaping elements and significant residential impacts.
- The lack of indicative year on each of the visualisations presented in Attachment 3.
- The combining of existing and proposed tree canopy on the landscape plans, with no differentiation between the two when they are very different.
- The disappearing road linemarkings creating an inference the Eastern Freeway is barely widened in sections.
- The dashed hatching for 'existing vegetation to be retained' being barely legible and appearing as the road line markings on the landscape plans.

- The lack of differentiation between proposed and retained noise walls which contradicts previous statements by NELP about all noise walls being replaced and built to a better noise attenuation level.
- The locations of each noise wall types are not shown, leaving Council and the community guessing as to which noise wall they might be looking at from their front window or park.
- The incomplete cross sections failing to show critical design details and elements.
- The lack of consistent scale on plans and cross sections suggesting one or the other is actually 'Not to Scale' rather than the printed scale.
- Paint finish colours are listed TBC.

To address these concerns, Council request:

- A complete and thorough review of all UDLP report and UDLP attachments text, drawings, plans, cross sections and the like to ensure they are correct and accurate.
- The removal of the blocking out of the southern interface zone.
- Provide the estimated year on each of the visualisations.
- The separation of existing tree canopy and proposed tree canopy in the legends and on the plans.
- The correct linemarking shown on the Eastern Freeway and all other roads.
- The dashed hatching for 'existing vegetation to be retained' be made legible in print and electronic versions of the UDLP.
- The separation of proposed noise walls and retained noise walls in the legend and on the plans.
- The identification of the type of noise wall in each location, both the proposed and retained.
- Complete cross sections showing the full width of the project area and showing the residential interfaces.
- The scale of all elements in the UDLP are checked and are correct. For example, show the drainage ditch as 7.5m and 8m wide in the landscape plans where it is that wide.
- Detail all paint finishes and other aesthetic details.

The Hansen Partnership report (Appendix C) and the detailed comments on the UDLP in Appendix D provide significantly more detail related matters for NELP to consider, address and amend in the version of the UDLP presented to the Minister for approval.

### **3.5 Design status**

The UDLP continually report refers to the design, however there is a disclaimer on many of the plans including bridge designs and noise wall heights to say designs shown are indicative only and are subject to detailed design.

During the IAC in 2019 we were told the project wide Urban Design Strategy (UDS) would give us all the design answers we were seeking. During development of the UDS, endorsed by the then Minister for Planning on 23 March 2020, we were told details of designs would be shown in the upcoming UDLPs.

Each UDLP prepared for NELP to date, including and especially this UDLP, has continued defer detail by telling us details of the design will be finalised in the detailed design process. This process is confidential and the general public do not have access to it nor can they influence it.

The UDLP report should acknowledge upfront all designs shown within are preliminary designs subject to significant change and are not final designs.

NELP must be open, honest and transparent during their detailed design process, including exactly what the community can influence and how.

### **3.5.1 Freeway Golf Course**

The Spark/Tunnels UDLP noted fencing alongside the NEL, Eastern Freeway and busway adjacent to the Freeway Golf Course (FGC) to protect motorists using the NEL, Eastern Freeway and busway would be 'developed during design development phase by the southern interface project contractor'.

With the southern interface zone blanked out of this UDLP and no comments about the fencing, despite comments about other elements of the Spark/Tunnels UDLP we are at a loss to understand the design status of the fencing.

NELP is responsible for designing, building and maintaining ball net fencing to protect users of the infrastructure it has designed and is building.

Council is not and will not ever be responsible for designing, building and maintaining ball net fencing to protect users of the infrastructure NELP has designed and is building.

We will not be put in the position Yarra City Council has with their Burnley Golf Course. They are currently undertaking a multi-million dollar reconfiguration of their golf course because CityLink did not build ball net containment fences when they built the tollway. The State government as the agent of change made a deliberate decision about the safety of CityLink users that Yarra City Council and its residents are now paying the price for.

Council opposes NELP's decision to not include, at this point in its design process, ball net fencing alongside the NEL, Eastern Freeway and busway adjacent to the FGC to protect motorists using the NEL, Eastern Freeway and busway.

Council requests NELP and its contractors design, build and maintain in perpetuity ball net fencing alongside the NEL, Eastern Freeway and busway adjacent to the FGC to protect motorists using the NEL, Eastern Freeway and busway.

#### **3.5.1.1 Why is NELP responsible for designing, building and maintaining ball net fencing?**

NELP is the agent of change.

NELP forced Council to reconfigure the FGC within a reduced footprint to accommodate its road infrastructure including the NEL, Eastern Freeway, Bulleen Road and busway.

NELP has brought the Eastern Freeway closer to the FGC.

NELP has designed the new NEL, realigned Bulleen Road and new busway to be very close to the FGC.

NELP has a duty of care to users of its infrastructure to ensure they are safe.

NELP, a State government agency, should not repeat the past mistakes of its predecessors.

### **3.6 Language**

The language used throughout the UDLP is incredibly positive and fails to recognise the true impact and negative impacts of the project on the community, Council and our (community, Council and community and Council) assets. It brushes aside any negative outcomes the project will generate and leads to impacted communities feeling misled, unheard and misunderstood.

The introduction should acknowledge the project's context, challenges and impacts as well as benefits.

The UDLP should also be presented in plain English and without the need to continually cross reference other documents to ensure it is easily understood by a layperson.

### **3.7 Continuity and connectivity**

The UDLP lacks clarity around the continuity and connectivity of pathways and trails outside of the project boundaries that it claims on its various web pages and media releases.

Shared use paths seem to effectively terminate with no real consideration of where they are going or what they are connected to or connecting. This goes back to the

lack of detail on the plans. New or upgraded paths should be shown to be clearly connecting to existing pathways on the periphery of the project area.

Desire lines and new linkages do not seem to have been considered in any detail, with many opportunities to improve community pedestrian access to parklands and linkages access missed.

An example of this is the Musca Street Reserve, where a new path linking from the southern end of the park at the signalised pedestrian crossing on the corner of Burke Road and the Boulevard, to the existing path and the underpass.

## 4 Appendices

We acknowledge the number of NELP and NELSA staff involved in the development of the UDLP, review of feedback received and response to requests made in submissions.

To aid NELP and NELSA, Council has included the following appendices to this submission and request each NELP and NELSA review and respond to each comment and/or request in each appendix, with the exception of Appendix A which is included for information only.

- Appendix A: September and October 2023 community consultation and engagement findings report.
- Appendix B: Council's requests.
- Appendix C: Hansen Partnership report.
- Appendix D: Detailed comments.
- Appendix E: EPR comments.

## **Appendix A: September and October 2023 community consultation and engagement findings report.**



# Koonung Creek Reserve

Draft Concept Design Engagement

City of Boroondara

09.11.23

capire



# Giving every person a voice.

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Capire acknowledges  
and deeply respects the Wurundjeri  
people and  
the Traditional Owners  
of the Victorian land.



## Privacy

Capire Consulting Group and any person(s) acting on our behalf is committed to protecting privacy and personally identifiable information by meeting our responsibilities under the Victorian Privacy Act 1988 and the Australian Privacy Principles 2014 as well as relevant industry codes of ethics and conduct.

For the purpose of program delivery, and on behalf of our clients, we collect personal information from individuals, such as e-mail addresses, contact details, demographic data and program feedback to enable us to facilitate participation in consultation activities. We follow a strict procedure for the collection, use, disclosure, storage and destruction of personal information. Any information we collect is stored securely on our server for the duration of the program and only disclosed to our client or the program team. Written notes from consultation activities are manually transferred to our server and disposed of securely.

Comments recorded during any consultation activities are faithfully transcribed however not attributed to individuals. Diligence is taken to ensure that any comments or sensitive information does not become personally identifiable in our reporting, or at any stage of the program.

Capire operates an in-office server with security measures that include, but are not limited to, password protected access, restrictions to sensitive data and the encrypted transfer of data.

For more information about the way we collect information, how we use, store and disclose information as well as our complaints procedure, please see [www.capire.com.au](http://www.capire.com.au) or telephone (03) 9285 9000.

## Consultation

Unless otherwise stated, all feedback documented by Capire Consulting Group and any person(s) acting on our behalf is written and/or recorded during our program/consultation activities.

Capire staff and associates take great care while transcribing participant feedback but unfortunately cannot guarantee the accuracy of all notes. We are however confident that we capture the full range of ideas, concerns and views expressed during our consultation activities.

Unless otherwise noted, the views expressed in our work represent those of the participants and not necessarily those of our consultants or our clients.

## Definition

### Community

An individual or a group of people united by at least one common characteristic such as geography, shared interests, values, experiences, or tradition.

### Community engagement/ Consultation

A process in which the community has a role in Council's decision-making process.

### Stakeholder

An individual or group that has an interest in any Council decision or activity, including Traditional Custodians and Aboriginal communities, other tiers of government and government agencies, businesses, educational institutes, not-for-profits and philanthropic organisations, visitors, residents, advocacy groups, children, ratepayers and renters, emergency services, culturally and linguistically diverse people and many more.

## Acronyms

**CoB** City of Boroondara

**NELP** North East Link Project

**UDLP** Urban Design and Landscape Plan

VERSION	AUTHOR	AUTHORISED	DATE
1	Bec Yandell	Tiffany Tang	27/10/2023
2	Bec Yandell	Tiffany Tang	09/11/2023

# Contents

Executive Summary	4
1. Introduction	4
1.1. Project background	5
1.2. Previous consultation	5
1.3. Report purpose	6
1.4. Report limitations	6
2. Consultation approach	7
2.1. Objectives	7
2.2. Communications tools	7
2.3. Consultation tools	8
3. Participation	10
3.1. Participation	10
3.2. Demographic information	10
3.3. Gender impact assessment	12
4. Community responses to proposed key features	14
4.1. Movement	14
4.2. Water retention	15
4.3. Playgrounds and nature play	16
4.4. BMX Tracks	17
4.5. Dog off-leash zones	18
4.6. Park run	19
4.7. Wetlands	<del>19</del> 1920
4.8. Landscape and amenities features	<del>20</del> 2021
5. Community workshop responses to the five zones	23
Appendix – Survey questions	30

# Executive summary

The Victorian Government's North East Link Project (NELP) is developing a master plan and a concept design for the Koonung Creek Reserve (KCR) to address the impacts of the North East Link (NEL) project. Building on past consultations with the community and Council's internal stakeholders, Capire Consulting Group (Capire) was engaged by Council to seek feedback on the draft concept design.

Between 27 September and 22 October 2023 (3.5 weeks), the City of Boroondara conducted a series of consultation activities to build community understanding of the Koonung Creek Reserve Draft Concept Design and seek community feedback through a range of online and in-person activities.

Over 3,200 people were reached through the project website (available in English and Simplified Chinese), 153 completed a survey, 36 people participated in a pop-up or drop-in session, and 12 participated in a community workshop to provide detailed responses.

Features that received about 80% support:

- Council's position to advocate for mode separated path in the Reserve (81% support)
- The inclusion of a relaxation and quiet activity zone by the wetland, including a deck and new gazebo (79% support)

Features that received over 50% support:

- Provide a park run route (71% support)
- Include a relaxation and quiet activity zone by the wetland, including a deck and new gazebo (79% support)
- Include a new fenced dog park (67% support)
- Council's position to oppose the past water course feature (66% support)
- Include a new nature play area (63% support) and a new second playground at the western end of the reserve (60%)
- Include a beginner BMX track in the reserve (64% support)
- Include a bird hide at the wetlands (58% support)
- Include an intermediate BMX track in the reserve (55% support)

Features that received mixed views / no clear majority were:

- The removal of the dog beach at the wetlands (40% support; 36% oppose)
- Include two fenced dog parks (40% support; 33% oppose).

Council may consider undertaking further consultation on dog-related features. In relation to the water retention feature, one-fourth of the respondents did not understand the proposed feature. Further information and education could be provided to build community understanding.

Throughout the consultation, comments were made about the North East Link Project in general, the noise walls, and concerns about air pollution, ventilation, and disruption during construction.

This report will be used to inform Council's feedback to NELP to refine the Koonung Creek Reserve concept design and master plan and also support Council's submission on the Eastern Freeway widening UDLP .



### 1.3. Report purpose

This report summarises the key findings from the community consultation on the draft concept design of the Koonung Creek Reserve. This report will be shared with Council to inform Council's feedback to NELP to refine the Koonung Creek Reserve concept design and master plan.

### 1.4. Report limitations

Several limitations should be acknowledged when reading this report:

- Capire has reported on information submitted by participants and interpreted the information to represent the views of participants as closely as possible.
- The consultation included multiple opportunities for participants to contribute. Some people may have taken part in multiple engagement activities, for example completed the survey and participated in a workshop. Their views may have been captured more than once.
- In some instances, participants did not respond to all survey questions, this meant that some questions received fewer responses than others.
- People who participated in the engagement self-selected to take part. As such, whilst every effort has been made to gather the views of stakeholders and the community, the information in this report may not reflect a statistically representative sample across all age groups and genders.
- Demographic data was captured through the survey, but not other engagement activities.
- Participants' feedback has been summarised. Qualitative data (comments and discussions) has been summarised under key themes reflecting issues that were frequently raised.
- Quantitative survey findings have been supported by qualitative findings from other engagement activities where relevant. Some workshops provided quantitative data. Due to smaller numbers of responses in comparison to the survey, these have not been included in the graphs.
- There were more registrations received for community workshops than the actual number of participants.

## 2. Consultation approach

This section provides an overview of the objectives, methodologies, and participation in the consultation process. The consultation activities occurred over three and a half weeks, commencing on 27 September 2023 and ending on 22 October 2023.

### 2.1. Objectives

The consultation was designed to meet a set of objectives. The objectives guided the planning and design of the engagement program and allowed for effective monitoring and evaluation. The objectives are:

1. To build community understanding of how their feedback from previous consultation was used to inform the concept design.
2. To build community awareness of the impacts of the NEL on KCR; and that concerns about the impact and the NEL should be directed to NELP.
3. To seek community feedback on the draft concept design.
4. To build awareness of the separate UDLP consultation process being run by NELP.
5. To develop new relationships and strengthen existing relationships between Council and its community.

### 2.2. Communications tools

Throughout the consultation, the Council sought to reach as many people as possible to alert them to the opportunity to review the concept plan and give feedback. Various tools and channels were used to provide information about the draft concept plan and to promote the consultation opportunities.

Table 1 outlines the tools to promote the consultation.

Table ~~1111~~ Communications tools

Tools	Results / views / distribution
Printed collateral Postcards Letters Posters On-site signage	Printed collateral (postcards, posters and on-site signage) were displayed at Council libraries, local shopping strips. Corflute signage was installed in 7 locations within KCR.  Postcards were sent to 4,600 Balwyn North and Kew East households letter-boxes.
Engage Boroondara consultation page	A consultation page for the KCR concept design was established on Engage Boroondara. This page serves as a comprehensive resource, providing information about the proposed changes to KCR, a summary of community feedback from the 2022 consultation links to the NEL project page, as well as the consultation timeline and updates. The page also hosted the consultation survey and an Expression of Interest form for the community workshop.
Social media posts and advertisements	Council promoted the consultation through social media channels Facebook, LinkedIn, Twitter and Instagram. Promotional posts encouraged viewers to complete the survey online.
Email promotion	Emails were directly sent to stakeholders to promote and extend personal invitations to engage in various opportunities. A total of 34 emails were sent, including local interest groups, nearby schools and kindergartens, traders and Boroondara's cultural champions etc.
Staff weekly newsletter Councillor Information Bulletin	An article was included in Council's internal newsletter Connect. There were 98 clicks through to the KCR consultation page.
eDM to respondents from previous consultation	Emails were sent to community members who had registered their interest on Engage Boroondara. A total of 265 emails were sent.
Translation of communications collateral and online	Materials promoting the consultation were printed in Simplified Chinese to reach community members who prefer to read in their first language. The consultation page on Engage Boroondara was replicated on a stand-alone Simplified Chinese page The Simplified Chinese consultation page was reviewed and edited by native speakers.



survey into Simplified Chinese

## 2.3. Consultation tools

**Error! Reference source not found.** outlines the tools to seek feedback from the community about the concept design.

Table ~~2222~~ Engagement tools

Engagement tools	Description
Online survey Survey opened from 27 September to 22 October 2023.	<p>The online survey was the principal method for gathering community feedback. The survey was accessible via Engage Boroondara page.</p> <p>The objective of the survey was to provide a wide-reaching opportunity for community members to review the concept design and share their feedback and ideas for Koonung Creek Reserve.</p> <p>The survey asked 8 questions and 6 demographic questions.</p> <p>The full list of questions asked in the survey can be found in Appendix 1.</p>
Interactive Map	<p>To effectively show the changes proposed in KCR, an online interactive map was made available on the Engage Boroondara page.</p> <p>The interactive map enabled participants to see the 'before' and 'after' images of the KCR.</p> <p>The interactive map also allowed participants to zoom into different zones of the KCR for detailed observation.</p>
Children's colouring activity	To raise awareness and engage with the younger cohort, an A4-size colouring-in activity for primary school aged children. These colouring-in sheet were available at pop-ups and at Council libraries.
Pop-ups A two-hour pop-up at Boroondara Shopping Strip Saturday 7 October 2023.	The pop-ups aim to raise awareness within the community about the concept design and encourage people to get involved in engagement activities. Large print outs of the concept design were on display.
Drop-in session A one-hour community drop-in session Saturday 14 <sup>th</sup> October 10am-11am	<p>The drop-in session provided an opportunity for the community to ask questions about the concept design.</p> <p>Large print outs of the concept design were on display. Three council staff members were there to answer questions and support participation.</p>
Community workshop A one-hour community workshop Saturday 14 <sup>th</sup> October 11am-12pm	<p>This community workshop provided an opportunity for members of the community who submitted an Expression of Interest to participate in some activities in a workshop style format, alongside members of the general community.</p> <p>Participants spent 20 minutes to listen to Council's presentation; followed by small group discussions by activity zones. Participants spent a lot of time and effort to understand and review the draft concept design and existing conditions plans before they provided feedback.</p>



Figure 22222 Image from pop-up on Saturday 7<sup>th</sup> October

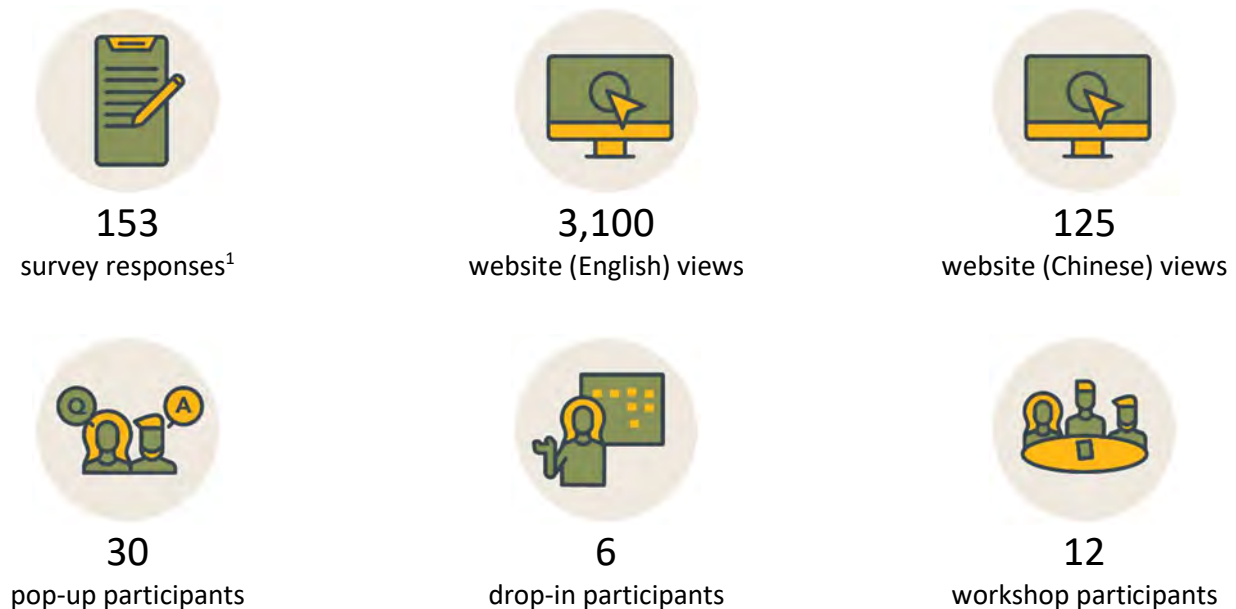


Figure 33333 Image from pop-up on Saturday 7<sup>th</sup> October

## 3. Participation

### 3.1. Participation

Over 3,000 people were reached or participated in this consultation. An overview of participation and reach of each engagement tool is summarised below.



### 3.2. Demographic information

Demographic information was collected through the survey. Survey respondents were asked to provide their age, gender, connection to Koonung Creek Reserve, suburb they live in, and how they heard about the consultation. This section provides an overview of the demographic data of all survey respondents.

#### 3.2.1. Age

As shown in Figure 4, there was a spread of age groups across the survey respondents. The most represented age groups were 35-49 (27%) and 50-59 (26%), followed by 60-69 (16%). The least represented age groups were those who were 85 or above (1%), and under 18 (2%).

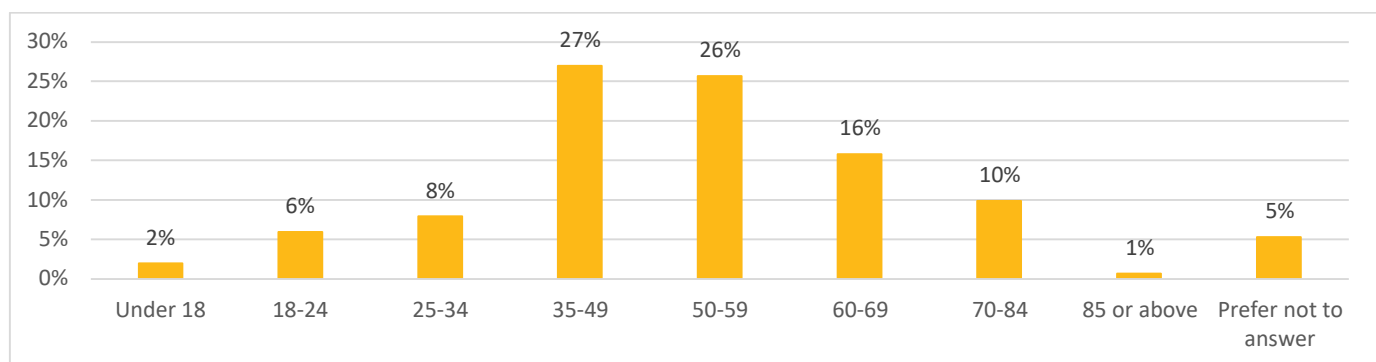


Figure 4 Age of survey respondents (n=153)

<sup>1</sup> 151 surveys were completed in English, and two were completed in Simplified Chinese. The Simplified Chinese responses have been translated and collated with the English survey responses

### 3.2.2. Gender

As shown in Figure 5, there was a balanced representation of gender in the survey. Half of the respondents identified as man (50%). A little under half of the respondents identified as woman (43%). 7% of respondents chose not to indicate their gender. No respondent used a different term to describe their gender.

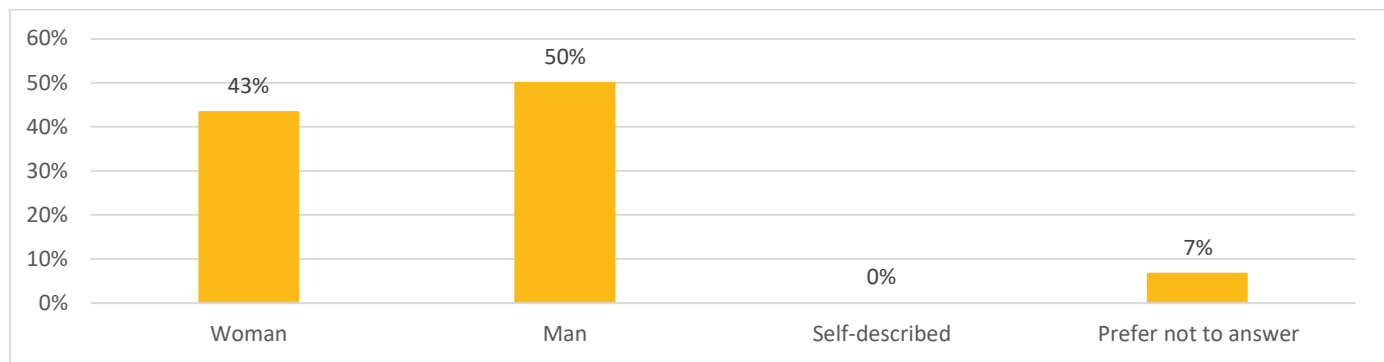


Figure 5555 Gender of survey respondents (n=153)

### 3.2.3. Connection

As shown in Figure 6, the majority of respondents indicated that they use the walking or bike paths in the Koonung Creek Reserve (79%), followed by those who live near the site (77%). Half of the survey respondents exercise in the reserve. Comparatively, there were fewer people who go to school near the reserve (6%) or are a member of a community group that uses the reserve. Community groups represented by respondents included the Thursday Cycling Group and Whitehorse Cyclers. A few respondents (3%) shared other connections they had to the Reserve, including to meet up with friends, enjoy passive recreation, and organise activities near the Reserve. Respondents were able to select multiple answers in response to this question.

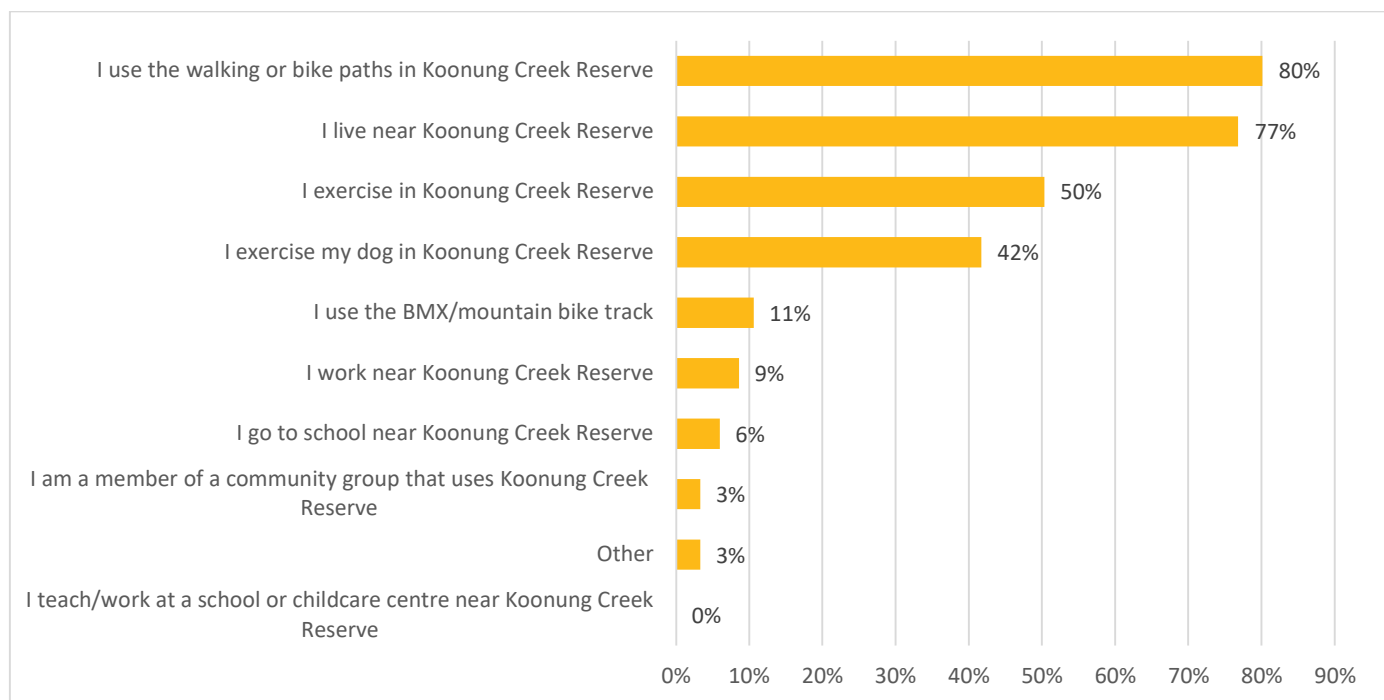


Figure 6666 Connection to Koonung Creek Reserve (n=153)

### 3.2.4. Suburb

As shown in Figure 7, more than half survey respondents live in Balwyn North (64%), this was followed by those who reside in Balwyn (4%). There was less representation of respondents who live in other suburbs in the City of Boroondara. There were 11% of respondents resided in other suburbs beyond Boroondara such as Bulleen, Templestowe Lower, Box Hill, Doncaster, Caulfield North, and South Yarra.



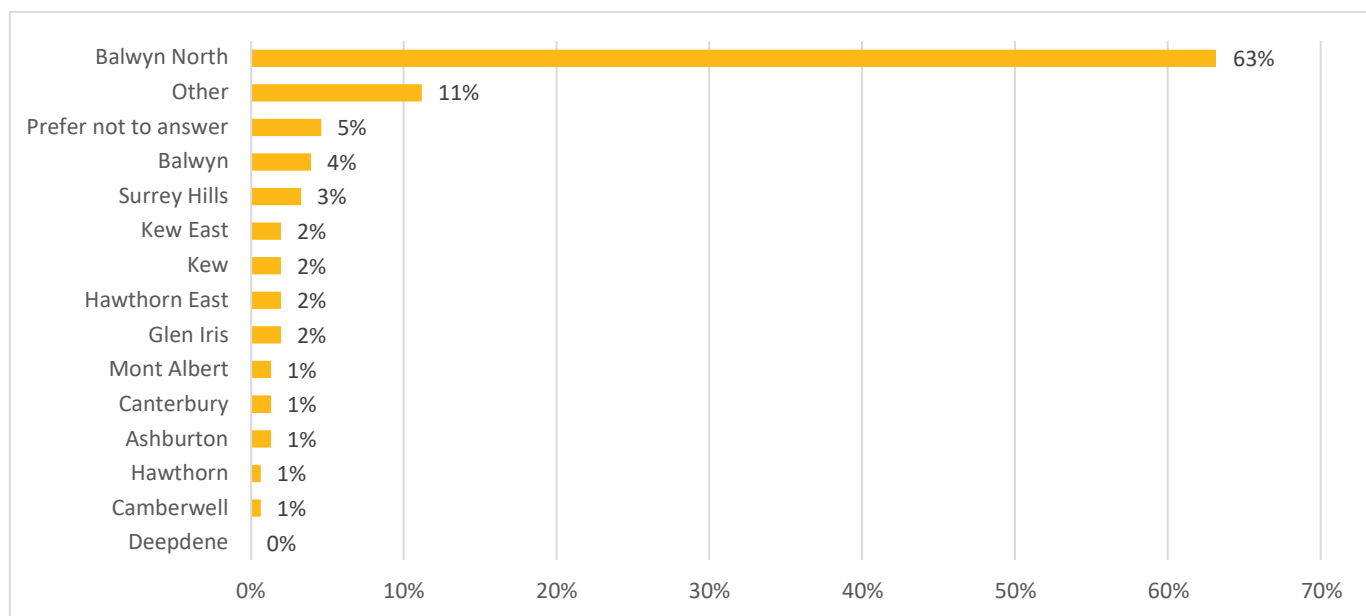


Figure 7777 Suburbs that participants live in (n=153)

### 3.2.5. How respondents heard about the consultation

As shown in Figure 8888, respondents reported how they heard about the consultation, reflecting the various channels used by Council to promote the consultation. Respondents reported hearing about the consultation through social media (27%) and the Engagement Boroondara (21%).

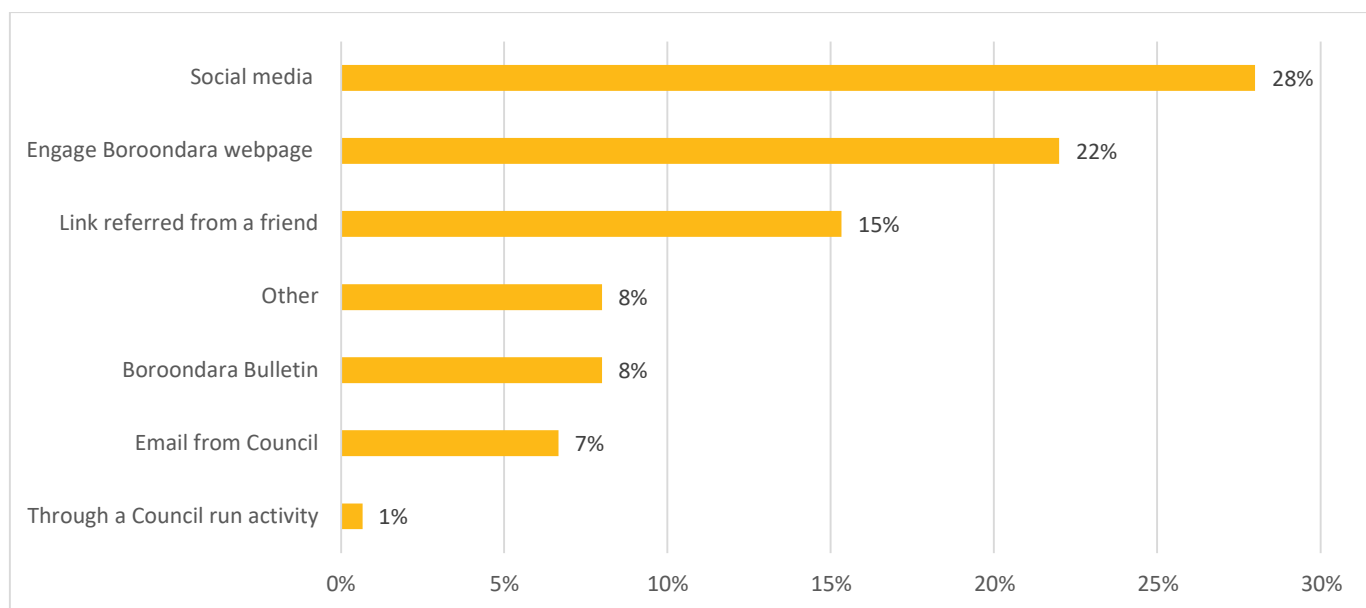


Figure 8888 'How did you hear about the project'? (n = 153)

## 3.3. Gender impact assessment

Gender can affect people's needs and experiences. This means that policies, programs and services can affect people of different genders in different ways. The Gender Equality Act 2020 requires local governments to conduct gender impact assessments so that all their new services, which directly and significantly impact the public, benefit all Victorians. Capire conducted a gender impact analysis on the survey results.

Overall, there was no significant gender difference in the sentiment across most survey questions.

Overall, both men and women provided similar reasons for improving safety, amenities and had similar concerns about the reduction of green open space.

Some slight differences can be observed in the following survey responses:

- Women were more likely than men to oppose to Council's position on **Paths Design** (17% of women compared to 10% of men).

- Women (35%) were more likely than Men (23%) to support Council's position on the **new nature play areas in the reserve**.
- Women were more opposed (23%) to Council's position on the **intermediate BMX track**, than men (15%)
- Men were more supportive or strongly supportive (80%) of Council's position on the **five km Parkrun route through the reserve** than Women (63%)
- Women were more supportive (46%) of the **removal of the dog beach at the wetland**, than men (37%)
- In the open-ended responses, men were more likely to comment on all-ability or age range play equipment or play areas. Women were more likely to comment on safety and natural features as well as water, shade, etc.
- In the open-ended responses, men were more likely to comment on features to minimise the impact of the freeway.
- In the open-ended responses, women were more likely to comment on additional comfort amenities such as water taps, seating and shading. and safety features such as lighting.

## 4. Community responses to proposed key features

This section reports on survey results and discussions at the pop-up and drop-in sessions in relation to the key features proposed in the concept design:

4.1 Mode separation

4.2 Water retention

4.3 Playgrounds and nature play

4.4 BMX tracks

4.5 Dog off-leash zones

4.6 Park run

4.7 Wetlands

4.8 Landscape and amenities

### 4.1. Mode separation

The survey asked people if they supported Council's position: **'Council does not support the inclusion of a shared user path. Council is advocating for a mode separated path to be included, even with the reduction of open space.'** The image (Figure 9) below was used to illustrate what a mode separated path looks like.



Figure 99999 An image included in the survey to show what mode separated path look like.

Most of the respondents were supportive of Council's position to advocate for a mode separated path in the Reserve, with more than 81% respondents indicating strongly support (59%) or support (23%). Around 14% were not supportive of Council's position, indicating they strongly oppose (8%) or oppose (6%), while 5% of respondents were neutral. Figure 10 shows the survey results.

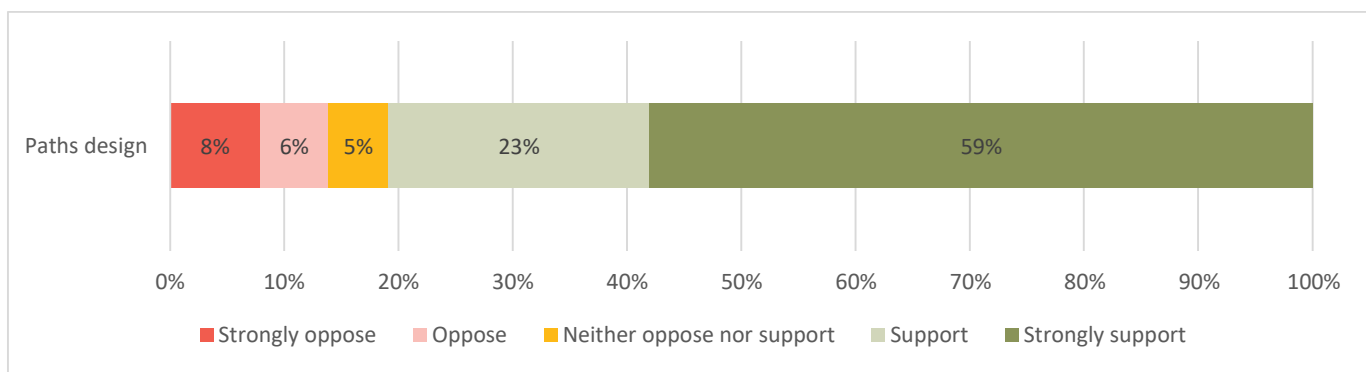


Figure 1010101010 Do you support Council's position on mode separation? (n=152)

A total of 141 respondents provided reasons to their answers.

Reasons shared by respondents are summarised below:

REASONS FOR SUPPORT (114 RESPONSES)	REASONS FOR OPPOSITION (20 RESPONSES)	NEITHER SUPPORT NOR OPPOSE (7 RESPONSES)
<ul style="list-style-type: none"> <li>The most frequently mentioned reason was that mode separated paths would create a safer experience for all users, especially young children, elderly, and dog walkers.</li> <li>The existing mode separated paths in other areas work well.</li> <li>There is already a high volume of users on existing paths in the Reserve especially during peak hours and weekends.</li> <li>Mode separated paths would avoid risks of user conflict between cyclists and pedestrians.</li> </ul>	<ul style="list-style-type: none"> <li>The most frequently mentioned reason was that mode separated paths would take up more space and use for concrete paving.</li> <li>One respondent was concerned that if they walk their dog with their children on the bike, their children will need to cycle 30 meters away unsupervised.</li> <li>Some respondents highlighted that this may reduce activity space or greening opportunities.</li> </ul>	<ul style="list-style-type: none"> <li>They can see both sides of the argument (taking up spaces vs safety).</li> <li>They felt that current path in the Reserve works well and may not need to change.</li> </ul>

Feedback received from in-person sessions:

Participants at the in-person activities were supportive of council's position on mode separation. Many who attended the first pop up were part of a regular dog walking group who described experiences of conflict with cyclists on current shared paths.

Several cyclists attended the drop-in session shared that the current shared paths did not provide adequate room for them to avoid pedestrians and dogs. This was particularly raised by cyclists who used the path for commuting to and from work. It was noted that they then to go at higher speeds than the average recreational rider.

## 4.2. Water retention

Prior to asking questions about the water retention feature, an explanation of the 'past water course feature' was given. The survey then asked people if they supported Council's position: **'Council does not support the occupation of the Koonung Creek Reserve for the purposes of retaining and treating water runoff from the Eastern Freeway and other roads. These features will occupy valuable open space and water could flow through an existing underground pipe with treatment and retention occurring further downstream.'**

Survey respondents were supportive of Council's view to not occupy the reserve for the purposes of retaining and treating water runoff from the Eastern Freeway and other roads. Two-thirds of respondents (66%) indicated strong support (44%) or support (22%) for Council's position. A total of 16% of respondents either strongly opposed (9%) or opposed (7%) Council's position. 19% of respondents neither oppose nor support. Figure 11 shows the survey results.



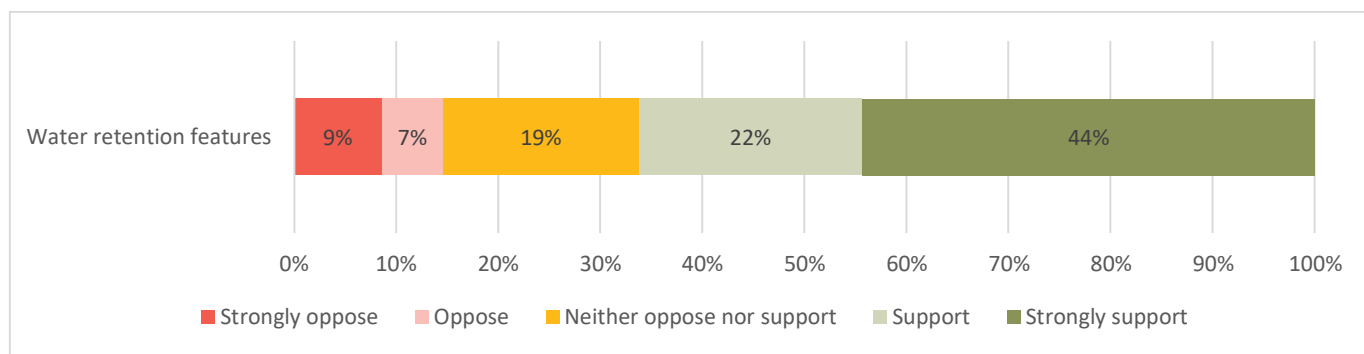


Figure 1111111111 'Do you support Council's position on water retention in Koonung Creek Reserve?' (n = 153)

A total of 126 respondents provided reasons to their answers.

It was noted that a handful of respondents may have misunderstood the question, as their response to 'oppose' was indeed to 'oppose the past water course feature'.

Reasons shared by respondents are summarised below:

REASONS FOR SUPPORT (82 RESPONSES)	REASONS FOR OPPOSITION (20 RESPONSES)	NEITHER SUPPORT NOR OPPOSE (25 RESPONSES)
<ul style="list-style-type: none"> <li>Water retention features would take up valuable space of the Reserve, reducing opportunities to install other amenities and increase greening.</li> <li>Water runoff from the Eastern Freeway may be polluted and impact ecology of the park.</li> <li>Standing water may become breeding ground for mosquitos.</li> <li>Water runoff should be captured in existing stormwater management system.</li> <li>Water runoff may cause inundation of surrounding areas during high volume of rain</li> </ul>	<ul style="list-style-type: none"> <li>Water retention features may provide potential new habitat for animals in the Reserve with appropriate design.</li> <li>Water retention features would help reduce speed of water runoff.</li> <li>Water retention features would be a new feature for the Reserve with natural landscaping.</li> </ul>	<ul style="list-style-type: none"> <li>Most of them felt they do not have enough information / knowledge to provide an answer.</li> </ul>

Feedback received from in-person sessions:

The majority of participants at the pop-up and drop-in sessions agreed with Council's position and did not want to have the proposed water retention present in Koonung Creek Reserve. More than five of the dog walkers shared concerns about the safety and potential pollution in the water run-off and the danger that may pose to their dogs or children. Others discussed the reduction of open space as a key reason for not supporting the water retention. Three participants at the pop-up lived in an area adjacent to the water retention ponds on the western end of the reserve and shared concerns that heavy rain may cause a flooding event that could affect their properties.

### 4.3. Playgrounds and nature play

A total of 60% of survey respondents were supportive of the addition of another playground at the western end of the reserve. There was also support for BBQ, picnic facilities and toilets adjacent to the playground areas. While 63% of survey respondent were supportive of the inclusion of nature play areas in the reserve. Figure 12 shows the survey results.

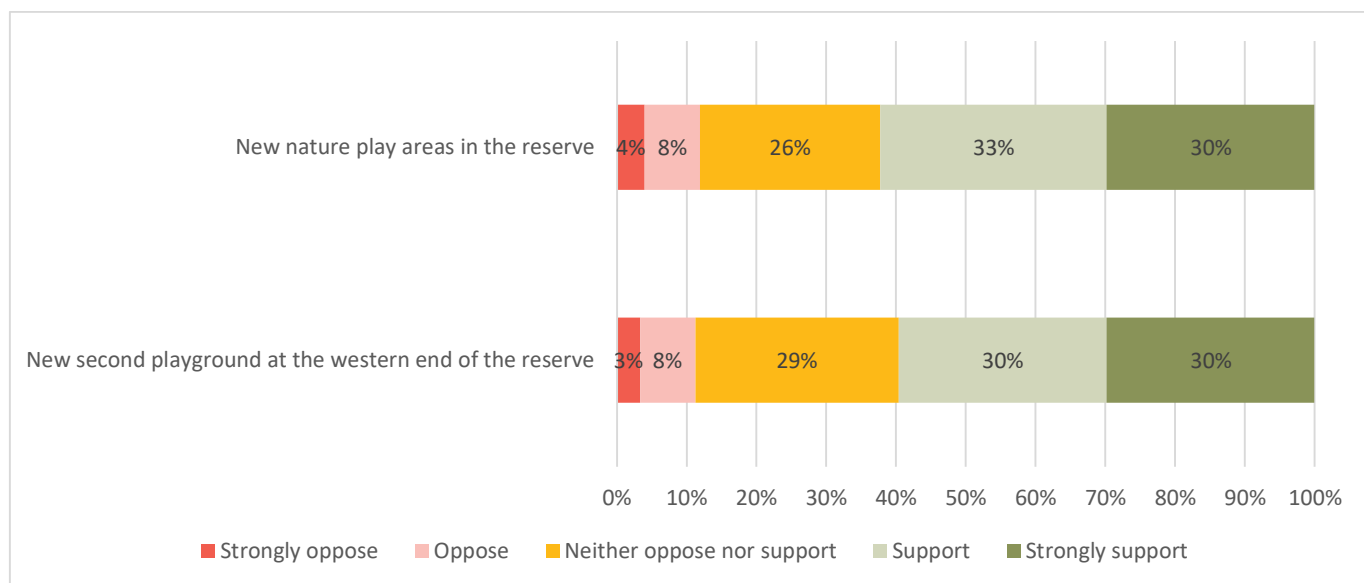


Figure 1212121212 Support for new nature play and second playground (n=153)

Other features that participants desired to see in the playground or nature play areas include:

- slides
- swings (including an all-ability swing for people in wheelchairs)
- monkey bars
- climbing spider frames
- sufficient shelter and shade

*"A wide range of play equipment for all age groups. Good climbing equipment for a wide range of ages, slides and swings are important. As noted elsewhere, toilets are essential. Also a BBQ area to replace the existing area." – Survey respondent*

*"Playground equipment targeted to children of different ages - toddler, preschool, primary school, challenging for pre-teens and young teens." – Survey respondent*

Feedback received from in-person sessions:

Participants at the pop-up session did not share many views about the inclusion of playgrounds or nature play in the reserve. The audience at this event were older and potentially would not be as impacted by this change as some other proposed changes. Less than five participants mentioned that they hoped to see more children and families using the park to encourage them to be active.

#### 4.4. BMX Tracks

Majority of the survey respondents supported the inclusion of both a beginner (64%) and intermediate (55%) BMX track in the Koonung Creek Reserve. Those who are supportive of the inclusion of the BMX track would like to encourage children and teenagers to be more active, and believe the track needs to be well designed for it to attract users.

A small number of respondents who did not support the BMX track design were concerned that the BMX track may negatively impact the natural environment and biodiversity of the reserve. Figure 13 shows the survey results.

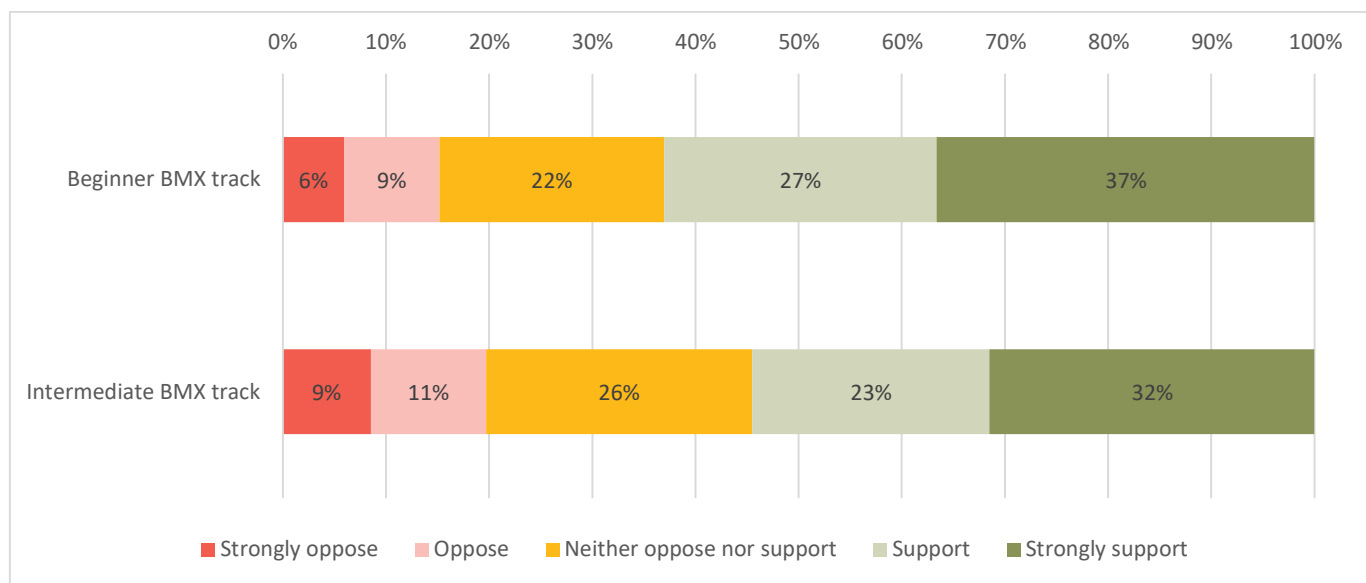


Figure 1313131313 Support for inclusion of a beginner and intermediate BMX track (n=153)

*"Kids will build jumps as they have done in the area unless a properly maintained or sculpted facility is provided. Look at Hill n Dale in Glen Iris for a reference point to a previous Boroondara Council success story. This stops kids digging up the park in other areas, it would be great addition." – Survey respondent*

*"BMX track if done needs to be done well with good consultation taking on board and implementing feedback from users. If design is poor it will not be used and become an eyesore. If done well it would be a terrific addition to a great parkland." – Survey respondent*

*"The BMX tracks if well designed would hopefully mean that BMX riders would stop creating their own jumps in the treed area... and provide teenagers and others somewhere to be active." – Survey respondent*

There was no specific feedback made about the BMX tracks at the in-person sessions.

## 4.5. Dog off-leash zones

Less than half (40%), supported the inclusion of two fenced dog parks (one for small and one for large dogs). This is consistent with discussion at the pop-up. In contrast, 33% do not support the inclusion of two dog parks. A relatively high proportion of people (29%) neither oppose nor support. The survey did not ask participants to provide further comments.

More than half of survey respondents support the inclusion of a new fenced dog park (67%).

40% of respondents indicated they supported or strongly supported the removal of the dog beach at the wetlands, while 36% strongly oppose or oppose the removal. Figure 14 shows the survey results.

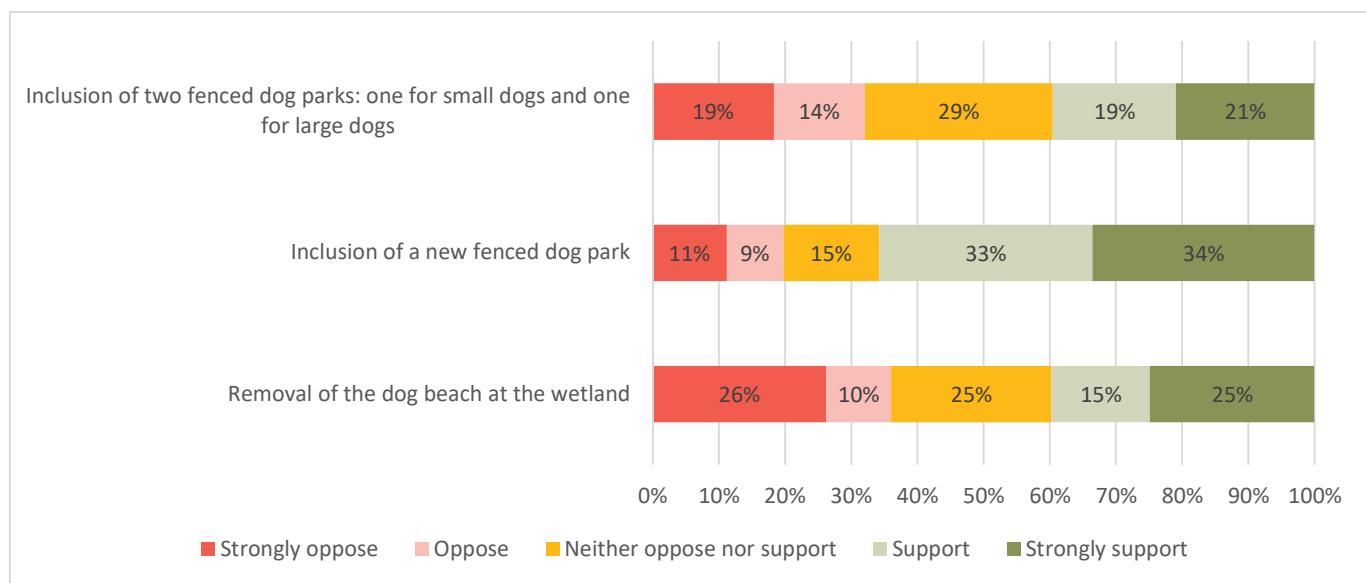


Figure 1414141414 Questions relating to dog off-leash zones at Koonung Creek Reserve (n=153)

Feedback received from in-person sessions:

The feedback from the survey and the in-person events indicated this is a divisive issue for those who are regular users of Koonung Creek Reserve. Further clarity is needed on whether the removal of the dog beach at the wetland will also mean the removal of the dog off-leash zones in the rest of Koonung Creek Reserve. Capire suggests that further consultation is needed on this issue.

## 4.6. Park run

A total of 71% of survey respondents were supportive of the inclusion of a parkrun track in Koonung Creek Reserve, with 22% neither supporting nor opposing the inclusion. Figure 15 shows the survey results.

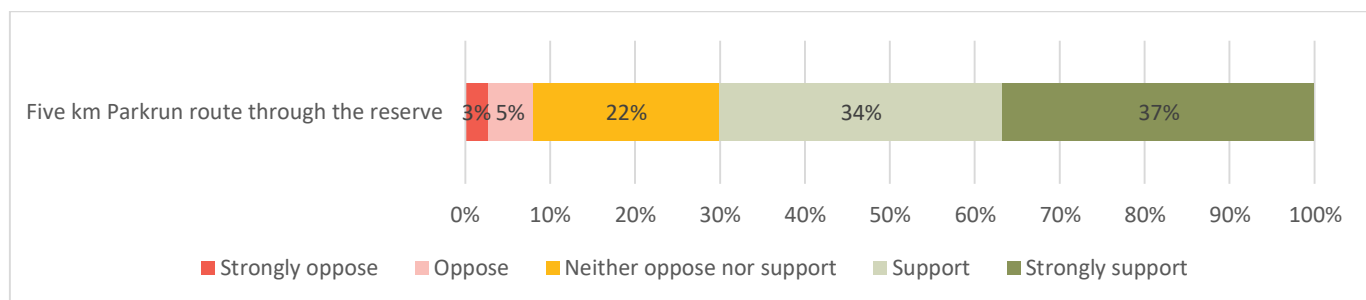


Figure 1515151515 Support for 5km Parkrun route through the reserve (n=153)

Feedback relating to the Parkrun route includes:

*"This area is popular for runners, this route could be popular between Studley Park and Westerfolds Park if sufficient volunteers and participants." – Survey respondent*

*"To support a 5 km track for Parkrun, the design requires a shelter, access to water, toilets and a loop or out and back track ending back at the shelter." – Survey respondent*

*"I oppose a Parkrun route. The park should be primarily for passive recreation, not organised sports/businesses using public space to make a profit." – Survey respondent*

Feedback received from in-person sessions:

At the pop-up and drop-in session, participants were generally supportive of the park run idea. One participant mentioned that the mode-separation on the paths would assist in making this safer if it was to go ahead.

## 4.7. Wetlands

### BIRD HIDE

More than half (58%) of the respondents were supportive of the inclusion of the bird hide at the wetlands. 28% neither opposed nor supported it, and 15% opposed or strongly opposed. Figure 16 shows the survey results.

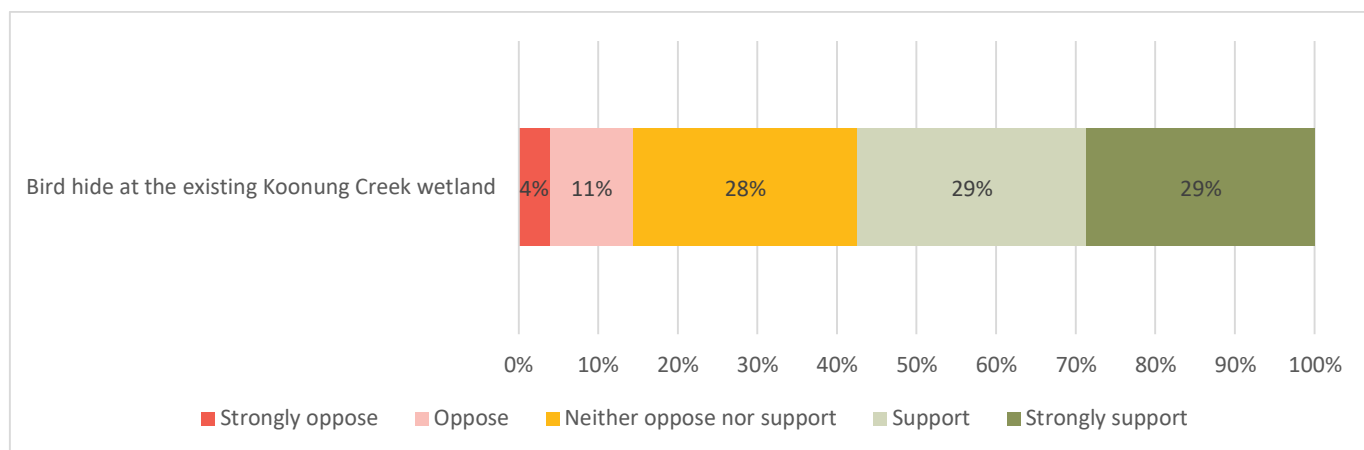


Figure 16 Support for a bird hide at the existing Koonung Creek wetland (n=153)

Considerations shared at the in-person events and in free-text survey comments include:

- a few participants were concerned a bird hide could attract anti-social behaviour, as it will be in a secluded part of the park.
- a few participants felt that the bird hide will be unnecessary as it will take years for the birds to return to the area after widening of the Eastern Freeway and it does not seem to be good use of public funding.
- there were participants that supported the bird hide, as long as it did not require the removal of the dog beach at the wetlands.

*"Like the idea of giving bird lovers the option to observe birds without disturbing them." – survey respondent*

*"Low-key facilities such as bird hides are useful and provide opportunities for the community to observe birds and other wildlife." – survey respondent*

*"Bird hide doesn't seem like a good use of funding - not enough people will use it." – survey respondent*

*"A bird hide is unnecessary when there are and will be seats around the wetlands." – survey respondent.*

#### RELAXATION AND QUIET ZONE

The majority of survey respondents (79%) are supportive of the inclusion of a relaxation and quiet activity zone by the wetland, including a deck and new gazebo. Figure 17 shows the survey results.

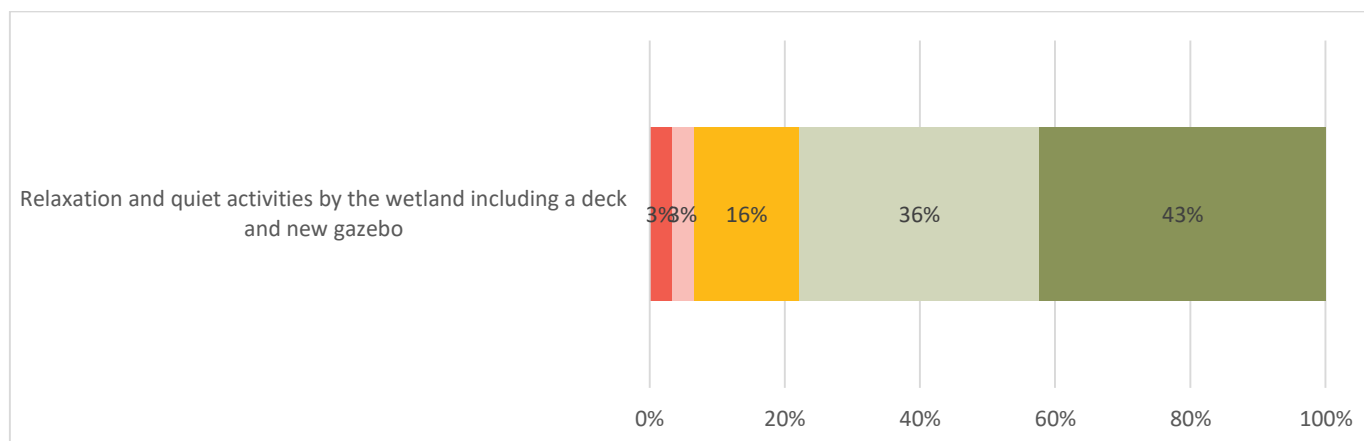


Figure 17 Support for relaxation and quiet activities by the wetland (n=153)

## 4.8. Landscape and amenities

The survey did not ask directly about the landscape features nor amenities at the Koonung Creek Reserve, however many respondents shared views about trees, biodiversity corridors, seating, toilets, lighting, water/drinking fountains, exercise equipment in their free-text comments. Their views, and the views of participants at the pop-up and drop-in discussions have been included below.

## Unstructured nature

A few participants at the pop-up and drop-in session shared their desire for the Koonung Creek Reserve to remain 'untouched' and not become too 'manicured' or 'artificial'. Many participants shared that the relatively 'wild' or unstructured nature of the reserve is what makes the reserve special, and that they did not desire for this to change. This was a common sentiment from those who attended in-person events and in the open-ended survey responses.

*"What is missing is natural bushland that strengthens reconciliation with Aboriginal and Torres Strait First Nation peoples." – Survey respondent*

## Removal of mature trees

Some expressed concerns about the removal of the mature trees during the construction period, and that replacing these with saplings would mean that the Reserve would take years to return to its current state.

*"Mature trees will be removed for the freeway extension. It is only fair to have mature trees planted at the beginning. Otherwise, it will take decades for the young trees to grow back. The mature trees will act as natural noise dampeners too." – Survey respondent*

## Noise walls impacting vegetation growth

Another concern shared by pop-up participants was the height of the noise walls through the reserve, and the impact this may have on the vegetation growing underneath due to a shadowing effect. The type of planting that will occur along the noise walls will need to take this into account, considering both the impact of shading as well as the impact of a rain shadow which may mean those plants receive less water.

## Biodiversity corridor

Participants felt that the role of the reserve as a biodiversity corridor was important. A few residents raised concerns about the displacement of wildlife during construction.

*"We already have ducks coming to our swimming pool. We wonder what would happen to the wildlife during construction; they have nowhere to go." – Drop-in session participant*

## Lighting

Many participants shared that they would like better lighting throughout, particularly along the main Koonung Creek Trail.

## E-bike charging stations

Some participants shared that they would like a solar-powered charging station that could be used for e-bikes.

## Bins

Participants suggested the inclusion of more bins along the pathway and at key intersections to allow people to drop off dog litter bags given the Reserve's popularity as a dog walking area.

## Exercise equipment

There was clear support for exercise equipment to be retained in the park and that this equipment is currently used by many.

*"I'd like more adult exercise equipment...I use these, as do many of us, every day and it's my main fitness routine, as it is for many." – Survey respondent*

## Flexi-space

One person suggested to remove the fixed seating from the current shelter/gazebo design to increase the flexibility of this space. For example, this could suit the use of a Tai Chi group that regularly uses the park, and may need a sheltered open space. It was noted by some participants that the Tai Chi Group uses the gazebo at the wetland every morning between 9am and 10am.

## Seats

A few participants desired for more seats and benches in the reserve.

*"I would also like to see a lot more benches and benches/tables for picnics and some seats in shaded areas. Not everyone who uses the trail is fit and can walk for long periods without a rest." – Survey respondent*

*“Ensure there are lots of benches, including some in shaded spots. There are too few benches now and some are unshaded. Also, water stations would be ideal for people to fill drink bottles, rehydrate and water their pets. It would be beneficial to have lighting along the path to increase usability in the evening - particularly when the days are shorter.” – Survey respondent*

Further feedback on these features in each zone are included in Section 5 of this report.

## 5. Community workshop responses to the five zones

A total of 12 people participated in a one-hour community workshop. During the workshop, participants were guided to review the existing conditions plans and the draft concept design. They were then divided into smaller groups to share their feedback on the draft concept design by zones. This section summarises their feedback by zone.

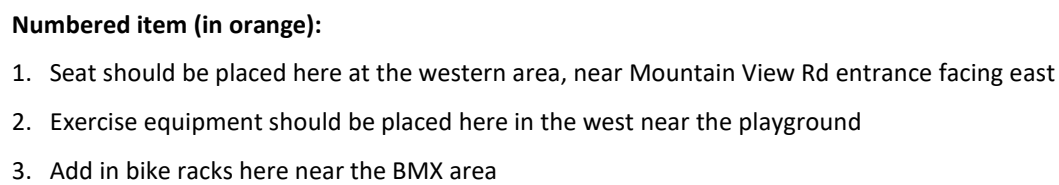
### 5.1.1. Overall comments

Participants made general comments on the overall concept design. These comments were not related to a particular zone:

- Participants were generally concerned that 20% of the park will be taken by NELP.
- General agreement that mode separation makes it safer for cyclists and pedestrians. However participants noted that pedestrians will not walk closer to the road, have them be on the inside of the reserve.
- General acceptance of the inclusion of the BMX track but noting that it would compromise open space. There were suggestions to fence in the BMX track area.
- There were suggestions to fenced off the playgrounds to ensure safety of children.
- There was preference for an extra path along the top northern edge to replace the water retention feature.
- Participants noted that there is a reduction in utility in this design with no access behind the wetland. They suggested there should still be a path access behind this area (with a gravel path).
- Participants noted that the Tai Chi group use the gazebo every morning and suggested that it should be a sheltered space for Tai Chi users.
- Desire for the dog beach, exercise equipment and the Bee Hotel to be retained.
- Suggestion to include interpretive signage in the reserve.
- Regarding dog activities, there were suggestions to separate path for dog walkers in the northern part of the reserve; and a general comment that separating small and big dogs may not be worthwhile.



### 5.1.2. Zone 1 and 2



**Figure 1818181818** Image of Zone 1 of Koonung Creek Reserve Draft Concept Design with annotation



- Concerns about inundation area and if modelling has been done including the increased impermeability of the freeway and impacts of climate change.
- Desire for the exercise equipment to be retained.
- Seating should be close to the playground.
- Secondary path is good as it will provide an alternative for dog walkers than the main path.
- Supportive of the fenced off-leash dog park but concerned that this would change the off-leash status of the rest of the park.
- A participants suggested that a big and small dog parks would not work, but having some small fenced areas that dogs can use if they are overwhelmed ('dog escape rooms') would be good.
- Supportive of public toilet at Balwyn Rd.
- Some participants felt they do not need as many nature play areas plotted along the reserve; and emphasised that they should not be placed the dog park.



### 5.1.3. Zone 3



Figure ~~20202020~~ Zone 3 of the Koonung Creek Reserve Concept Design

The below represents the feedback received on Zone 3:

- There were mixed views from the group regarding the number of play areas and playgrounds in the Reserve. Some participants were concerned that if the Reserve is allowing dog off-leash, the high number of play areas may increase interaction between off-leash dog users and children. However, other participants flagged that they liked the smaller more spaced playgrounds.
- Around five participants suggested that the playgrounds should be fenced to increase separation from dogs.
- It was suggested that if the noise wall is not effective, then people won't use this part of the park because it gets too close to the freeway at the end bit.
- Participants felt that the bird watch hide is a good idea but it could become an area for anti-social behaviour.
- Picnic and BBQ facilities in this zone are well suited to be in proximity to playgrounds.
- Participants desired to keep the dog beach as this is very popular.
- There should be at least one picnic and BBQ area not near playground, but in a more open area for people who don't have children.
- Some participants were keen to retain a path right around the wetland.

#### 5.1.4. Zone 4 and 5

There were annotated comments on Zone 4 and Zone 5. Where comments are specific to a location, they are numbered on the map, with a 'key' to detail their comments.



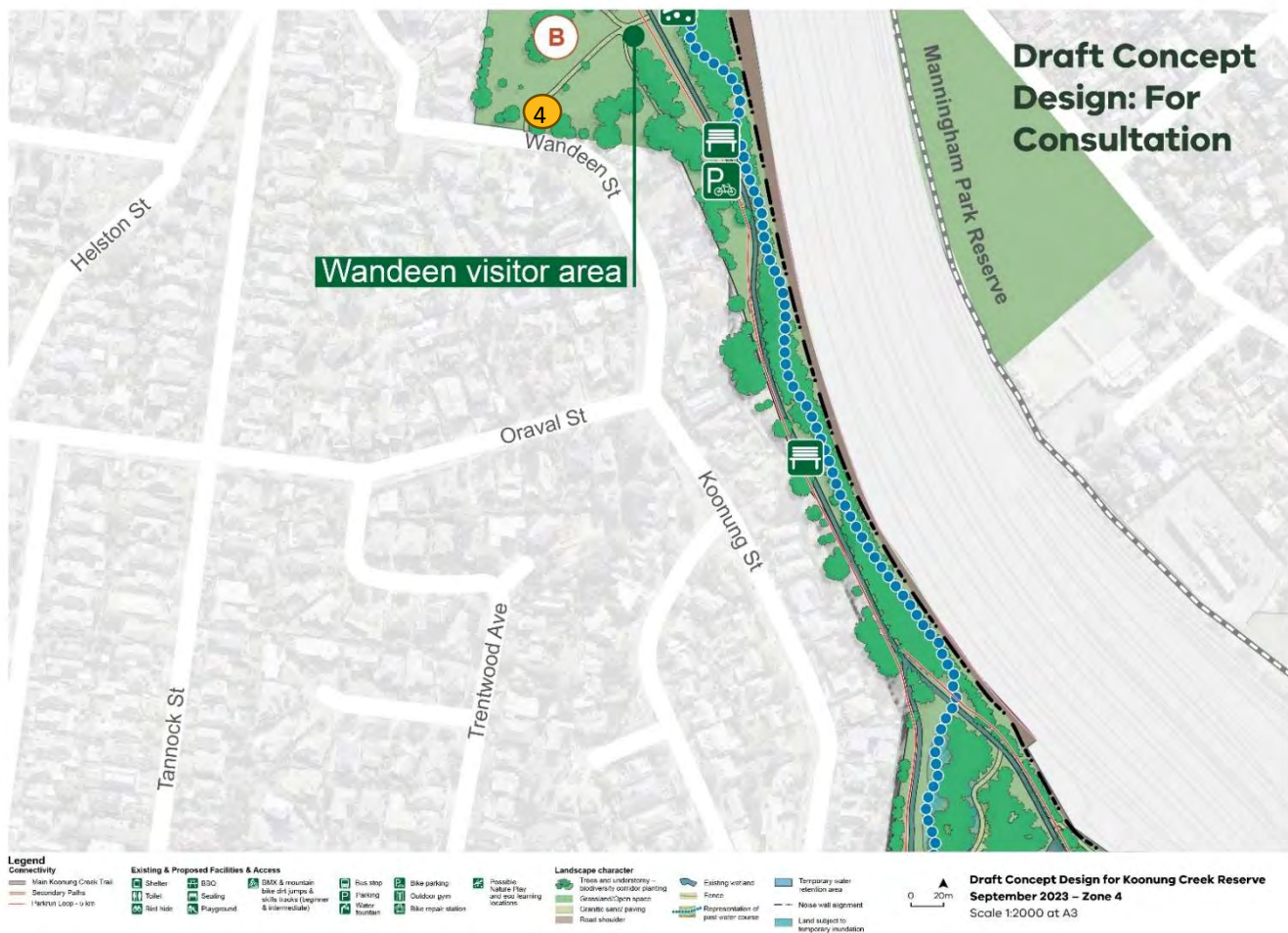


Figure 2121212121 Zone 4 of the Koonung Creek Reserve Draft Concept Design



#### Numbered item (orange circle):

4. Consideration for bike repair station and drinking fountain at this point due to being intersections with commuter cycling trails
5. Add seating and rubbish bins at these locations

Figure 2222222222 Zone 5 of Koonung Creek Reserve Draft Concept Design with annotation

#### General comments for consideration:

- Increase the size of the concrete pads for furniture including space for a pram or bike to sit next to the bench.
- There is a lack of drinking fountains in the plans for this zone – people are coming into the park, or leaving it here so there needs to be water. Participants suggested this be located at node intersections.
- Signage and wayfinding for facilities needs to be included in the design.
- Consider secondary gravel paths for dog walkers instead of the water retention creek bed.
- Encourage pollinators with wildflowers. Support the opportunity to revegetate Zone 5, towards the Doncaster Rd end, as it is a throughfare and would not require much open space.
- Suggestion to relocate the bin to entrances (eg Wandeen Street entrance)
- Preference for open space over dry creek bed/water retention.

## 5.2. Feedback relating to NELP overall / out of scope feedback

During the consultation the community offered feedback not within the scope of Koonung Creek Reserve concept design or related to the NELP in general. This section summarises these comments.

### Noise walls

Community members at the in-person events raised concerns about the height of the noise walls and the construction materials. A concern is that without adequate lighting, the noise walls may make the park feel unsafe or unfriendly, particularly at night. Some were also concerned the noise walls would create a light and rain shadow, affecting vegetation planted closer to it. A handful of survey participants strongly emphasised the need for the noise wall to extend along the freeway, with particular mention that that the noise wall design according to VicRoads' standard is inadequate for residents and park users.

### Cycling connections

The bicycle freeway being built between Hoddle St and the Chandler Highway means that there will be more commuters using this route to travel in/out of the city. Several participants shared a desire for better future proofing of the bike trail and connections to ensure that it can meet the demand, including the bike path meeting a width of 4m wide to ensure there is room for faster riders to overtake novice riders.

### Future pollution and ventilation shaft

Concerns were shared in the survey comments and in-person at events about the level of pollution that will result from the widening of the Eastern Freeway. Several community members also shared concern about the design of the 'ventilation stack' that will be built as part of the widening.

*"My concern is encouraging exercise in the parkland when NELP Air Pollution from PM2.5 and NO2 are predicted in the NELP EES to breach the "project" PM2.5 safe limits. This is a serious health concern, particularly near schools like Marcellin, Carey, Trinity & Belle Vue PS." – Survey respondent*

## 6. Conclusion

During this consultation period, over 3,200 people were reached through the project website (available in English and Simplified Chinese), 153 completed a survey, 36 people participated in a pop-up or drop-in session, and 12 participated in a community workshop to provide detailed responses.

Features that received over 80% support:

- Council's position to advocate for a mode separated path in the Reserve (81% support)
- The inclusion of a relaxation and quiet activity zone by the wetland, including a deck and new gazebo (79% support)

Features that received over 50% support:

- Provide a park run route (71% support)
- Include a relaxation and quiet activity zone by the wetland, including a deck and new gazebo (79% support)
- Include a new fenced dog park (67% support)
- Council's position to oppose the past water course feature (66% support)
- Include a new nature play area (63% support) and a new second playground at the western end of the reserve (60%)
- Include a beginner BMX track in the reserve (64% support)
- Include a bird hide at the wetlands (58% support)
- Include an intermediate BMX track in the reserve (55% support)

Features that received mixed views / no clear majority were:

- The removal of the dog beach at the wetlands (40% support; 36% oppose)
- Include two fenced dog parks (40% support; 33% oppose).

Council may consider undertaking further consultation on dog-related features. In relation to the water retention feature, one-fourth of the respondents did not understand the proposed feature. Further information and education could be provided to build community understanding.

Throughout the consultation, comments were made about the North East Link Project in general, the noise walls, and concerns about air pollution, ventilation, and disruption during construction.

# Appendix – Survey questions

## Section 1: Open space and connecting pathways

### Paths design

The current design from NELP features the Koonung Creek Trail as a shared user path. This is the same set-up as existing and means that walkers, dog walkers and cyclists will share the path. This is not currently aligned with Boroondara's Bicycle Strategy, which advocates for mode separated paths where possible to improve the walking and cycling experience, as well as safety for all pedestrians, dog walkers and cyclists.

Over 80% of those who answered our previous survey in May 2022 told us they prefer mode separated walking and cycling paths instead of shared paths. Including mode separated paths will mean a reduction in the amount of open space available.

1. **Rate your level of support for Council's position:** *'Council does not support the inclusion of a shared user path. Council is advocating for a mode separated path to be included, even with the reduction of open space.'*

*Likert scale from 1-5: strongly oppose, oppose, neither support nor oppose, support, strongly support*

2. **Tell us why you chose that answer.**

## Section 2: Water retention features

Koonung Creek Reserve features an existing wetland which is highly valued by the community. You can see this wetland in the existing conditions plan and the concept design.

NELP's concept design proposes additional and permanent water retention ponds and a 'representation of the past water course' to treat water from the surrounding road catchment and the Eastern Freeway. The 'representation of past water course' is a wide rock-lined 1.5m drain through most of the reserve with minimal planting and likely with stagnant water. The water features will occupy useable public open space as well as areas that could be planted with trees adjacent to the freeway and noise walls.

3. **Rate your level of support for Council's position:**

*'Council does not support the occupation of the Koonung Creek Reserve for the purposes of retaining and treating water runoff from the Eastern Freeway and other roads. These features will occupy valuable open space and water could flow through an existing underground pipe with treatment and retention occurring further downstream.'*

*Likert scale from 1-5: strongly oppose, oppose, neither support nor oppose, support, strongly support*

4. **Tell us why you chose that answer (open-ended)**

## Section 3: Features and community facilities by zone

The following features have been proposed to be included in the concept design. Please indicate your level of support for each one. Please note seating, picnic tables, water fountains, bicycle repair stations and exercise equipment will also be featured in the reserve.

	Strongly oppose	Somewhat oppose	Neither support nor oppose	Somewhat support	Strongly support
A new second playground at the western end of the reserve					
New nature play areas in the reserve					
A new public toilet at the western end of the reserve					
A beginner BMX track					
An intermediate BMX track					
An area for relaxation and quiet activities by the wetland					

including a deck and new gazebo					
A 5-km park run route through the reserve					
A bird hide at the existing Koonung Creek wetland.					

5. **Do you want to provide any further information as to why you chose your answers above? (open-ended)**
6. **What equipment or features would you like to see in the new playground and nature play area? (open-ended)**
7. **Have we missed any features or amenities you'd like to see in the Reserve? (open-ended)**

### Section 3: Dog activity areas

8. The concept design proposes that the dog beach at the wetland is removed to provide improved habitat for native birds and create a quiet area for birdwatching and relaxation. A new fenced dog park will be added for puppies and dogs not yet under effective voice control so they can play off leash.

**Please indicate your level of support for the following** (strongly oppose to strongly support)

- a. Removal of dog beach at the wetland
- b. Inclusion of a new fenced dog park
- c. Inclusion of two fenced dog parks – one for small dogs and one for large dogs
- 

### Part 2: About you

#### 1. What is your age?

- ☐ Under 18
- ☐ 18-24
- ☐ 25-34
- ☐ 35-49
- ☐ 50-59
- ☐ 60-69
- ☐ 70-84
- ☐ 85 or above
- ☐ Prefer not to answer

#### 2. What is your gender?

- ☐ Woman
- ☐ Man
- ☐ Self-described, please specify:
- ☐ Prefer not to answer

#### 3. Please select the option(s) which best describes you. You may select more than one.

- ☐ I live near Koonung Creek Reserve
- ☐ I work near Koonung Creek Reserve
- ☐ I go to school near Koonung Creek Reserve
- ☐ I use the walking or bike paths in Koonung Creek Reserve
- ☐ I exercise in Koonung Creek Reserve
- ☐ I use the BMX/mountain bike track
- ☐ I exercise my dog in Koonung Creek Reserve
- ☐ I teach/work at a school or childcare centre near Koonung Creek Reserve
- ☐ I am a member of a community group that uses Koonung Creek Reserve (please share the group's name: \_\_\_\_)
- ☐ Other: Please tell us how you use Koonung Creek Reserve

#### 4. What suburb do you live in?

- ☐ Ashburton
- ☐ Balwyn



- Balwyn North
- Camberwell
- Canterbury
- Deepdene
- Glen Iris
- Hawthorn
- Hawthorn East
- Kew
- Kew East
- Mont Albert
- Surrey Hills
- Other:
- Prefer not to answer

**5. How did you hear about the consultation?**

- a. Engage Boroondara webpage
- b. Boroondara Bulletin
- c. Email from Council
- d. Link referred from a friend
- e. Social media
- f. Through a Council run activity
- g. Other

**6. Would you like to be contacted with the results of the survey, next steps and any further information on the Koonung Creek Reserve? If yes, please provide your email address (open-ended)**

Capire Consulting Group  
The Commons,  
Wurundjeri Country  
36-38 Gipps Street,  
Collingwood VIC 3066  
(03) 9285 9000

[info@capire.com.au](mailto:info@capire.com.au)  
[capire.com.au](http://capire.com.au)

Capire acknowledges  
and deeply respects the Wurundjeri  
people and  
the Traditional Owners  
of the Victorian land.



## **Appendix B: Council's requests.**

Appendix B - Council requests	
Request	NELSA/BTA response
Listen to the Boroondara community, the community directly impacted by its project, and amend the road and KCR design to reflect their feedback.	
Detail and describe the land impacts to the KCR in the UDLP.	
Review the design with the aim of reducing the land take within the KCR. The O'Brien Traffic/Andrew O'Brien design presented at the 2019 IAC for the Council Alliance is considered a suitable alternative.	
The removal of your stormwater management infrastructure from our land.	
Design and deliver mode separated walking paths and cycling trails across the whole project area, including the area this UDLP covers and in sections currently marked as outside the project boundary to avoid any stitching of paths of mixed width, age, quality, materiality and colour.	
The reinstatement of a 2.1m wide minimum path on the west side of the Bulleen Road bridge as originally proposed by NELP.	
The Estelle Street bridge design is amended to include piers and not mounding in the KCR.	
The relocation of the YVW pressure reducing station from public open space in the KCR to land owned by the State.	
All overshadowing modelling is redone with the true and accurate input data used, including but not limited to the true height of the noise walls, and showing all relevant and required data on the diagrams.	
Overshadowing modelling is completed for the winter equinox, 21 June, rather than 22 September.	
Review the design with the aim of relocating road infrastructure such as noise walls away from residential properties. The O'Brien Traffic/Andrew O'Brien design presented at the 2019 IAC is considered a suitable alternative.	
Reconsider the need for vegetation removal and work harder to find solutions to retaining more vegetation in-situ.	
The UDLP be amended to reflect there are three (3) construction compounds planned for the KCR and FGC and provide details of locations and durations they will be in-situ.	
NELP and its contractors fund the 7 community value add projects.	
NELP and its contractors be clear in their intended use of both Musca Street and Yarra Flats Reserve, even if NELSA do not intend to use either for construction compound or other purposes.	
NELP and its contractors include the Musca Street Arboretum design in the UDLP.	
Include a map showing the location and direction of view of all visualisations shown in the UDLP attachment.	
Generate year 0, year 5 and year 10 visualisations for all current visualisations.	

Appendix B - Council requests	
Request	NELSA/BTA response
Label each visualisation with a year and include an inset map showing the location of the visualisation.	
Ensure all visualisations are to scale, with all assets shown including the southern ventilation structure, are to scale.	
<p>Prepare visualisations for the following locations at human eye level and include them in the next version of the UDLP:</p> <ul style="list-style-type: none"> <li>- Estelle Street bridge looking north from its landing in the KCR.</li> <li>- Estelle Street bridge looking both east and west from within the KCR.</li> <li>- Various locations in the KCR looking to NEL infrastructure.</li> <li>- Looking to the KCR, YVW water pressure reducing station and proposed stormwater management infrastructure from the Doncaster Road off-street car park.</li> <li>- From Winfield Road Reserve (Boroondara) looking to the NEL infrastructure (i.e. noise walls).</li> <li>- Looking north-east to the NEL infrastructure from 20, 22 or 24 Orion Street.</li> <li>- Looking north to the NEL infrastructure from 14, 16 or 18 Koonung Street.</li> </ul>	
NELP and its contractors apply a public art and placemaking lens in its application of CPTED principles.	
NELP and its contractors include lighting to walking paths and cycling trails and work with Council to understand our expectations and requirements where the lighting is in our reserves and our land.	
A complete and thorough review of all UDLP report and UDLP attachments text, drawings, plans, cross sections and the like to ensure they are correct and accurate.	
The removal of the blocking out of the southern interface zone.	
Provide the estimated year on each of the visualisations.	
The separation of existing tree canopy and proposed tree canopy in the legends and on the plans.	
The correct linemarking shown on the Eastern Freeway and all other roads.	
The dashed hatching for 'existing vegetation to be retained' be made legible in print and electronic versions of the UDLP.	
The separation of proposed noise walls and retained noise walls in the legend and on the plans.	
The identification of the type of noise wall in each location, both the proposed and retained.	
Complete cross sections showing the full width of the project area and showing the residential interfaces.	
The scale of all elements in the UDLP are checked and are correct. For example, show the drainage ditch as 7.5m and 8m wide in the landscape plans where it is that wide.	
Detail all paint finishes and other aesthetic details.	
NELP and its contractors design, build and maintain in perpetuity ball net fencing alongside the NEL, Eastern Freeway and busway adjacent to the FGC to protect motorists using the NEL, Eastern Freeway and busway.	

## **Appendix C: Hansen Partnership report.**

# NELP – Eastern Freeway Upgrades UDLP

## Urban Design Review

To:	Andrea Lomdahl	Date:	08.11.2023
Company:	City of Boroondara	From:	Hansen Partnership
Cc:	Clare Davey, Mikaela Carter		
Re:	NELP Eastern Freeway Upgrades UDLP Review		

Thank you for the opportunity to assist the City of Boroondara in providing feedback on the Draft Urban Design & Landscape Plan (UDLP) as part of the ongoing North-East Link Project (NELP) for the 'Eastern Freeway Upgrade' area affecting land within the City of Boroondara. We provide these comments for the consideration of Council Officers for inputs into the upcoming submission following the 21-day public exhibition period.

We have reviewed the following documentation relevant to Urban Design matters:

- NELP Urban Design Strategy
- Koonung Creek Reserve Draft Masterplan (2023)
- Musca Street Arboretum Concept Design (2020)
- Eastern Freeway Upgrades Fact sheet
- Eastern Freeway Upgrades UDLP Report
- Eastern Freeway Upgrades UDLP Attachment 1 Architecture and Urban Design Parts 1-2
- Eastern Freeway Upgrades UDLP Attachment 2 Landscape Design Parts 1-3
- Eastern Freeway Upgrades UDLP Attachment 3 Visualisations
- Eastern Freeway Upgrades UDLP Attachment 4 Overshadowing Assessment
- Trees and vegetation Fact sheet
- NELP Tunnels UDLP Materials



UDLP Extent through the City of Boroondara – Musca Street Reserve (left) and Koonung Creek Reserve & Winfield Reserve (Right)

# 1 Summary

## 1.1 Review Structure

1. This review is structured as follows:
  - a. Summary of key issues.
  - b. General and non-place specific comments regarding the provided UDLP materials.
  - c. Proposed updates to the approved Tunnels UDLP affecting the City of Boroondara.
  - d. Proposed active transport infrastructure along the freeway corridor and within the adjacent open space network.
  - e. Discussion of project impacts and opportunities along spatial segments of the freeway corridor, specifically within and adjacent to Musca Street Reserve, Koonung Creek Reserve and Winfield Reserve.

## 1.2 Key Issues

2. From an urban design perspective, this review has identified the following key issues. These, in addition to secondary concerns, are further explored in subsequent review sections:
  - a. Drawing legibility at 1:2000 -1:5000 scale and lack of detail within the landscape plans relative to the only comparable benchmark being the approved Tunnels UDLP – including degree of freeway encroachment, topographic information, lighting, and location of noise wall types.
  - b. Accuracy of 3D visualisations, particularly regarding the short, medium and long term impacts of the substantial vegetation loss not being depicted.
  - c. Extent of lost open space within the PPRZ and limited proposition of open space ‘upgrades’ beyond reinstating remaining areas.
  - d. Substantial extent of vegetation loss within open spaces and subsequent high risk of environmental and amenity damage to parks and wetlands.
  - e. Conflicting information regarding ‘mode separation’ of pedestrians and cyclists along the C1 Strategic Cycling Corridor of the Koonung Creek Trail.
  - f. The lack of corridor-wide approach to seamless and integrated Shared User Path (SUP) upgrades, only earmarked for segments within the project boundary where directly affected by project works.
  - g. Lack of consideration for underpass upgrade opportunities at Musca Street Reserve.
  - h. Extent of vegetation loss within Musca Street Reserve despite limited project intervention.
  - i. Further to vegetation loss, lack of clarity regarding wetland modifications/impacts within Koonung Creek Reserve.
  - j. Potential implications of the southern ‘landing’ of the Estelle Street bridge, regarding severance of adjacent spaces, CPTED matters and visual impacts.
  - k. Potential impacts of the swale/dry creek bed including potential further inaccessibility of remaining open spaces, potential further encumbrance of remaining unencumbered spaces and potential safety concerns.
  - l. Instances of limited landscape screening/softening of noise walls, particularly in narrower segments of Koonung Creek Reserve and to the rear of the wetlands.
  - m. Extent and footprint of water retention infrastructure to the eastern extent of Koonung Creek Reserve, potentially precluding envisioned Koonung Creek Reserve Masterplan initiatives.
  - n. General lack of reference to Koonung Creek Reserve Masterplan attributes within the open space design and placemaking response.
  - o. The interface between proposed noise walls and rears of Winfield Road properties, particularly regarding visual bulk and overshadowing concerns.



## 2 General Comments

### 2.1 Drawing Detail & Legibility

3. Across the UDLP package, there are issues related to drawing legibility and level of detail of information provided. The issue of detail is primarily linked to:
  - The high level scale of drawings provided at 1:2000 and 1:5000 affecting legibility.
  - The high level scale of drawings that do not detail the functional or character elements of existing or modified public spaces.
  - The legibility of legend items applied to landscape areas, particularly regarding encumbered and unencumbered land.
  - The lack of noise wall information provided regarding where typologies are intended to be applied.
  - No indication provided of the existing freeway corridor extent, resulting in difficulty in understanding the before and after effect of the widened freeway corridor.
  - Misleading legend items and annotations such as that of the 'existing and proposed tree canopy' while vegetation removal plans indicate most vegetation is lost within the project boundary.
  - Lack of indication of levels and topography.
  - General reliance on delaying details to future design exercises.
4. The provided landscape and architecture drawings at 1:2000 and 1:5000 scales limit the provision of detailed information. An obvious benchmark is the approved Tunnels UDLP which comprises plans at 1:500 scale, and illustrates far more detail regarding the design vision and composition of public spaces and proposed project elements. Details that these approved drawings contain but fall short in the Eastern Freeway UDLP include:
  - Far clearer indication of 'green' and 'blue' landscaping (ie. unencumbered vs encumbered landscaping treatments' through intuitive colouring and texture as pictured below:
  - Far greater design resolution of open spaces, including illustration of playgrounds, active recreation opportunities, fitness stations, seating nodes, BBQ and picnic facilities, as pictured below.
  - Clearer indication of levels through illustrating stairs in segments of paths.
  - More frequent and detailed annotations.



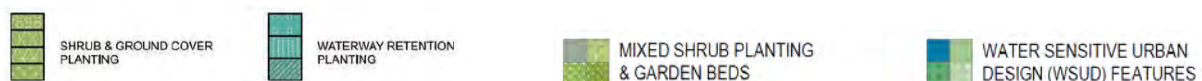
*Equivalent landscape plans in approved Tunnels UDLP (at 1:500 scale)*

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Page 66 of 139

## 2.2 Legibility of materials and landscape palette

12. Legend items are difficult to decipher when applied to the plans at the chosen scales, particularly the various swatches of landscape treatments between 'Mixed Shrub Planting & Garden Beds' and 'WSUD Features,' which share similar tones of green. The applied textures become clearer if the reader 'zooms in' very closely, at which point it is difficult to read the plans at a holistic precinct scale.
13. Unencumbered areas of planting should be illustrated in tones of green while WSUD plantings and features should be more clearly illustrated with blue tones, as applied in the Tunnels UDLP, to improve the legibility



*Tunnels UDLP swatches (left) vs Freeway UDLP swatches (right)*

and interpretation of the landscape plans.

## 2.3 Lack of information regarding freeway encroachment to south

14. The plans also lack indication regarding the degree of encroachment of the freeway corridor into the southern open space network. A simple dashed line indicating where the existing freeway corridor fencing/noise walls should be added to the landscape and architectural drawings, or an accompanying set of plans that illustrates this. In lieu of this, it is challenging to evaluate the extent of spatial impact to adjoining open space network.
15. The drawings present as aesthetically pleasing graphics but do not paint a full picture of the before/after project effect. Alternatively, the addition of aerial image maps with the expanded freeway corridor into the landscape plan package would be helpful in accompanying the design outcome plans.
16. Within this review, indicative plans have been prepared to form an understanding of the degree of encroachment into the open space corridor. The following assumptions were made in producing these diagrams:
  - The 'existing freeway interface' was mapped as existing fencing and/or noise walls – whichever was closer to accessible open space.
  - The 'proposed freeway interface' was mapped as the proposed noise/flood walls illustrated on the landscape plans.
  - The degree of encroachment was measured as the difference between the 'existing freeway interface' and 'proposed freeway interface.'
  - Land ownership or zoning boundaries were not influential in determining existing/proposed freeway interfaces, given that Council manages/maintains space within the linear open space corridor regardless of PPRZ/TRZ boundaries. Judicial boundaries with publicly accessible space, unless fenced, are not perceivable by the community.
17. The findings of this analysis are found within Section 4: Project Area – Impacts & Opportunities of this review.

## **2.4 Lack of topographic/level information**

18. The plans provide limited insight regarding slope and levels. The creek escarpment is a key access barrier in some segments of the corridor, but the plans can be deceiving in illustrating land as though its flat, open, accessible and usable.
19. The use of contours, gradient or other graphic means would be useful for a more fulsome assessment of the accessibility and function of remaining open spaces illustrated in the plans to occur.

## **2.5 Noise wall information availability**

20. The suite of noise walls provided in Attachment 1 – Architecture & Urban Design show a range of typologies that are noted to be inspired by the different character areas along the corridor. This is supported by the colour palettes described in the UDLP Report section 4 - Project Description and Design Response.
21. The suite of typologies appear diverse in material, texture, articulation and composition of solid and transparent materials. It is unclear where the yellow colour of the Koonung Reserve palette is intended to be applied (ie. internal or external freeway corridor treatments), however muted tones are preferred that can blend into landscape screening. Given the proposed loss of vegetation and likely time required for reinstatement planting to establish – it is preferred that bright and contrasting materials are avoided on project elements that present to public open space or residential areas.
22. While the designs of noise walls generally appear to have the foundation for a site responsive and visually interesting outcome, there is no information regarding where each noise wall type are spatially located. Only heights are indicatively shown in Attachment 1 – Architecture & Urban Design. This makes it difficult to assess their appropriateness relative to their immediate surrounds and broader context, despite particular typologies being selected for specific visualisations, indicating that the thinking regarding their spatial application has been done but not included in the package.
23. A key opportunity for enhancing the presentation of noise walls, integration with the landscape and aligning with UDS habitat and biodiversity objectives and guidelines, is to provide dual-function qualities such as integrating habitat features within noise wall elevations.



## 2.6 3D Visualisations

24. The 3D renderings within Attachment 4 -Visualisations, which can also be accessed online via the interactive map, offer the most detailed representation of the intended ambiance and appearance of locations and project elements. As mentioned previously, it seems that they involve a more comprehensive design process compared to the level of intricacy found in the landscape and architectural package.
25. While the visualisations are visually appealing, they are arguably misleading to the community given that the dense vegetation – particularly the trees that are depicted, could take decades to mature into the form illustrated in the renders. The following recommendations are sought for greater transparency to the community and stakeholders:
  - Visualisations illustrating the ‘end product’ online are clearly annotated to reference that they represent the long-term ambition of the urban design and landscape response to avoid confusion of shorter term representations at project completion.
  - Additional visualisations are added to the UDLP Attachment 3 – Visualisations, showing the landscape establishment in increments, such as Day 1, Year 5, Year 10 following project completion. This is particularly important in communicating the envisioned ‘look and feel’ of places in the short term, where elements such as the noise walls (of which are generally well designed based on the provide typologies) will be far more visually exposed from adjoining open spaces and residential areas in the short and medium terms.
26. It is also recommended that additional 3D visualisations at other locations are provided including:
  - Around the southern pedestrian bridge landing to better understand its interface with adjoining public spaces.
  - Narrowed segments of the Koonung Creek Trail between new noise walls and properties fronting Koonung Street including representation of the swale/dry creek bed.
  - Within the eastern extent of Koonung Creek Reserve in the space proposed to host water retention infrastructure, to understand its relationship with adjoining public spaces.



*3D render captioned online as “Koonung Creek Reserve returned after construction with improvements. View facing west” and extent of tree removal west of the wetlands in comparison to the 3D visualisation.*

### 3 Proposed Updates to Approved Tunnels UDLP

#### 3.1 Bulleen Interchange

27. The landscape plans approved under the NELP Tunnels UDLP illustrate a SUP on the western side of Bulleen Road bridge over the Eastern Freeway. Within the 'Southern Interface Zone' of the Eastern Freeway Upgrades UDLP, it is proposed that this SUP is downgraded to a standard footpath – citing spatial constraints on the existing bridge as the reason for this. It is also cited that this link is evidently not critical to connectivity and wayfinding.
28. It is preferred that this link is retained as an SUP through bridge modifications to accommodate it spatially. As approved, the SUP to both sides of the bridge provides options to users for navigating the complex interchange. If downgraded to a standard footpath, it is inevitably likely that cyclists will use the path regardless of its designation, should they be travelling on the western side of Bulleen Road. This presents risks in modal conflict with pedestrians, interfacing with the hostile condition of a major roadway.

#### 3.2 Koonung Creek Reserve

29. The UDLP report (p29) proposes 'additional noise wall types' applicable to the 'Southern Interface Zone,' on the basis that *"not all noise wall types and details have been expressly specified in the NEL Tunnels UDLP."* In providing greater variety and a *"nod to the Yarra River Valley precinct context,"* Type C3 noise walls of the Eastern Freeway UDLP are proposed to be included into the palette for this location.
30. The notion of greater variety and noise wall palettes that are contextually responsive to the varied landscape and urban character along the project corridor is supported. However, assessment of the appropriateness of proposed noise walls, including the C3 type within the Southern Interface Zone, cannot be formed completely in the absence of information regarding where specific noise wall treatments are proposed.
31. The UDLP report (p28) states that another change of the UDLP is a proposed shifting of the Koonung Creek trail to the southern side of the creek towards Kosciuszko Road, remaining compliant with the *"design intent of the NEL Tunnels UDLP to provide separated pedestrian and cyclist path connections through this section, noting that the Koonung Creek Trail is a popular commuting route supporting 'through traffic' at higher speeds than is generally compatible with more recreational trail users."* This implies that the path is mode separated to cater for both commuter cyclists and recreational walkers/cyclists. However the landscape plans indicate a shared path in this position.
32. While a secondary path positioned along the creek alignment offers an alternative alignment to the southern SUP, the proposed SUP will function as a shared path due to:
  - The broad distance of between the SUP and secondary path, ranging between 30m – 50m will diminish the 'separation,' attracting all users to the SUP and secondary path.
  - The likely design outcome of the SUP attracting shared use.
  - Its designation as an SUP on the plans legend and annotations on Drawing Number 9529
33. It is recommended that greater clarity is provided regarding the proposed cycling facility. If it is mode separated, then cycle lanes separated from the pedestrian path should be illustrated with appropriate buffer treatments. If it is a SUP, then the UDLP report should remove reference to mode separation given that SUPs cater shared modal use.
34. The UDS Detailed Requirements & Benchmarks (DRB) 13.4 – Path separation states that *"Separated walking and cycling paths are used in high-use areas where appropriate, and avoid and minimise the potential for*

*conflict between intersecting travel paths.” Given the Koonung Creek’s designation as a C1 Strategic Cycling Corridor and highly used by both commuters and cyclists, it is unclear where else along the NELP corridor would be appropriate for a mode separated path where spatially unconstrained along the Koonung Creek trail.*

35. Further, the role of Koonung Creek Trail and the need to manage modal conflict through separated facilities is further acknowledged in the Map K1 PSR that states *“provide replacement walking paths in high use areas where safe and practicable to reduce the potential for conflict between walkers and cyclists along the Koonung Creek Trail.”*

### **3.3 Other Open Spaces within the Tunnels UDLP**

36. Other open spaces within the approved Tunnels UDLP include the Northern Chain of Parks comprising Coumba Street Reserve and Leonis Avenue Reserve in addition to the Musca Street Reserve. Interface to the Freeway Golf Course is also located within the Tunnels UDLP.
37. Generally there are few changes proposed within these open spaces, limited to deleting the ‘habitat corridor’ positioned between the Columba Street Reserve and Freeway Golf Course, and the addition of new noise wall types into the Tunnels UDLP palette, as discussed above within the Koonung Creek Reserve section.
38. Discussion in the UDLP Report (p31) regarding ecologist input into the feasibility and benefit of the previously approved habitat corridor is acknowledged. The notion of cross-corridor habitat connectivity is however of key interest, given that the freeway corridor is a key barrier between established open space networks. Deleting the link without any indication of offsetting the intention of this link established during the EES phase presents a minimal outcome, relative to:
  - UDS Objective 4.3 Environmental Sustainability: *Optimise environmental performance and embed sustainability initiatives into the design response. This includes integrated water management, biodiversity and habitat enhancement and connections, green infrastructure provision and sustainable use of energy and materials.*
  - UDS Map Y4 PSR 3B: *Consider providing a habitat link across the Eastern Freeway to the Freeway Public Golf Course.*

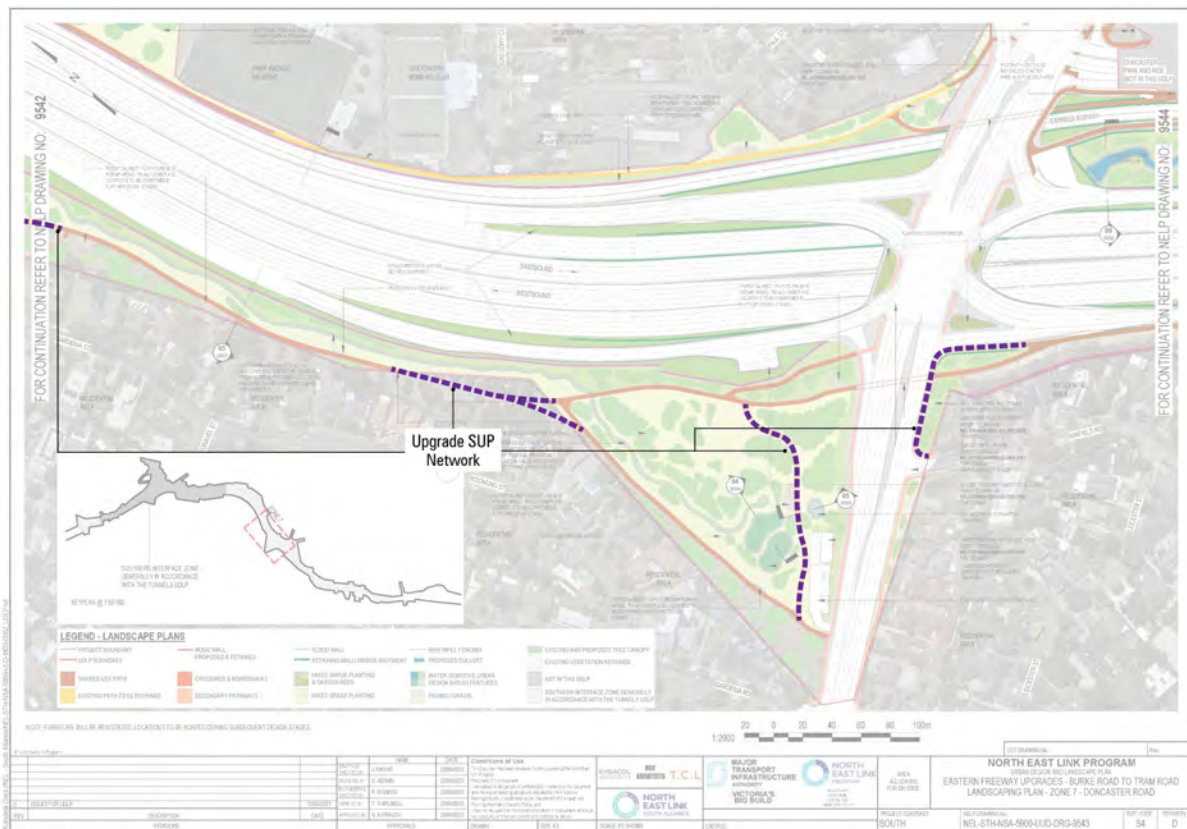
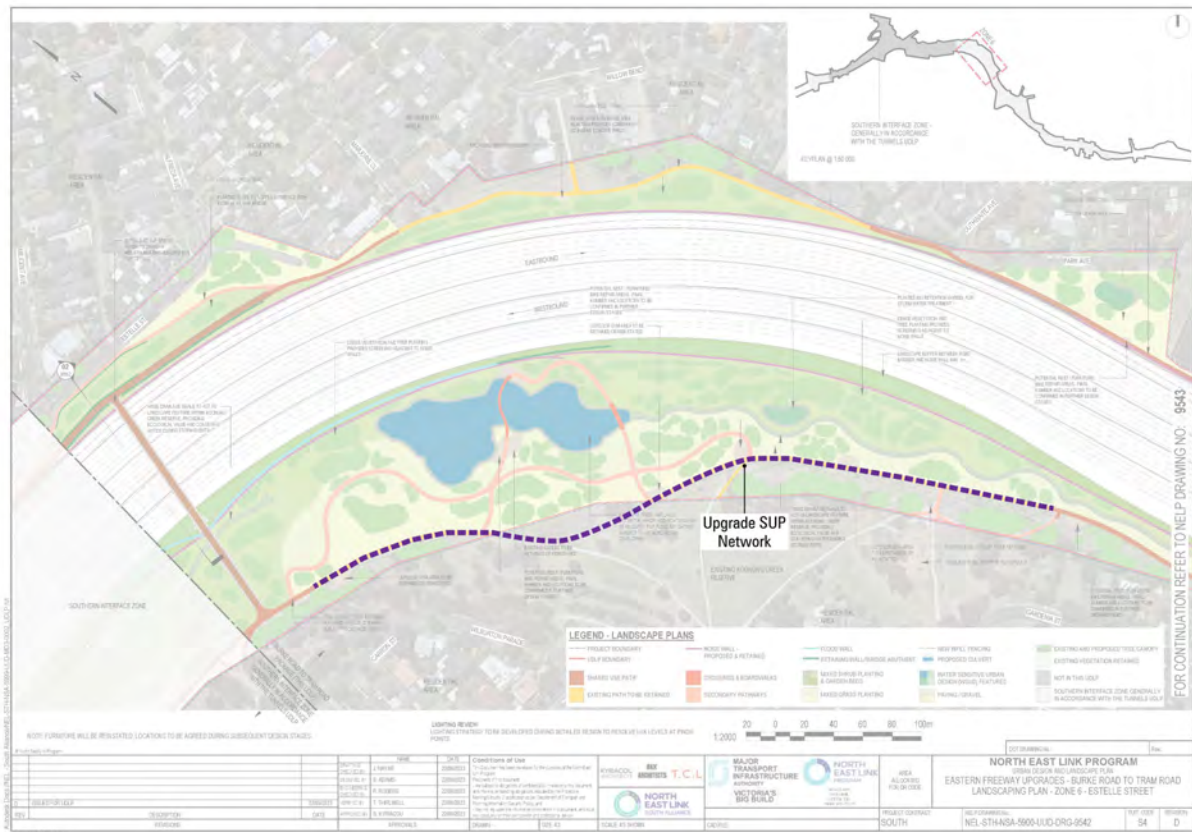
## 4 Active Transport Infrastructure

### 4.1 Mode Separation

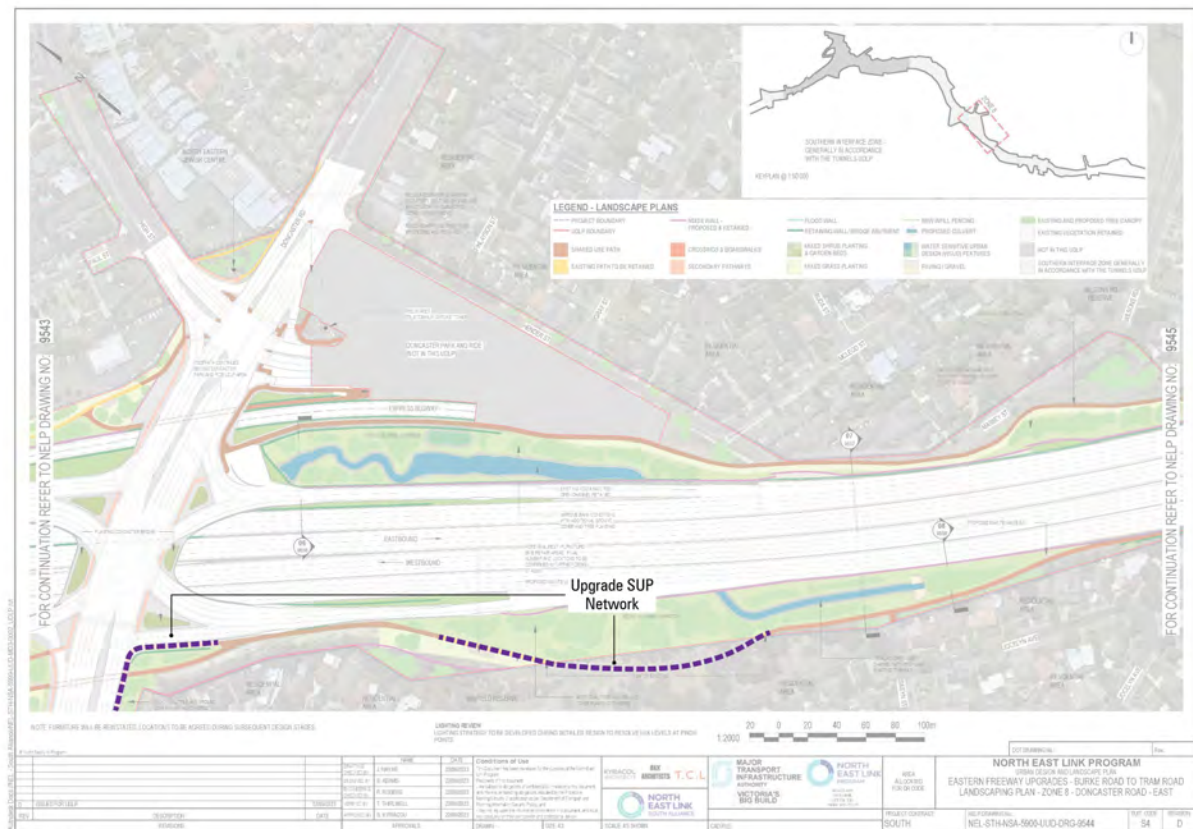
39. The Koonung Creek Trail plays a key role in commuting cycling, recreational cycling, walking, jogging and dog walking. It therefore caters to a range of abilities, confidence levels and speeds of active transport users. Its use and strategic role in the active transport network is acknowledged by its C1 classification in the Strategic Cycling Corridor network.
40. The UDLP report acknowledges this on Page 20 which acknowledges that the Koonung Creek Trail facilitates both commuter and/or through bicycle traffic in addition to recreational users.
41. This is also acknowledged in the Urban Design Strategy in the UDS DRB 13 (Walking & Cycling Infrastructure):
  - 13.4 - Path Separation: *"Separated walking and cycling paths are used in high-use areas where appropriate, and avoid and minimise the potential for conflict between intersecting travel paths."*
42. Given the breadth of Koonung Creek Reserve, there are limited spatial constraints in accommodating mode separated path to support the above classifications, path role and UDLP/UDS discussion and guidelines. It is recommended that mode separation is provided where spatially permitting. Recent Victorian infrastructure (such as LXP and RPV initiatives) projects have demonstrated high quality outcomes of both mode separated pedestrian and cycle paths and SUPs, and importantly, transitions between different facilities.
43. The UDLP report (p28) states that a change of the UDLP is a proposed shifting of the Koonung Creek trail to the southern side of the creek towards Kosciuszko Road, remaining compliant with the *"design intent of the NEL Tunnels UDLP to provide separated pedestrian and cyclist path connections through this section, noting that the Koonung Creek Trail is a popular commuting route supporting 'through traffic' at higher speeds than is generally compatible with more recreational trail users."* This implies that the path is mode separated to cater for both commuter cyclists and recreational walkers/cyclists. However the landscape plans indicate a shared path in this position.
44. While a secondary path positioned along the creek alignment offers an alternative alignment to the southern SUP, the proposed SUP will function as a shared path due to:
  - The broad distance of between the SUP and secondary path, ranging between 30m – 50m will diminish the 'separation,' attracting all users to the SUP and secondary path.
  - It forming a desire line for both pedestrians and cyclists, likely resulting in its use by both modes of transport irrespective of its classification as a SUP or pedestrian path – risking modal conflicts.
  - Its designation as an SUP on the plans legend and annotations on Drawing Number 9529
45. It is recommended that greater clarity is provided regarding the proposed cycling facility. If it is mode separated, then cycle lanes separated from the pedestrian path should be illustrated with appropriate buffer treatments. If it is a SUP, then the UDLP report should remove reference to mode separation given that SUPs cater shared modal use.











48. There is disharmony regarding the above outcomes with language used in the overarching UDLP design report, Section 4.1.1 – Walking & Cycling, where it is stated that the project is *“completing the gaps’ in the Koonung Creek Trail to provide a continuous cycling route through to the Main Yarra Trail and other key destinations.”* This is reiterated in the UDS DRB 13.3 – Pathways & Connections: *“The transition between cycling paths is continuous and seamless with direct routes and consistent design elements.”* Consistent design elements that contribute to continuous and seamless connectivity of off-road walking and cycling routes are unlikely to be achieved in the piecemeal approach of only upgrading paths directly affecting by the proposed freeway infrastructure.
49. Given the extent of impacts to public space and active transport networks along the project interface, it is recommended that the SUP network entirely upgraded for a continuous and seamless outcome. This will ensure that all paths are the same quality, width and on the same maintenance lifespan.
50. Page 67 of the UDLP Report states that *“a consistent minimum width of 3m applies to all new SUPs”* which is consistent with Supplement to Austroads Guide to Road Design (AGRD) Part 6A: Paths for Walking and Cycling (2021) for SUP Type 2 (Commuting and/or Recreation). It is unclear however whether obstacle buffers (minimum 0.5m to each side of the path as per VicRoads standards) are provided – thereby requiring a 4m wide space to accommodate SUPs.
51. Related to the above query is how 4m paths (including the minimum obstacle buffers noted above), are intended to seamlessly transition into existing paths that are proposed for retention (and vice versa) which currently vary in width. It is unclear whether proposed paths will gradually narrow into these sections or leave abrupt contrasts between proposed and retained SUPs/Paths of varying width, age and quality. Similar to previously discussed legibility matters, the ‘Retained Path’ graphic lacks hierarchy and should be split

between 'Retained Shared User Path' and 'Retained Path.' The plans indicate that the retained paths vary in width. Not all of them are SUPs and therefore are not compliant as such. It is recommended that a more granular approach to illustrating the SUP hierarchy is applied.

52. There are also instances where maintenance bays are proposed adjacent to SUP paths and secondary paths. Further information is sought to understand how maintenance bay access will avoid modal conflict with users of the path network such as along the northern edge of Musca Street Reserve.
53. To maximise safety and appeal, the trail network requires adequate lighting to ensure it is functional and safe in evening hours given its role as a commuter link— particularly during darker months of the year. Spillover lighting from the freeway corridor is likely to be impacted by the height of noise walls particularly where they are visually impermeable or significant in height. While borrowed light from nearby residential streets will provide some illumination in the broader setting of the trail network, their distances are unlikely to be as effective within the immediate trail environs. It is recommended that the trail and other important paths that connect to key places within the open space network are appropriately lit such as through the provision of solar lighting along paths.
54. The 'Secondary Pathways' legend adds another layer of path hierarchy. As some of these appear wider than the SUP network, clarification is required to ensure the SUP network is most elevated in the walking/cycling network hierarchy.'
55. Further clarity in the plans is required to clearly distinguish between:
  - Proposed SUPs
  - Existing SUPs to be retained (preferably all upgraded)
  - Proposed secondary paths
  - Existing secondary paths

## 5 Project Impacts & Opportunities

### 5.1 General Open Space Impacts

56. Open space impacts are recorded within Koonung Creek Reserve where the degree of freeway encroachment is upwards of over 3 hectares within the extent of the subject UDLP (excluding that within the Southern Interface Zone). Much of this is located within the Public Parks & Recreation Zone (PPRZ).
57. The Landscape Plans illustrate what is envisioned for remaining spaces following the freeway corridor expansion, however only within the project boundary. The plans illustrate the high level application of grass, garden beds/shrubs, proposed and retained trees (of which are largely proposed), modified and retained paths and the various water management infrastructure including the reinstated wetlands.
58. These plans largely illustrate how existing conditions will be reinstated. They generally do not introduce new open space functions or amenities. UDS DBR 7.2 – Open Space Infrastructure states that *“Opportunities to upgrade the existing open spaces along the project corridor are maximised to create consistent, high quality, multifunctional and efficient spaces... to enhance the function and enjoyment of the open space...”* The plans generally illustrate reinstatement, while ‘upgrades’ are less clearly evident. Given the spatial loss and impacts to amenity and character due to the extent of loss of vegetation, further information and detail is required to understand more clearly how the remaining spaces will meet upgrade requirements set out in the UDS and respond to the proposed attributes of the Koonung Creek Reserve Masterplan.
59. As discussed further below within relevant sections of each open space, the degree of vegetation loss is substantial and significantly outweighs the degree of retained trees. This is presumably due to footprint of construction compounds. UDS DBR 17.4 – Minimising Loss states that *“The removal of mature trees, planted and remnant native trees and remnant vegetation, (particularly large amenity trees, heritage vegetation and vegetation within or connected to open space) is minimised.”* While loss of trees to accommodate the expanded freeway corridor and the footprint of additional traffic lanes is inevitable, large losses are recorded beyond its revised interface (ie. noise walls). This does not appear to meet the above requirement, or further information is required to explain how this loss is unavoidable.
60. The designed extent and form of ‘proposed tree canopy’ clusters appears to lack rigour, consistency and consideration of how the clusters frame and shape adjoining spaces. There is generally a mixed relationship between the alignment of paths and proposed tree canopy, which as directed by the UDS should provide opportunity for shading of the path network as specified in PSR’s i.e. Map K1, PSR 5D – *“Provide canopy tree planting to improve shade provision along the Koonung Creek Trail and along connections to key destinations”* and DRB 13.7 – Shade which states *“canopy trees are maximised along pedestrian and cycle routes, to provide amenity and shade.”*
61. Where clusters of tree canopy are proposed, they in some instances the predominant feature within the spatial confines of remaining ‘open’ areas within the project boundary. These remaining open areas – unencumbered by water treatments or shrub planting could facilitate open space upgrade opportunities as part of community impact offsets. Refined landscape plans should therefore ensure that planting initiatives complement the function and potential of the path network and remaining ‘open’ areas.



Example of random application of planting elements relative to adjacent paths and remaining ‘open’ spaces

## 5.2 Musca Street Reserve

62. The encroachment of the freeway south into the open space illustrated on Landscape Drawing NO. 9536 is minimal and largely within the footprint of the existing freeway corridor. To the northwest portion of the open space, there appears to have been a gain of 2,752m<sup>2</sup> based on the difference between the existing fencing vs proposed noise wall alignment.

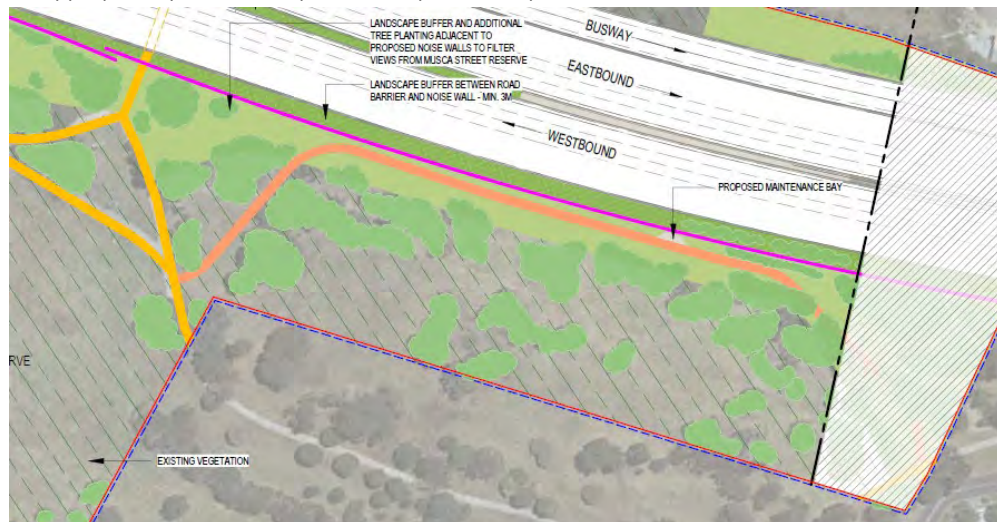


63. Despite this, considerable loss of vegetation is recorded along the northern edge of the reserve as per the Tree Removal & Reinstatement Plan snip below. It is understood that vegetation loss is linked to the construction of new noise walls. Given that the scale of Musca Street Reserve offers a generous buffer to residential land, it is recommended that the existing noise walls are retained if vegetation retention can be maximised.
64. The landscape plans illustrate that impacts to the open space are to be generally reinstated. No upgrades are proposed for the SUP network except for a portion to the northern side of the corridor. A proposed 'secondary path' is positioned along the northern edge of the reserve towards the proposed noise wall. No planting is proposed between the secondary path and the noise wall, as required by Place Specific Requirement (PSR) 2C for this location – *"Provide buffer planting to the edge of Musca Street Reserve to create a vegetated backdrop and filter views towards road infrastructure."*



65. In response, Page 80 of the UDLP report responds to this 2C requirement as follows:

- *"The design provides a thick landscape buffer, incorporating canopy trees and a mix of shrubs, ground covers and bushes between the noise wall and adjoining paths for the full length of the northern reserve boundary interface with the Eastern Freeway. This will provide a 'green backdrop' to the open areas of the Musca Street Reserve, enhancing overall landscape and visual amenity for park users by screening lower sections of the wall with dense, layered plantings and filtering views to taller elements at the canopy level."*
- The landscape plan however illustrates a long segment of secondary path towards the proposed noise wall with no tree plantings proposed for softening. Given the position of a proposed maintenance bay along this path, it is assumed that the path is more of a maintenance access road than part of the pedestrian network. This requires clarification. As it is integrated with the broader path network, it is likely to attract pedestrian use. The interface to the noise wall should therefore be appropriately treated as per Place Specific Requirement 2C.



66. No upgrades earmarked for the pedestrian underpass, despite being within the project boundary, expected for replacement or upgraded lighting despite Place Specific Requirement 2B:

- *"Improve lighting and consider other enhancements to wall treatments, sightlines, and wayfinding at the existing underpass beneath the Eastern Freeway connecting Musca Reserve and Yarra Flats Reserve."*

67. Page 80 of the UDLP report - Consistency with the Urban Design Strategy, notes that only upgraded lighting or replacement lighting is proposed at this underpass. Replacement lighting would be considered to not comply given the requirement is to improve, not replace. Given vegetation and public open space impacts along the corridor, refurbishment upgrades at this underpass present as a missed opportunity. It is recommended that the 2B considerations are adopted during detailed design stages.

68. An upgrade should comprise CPTED and lighting upgrades, refurbishments to ground and wall materiality (ie. the same cladding applied to the Doncaster Road underpass for trail continuity and design language consistency along the trail). This should be done in reference to the endorsed Boroondara Arboretum Landscape Concept Plan which contains underpass upgrade aspirations.

69. Underpasses also present good examples for creative outcomes to occur, such as the painting of murals in coordination with the local community or traditional landowners group (aligning with the UDLP's 'key pillars' such as Connection to Country), and other initiatives including creative lighting. As part of Victoria's Big Build, Rail Projects Victoria (RPV) have numerous examples of new and upgraded underpasses done well. There are also numerous good examples and design guidance set out in NELP's own UDS.
70. It is noted that UDS Map Y4 Place Specific Requirement 3A – *"Consider providing habitat infrastructure beneath Burke Road bridge to support habitat connectivity to and from the Yarra River,"* is proposed to be addressed in the future UDLP between Burke Road and Hoddle Street. Given the deletion of the Columba Street Reserve habitat connection, this link is considered to be important in the context of cross-corridor connectivity between Burke Road and Bulleen Road.
71. As the freeway encroachment to the south is limited in this location, the endorsed Boroondara Arboretum Landscape Concept Plan and Report 2020 should not be affected by proposed works at this location. Given its endorsed status, the UDLP Landscape Plan should align proposed paths and to at least a high level, the endorsed landscaping response.
72. Given that within this endorsed plan there is a proposed car park and access road from Orion Street, this could be a logical entrance point for maintenance vehicles accessing the proposed maintenance bay, rather than rely on longer segments of 'secondary pedestrian path.'
73. Note to Council – as the Arboretum Plan has a wetland component, should this be considered as part of the NELP works?



GBLA

Endorsed Boroondara Arboretum Landscape Concept Plan at Musca Reserve



## 5.3 Koonung Creek Reserve – West

### Open Space Impacts

74. The encroachment of the freeway south into the open space illustrated on Landscape Drawing NO. 9536 is considerable, resulting in substantial loss of vegetation and informal open space with a strong riparian character. The southern encroachment recorded for this segment of Koonung Creek Reserve within the confines of Landscape Drawing 9542 is approximately 24,000m<sup>2</sup>, measured as the space between existing fencing/noise walls and proposed noise and/or flood walls. Much of this encroachment is located within the PPRZ for this section of the corridor.



75. In addition to the southern encroachment, limited information is available regarding the swale/dry creek bed that is illustrated between the proposed noise walls and accessible pathways. Its character, topographic information and accessibility configuration is unclear. It is recommended that more cross sections and 3D visualisations are provided for its interface with adjacent spaces to be more clearly understood. Further, additional information is required regarding how frequent and to what extent it will be occupied by water. If the swale/dry creek alignment presents a further barrier, then a far greater land area of that noted above will be lost to public access. The provision of further information will also help Council assess safety parameters regarding accessibility particularly by children.
76. A general lack of offset opportunities are noted within the landscape plans within Koonung Creek Reserve, which appear limited to reinstating what remains post freeway expansion, only within the project boundary. At this concept-level of detail at this stage of the project, elements of the Koonung Creek Draft Masterplan (developed by NELP) should be referenced to highlight the new facilities and amenities to offset open space

impacts, to provide a clearer vision of the park and to ensure consistency and continuity of aspirations across NELP documentation.

### Vegetation & Wetlands Impacts

77. The extent of vegetation loss to the western and eastern extent of the Koonung Creek Reserve is considerable presenting serious impacts to the riparian character and environmental quality of the wetlands area, particularly when viewed from park users and residences facing the open space. It is recommended that further retention is sought, and reinstatement tree planting seeks to provide mature plantings where practical. As discussed earlier, there are discrepancies the vegetation removal information and representations of construction completion in the 3D Visualisations. While the footprint/extent of the wetland appears to be remain intact, the extent of vegetation loss is considered is considered high risk regarding environmental and character damage.
78. Other than the substantial loss of riparian vegetation within the wetlands environs, the extent of modification to the wetlands is unclear. This needs to be clarified within the UDLP. Noise and flood walls have encroached approx. 40m closer to the wetlands relative to existing fencing, narrow opportunity for landscape screening along some segments of the northern wetland edge as pictured below:



This is inconsistent with UDS Detailed Requirement 9.1 – Noise and visual mitigation, stating “*Landscaping and landscaped embankments enhance and soften the appearance of walls and barriers, reduce height and bulk, and better integrate the structures into the surrounding area.*” It is recommended that more meaningful opportunity for landscape softening of noise and flood walls within the wetland environs are provided.

79. It is unclear whether the grey/brown material skirting the wetland edge suggests walking access around their perimeter. It is understood that that walkability to the rear of the existing wetlands is valued by the community. Opportunity to maintain this should be provided, in conjunction with above comments regarding the landscape softening of proposed noise walls.
80. Further information is required regarding flooding scenarios around the creek and swales, to understand potential implications to the unencumbered open spaces illustrated as open grass areas.

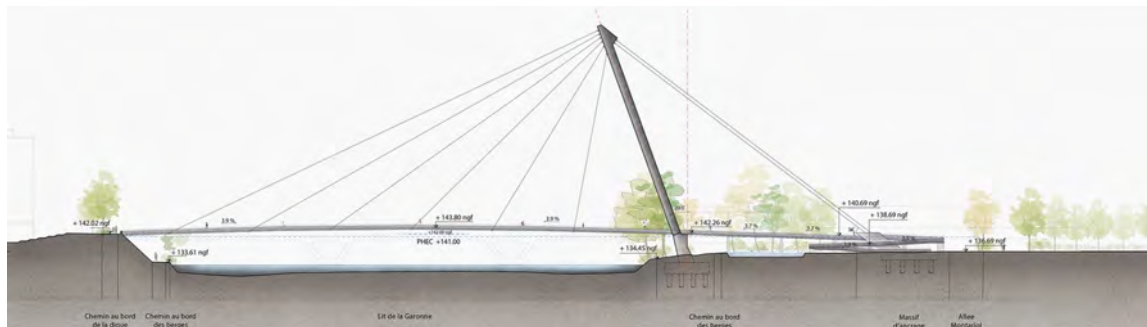
### Estelle Street Bridge

81. The bridge design itself is a significant enhancement relative to the existing bridge. Its tall mast will provide a visual wayfinding marker in the open space and trail network. It is encouraged however that materials, textures and colours apply the Koonung Creek corridor swatches specified in the UDLP report, to maximise responsiveness to the Koonung Creek corridor. The proposed palette illustrated in 3D visualisations and elevations of concrete and bronze cladding do not seem as successful as the materials and colours of the provided noise wall typologies. It is recommended that more natural tones, textures and materials are explored such as weathering steel, timber batons and textured treatments to cladding/concrete.
82. UDS DBR 14.1 Walking & Cycling Bridge Design states that *"Walking and cycling bridges use structural form, materials, texture and colour to create an identity for the project. Bridges respond to the surrounding context and are sensitive to the local character of the area."* Its accompanying Figure 57 illustrates the Deakin University pedestrian bridge, illustrating an expressive structural form and materiality palette that complements the surrounding riparian tree canopy. Given the high landscape value of the riparian Koonung Creek corridor, this and other provided benchmarks including Figure 58 and 61 – Darebin Yarra Trail, are examples with clear reference to riparian contexts. While the proposed bridge design has positive attributes, its design language and material palette could be more aligned with Koonung Creek colour palette and to the provided UDS benchmarks.
83. Cross Section 1 indicates a solid retaining wall adjacent to ramping which appears consistent with how it is illustrated on the Landscape Plan. This appears to be a heavy touching project element that:
  - Dissects the accessibility and functionality of adjoining open spaces.
  - May present CPTED concerns due to lack of visibility around retaining walls/mounding.
  - May present blank walls to the adjoining public realm, pending confirmation on the ramping support being landscaped mounding or retaining walls.
  - Generally touches the ground heavily, seemingly at odds with the UDLP Project Pillars regarding connection to and caring for Country.
84. An inconsistency is noted regarding the presentation of this ramping, as Section 01 in the Architecture & Urban Design Plans, and the plan view in the Landscape Plan allude to a retaining wall, while the bridge West Elevation implies a landscaped abutment. This needs to be clarified. If a landscaped embankment is proposed, its approximate extent must be illustrated in the Landscape Plan to understand its footprint relative to adjacent spaces. An indication of proposed landscaping on the embankment is also required, as required in DBR 14.4 – Minimising Impacts, *"Planting is used to integrate ramps with their surroundings and reduce their visual impacts."* In either instances, the above concerns apply particularly regarding the isolation of spaces and accessibility adjacent to the ramp.
85. Retaining open sightlines for trail users passing by or accessing the bridge is important. This is highlighted in the UDS Map K1 PSR 5B, which states *"Ensure narrow areas along the Koonung Creek Trail have good lighting, open sightlines and are attractive to users."* Ramping should not compromise open sight lines or create spaces that are visually inaccessible to the broader open space and trail.
86. UDS DBR 14.4 – Minimising Impacts states that *"elevated structures are designed to minimise landscape and visual impacts."* As proposed, the ramp and adjacent retaining wall (or landscape embankment) risks impact to adjoining spaces relative to this requirement.
87. Subject to structural requirements, a 'lighter touching' ramping system is recommended such as that achieved at Valda Wetlands further east. Its elevated ramps provide opportunity for landscaping beneath, or



integrated active recreation opportunities, and has a more confined footprint that does not isolate portions of spaces adjoining.

88. A relevant benchmarking example – in addition to those found within Section 14 of the UDS Detailed Requirements & Benchmarks, includes Rapas Pedestrian Bridge designed by Grimshaw Architects, currently under construction in Toulouse, France. It is of a related structural composition with a more compact ramping system that is in lieu of retaining walls and embankments. It also offers a staged entry point in addition to the ramp (as achieved within the Heyington Avenue proposed bridge). A similar outcome may be conducive to mitigating concerns regarding the dissection of remaining open spaces by embankments/retaining walls.



*Rapas Pedestrian Bridge (Grimshaw Architects)*

## 5.4 Koonung Creek Reserve – East

89. The encroachment of the freeway south into the open space illustrated on Landscape Drawing NO. 9536 is considerable, resulting in substantial loss of vegetation and informal open space with a strong riparian character. The southern encroachment recorded for this segment of Koonung Creek Reserve within the confines of Landscape Drawing 9543 is approximately 10,400m<sup>2</sup> of which is largely within the PPRZ.



90. To the eastern extent of Koonung Creek Reserve towards Doncaster Road sees considerable narrowing of the linear open space corridor and further loss of 'open' space to water storage infrastructure. While this eastern extent of the park is currently narrower relative to the broader open space to the west, it still caters to the trail and open areas for informal recreation activity. The southern encroachment of the freeway corridor sees a loss in these open areas, with the remaining cross section catering the trail, drainage swale and narrow segments of mixed grass, shrub planting and garden beds. The landscape plans illustrate generally little opportunity for tree plantings to screen proposed noise walls.
91. As discussed within the Koonung Creek Reserve – West section, the illustration of the swale/dry creek bed potentially presents further spatial constraints depending on its relationship with the public realm regarding topographic levels, accessibility and intermittent flooding encumbrance.
92. East towards Doncaster Road, the existing 'orchard' planting and open area is replaced by informal canopy tree plantings, drainage swale, bioretention gardens for storm water treatment, a sediment pond and infrastructure amenities/stations such as the 'Water Pressure Reducing Station.'

93. These initiatives introduce new functions, characteristics and interface conditions within the open space. It is recommended that flood modelling is provided to provide insight into any potential further encumbrance of what remain as flexible/open areas.
94. It is unclear in the landscape design how Koonung Creek Reserve Draft Masterplan initiatives are included and/or future proofed in the layout of the proposed initiatives. This includes:
  - the 'Green Gateway with display garden including native flowering garden beds and possible Woody Meadow Project location' which is not referenced.
  - the space as a 'Minor Node' in the open space network
  - the space as a 'Biodiversity Gateway'
95. While the proposed water infrastructure has relevance to the 'biodiversity gateway' – the predominant feature of the landscape design at this location is the freeway related water infrastructure. It is recommended that the design of this space is further evolved to demonstrate alignment with other envisioned features including native flowering garden beds and 'woody meadow' characteristics beyond only grass and trees as illustrated. Proposed pathways could be more integrated with the water infrastructure to provide opportunity for them to be part of the public realm experience. The footprint of proposed water retention facilities (and unknown degree of further encumbrance of adjacent spaces in flooding events) is not considered to align with the masterplan aspirations for this location.
96. Elevations give an indication of the water management infrastructure levels. It is unclear how accessible they will be from the general public or whether fencing treatments are proposed or required. The character of these retention ponds are also unclear, as to whether they will have a wetland feel or a more structured, formal appearance.
97. Elevations provided generally lack detail regarding the look-and-feel of the service structure and fencing associated with the water pressure reducing station. Given its presentation to the open space, fencing and elevations should be responsive to its landscape character.

#### Doncaster Road Underpass

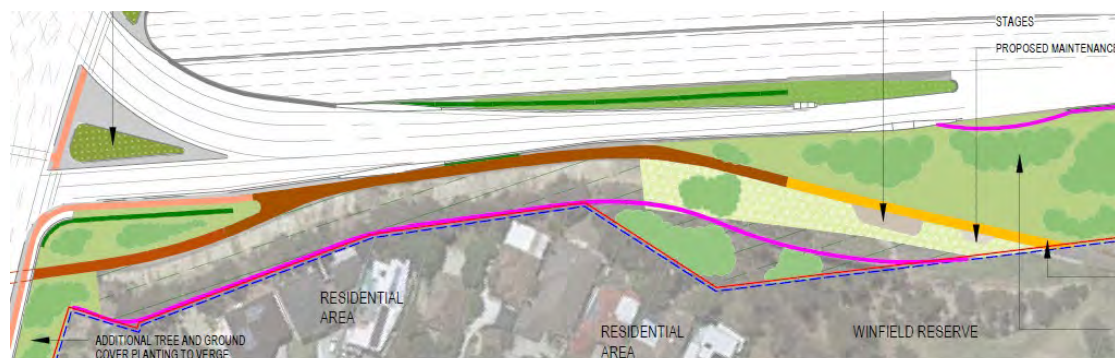
98. At the eastern edge of the reserve is the Doncaster Road underpass that is earmarked for upgrade. Proposed works are noted to include increased dimensions (to 7m wide), CPTED enhancements, functional and feature lighting and the application of brighter and textured materials to minimise darkness and the sense of enclosure.
99. The underpass upgrades appear generally positive, particularly in its widened condition and enhanced presentation through material and lighting treatments. Its 7m width would comfortably accommodate a mode separated bicycle and pedestrian path, integrated with general mode separated comments previously discussed.
100. Given the wide central traffic island aligned atop the underpass alignment, there may be opportunity to increase natural lighting from above, such as through the introduction of a skylight or open break. A central natural light source would contribute to enhancing openness and appeal, particularly given the low 2.7m clearance. This is consistent with UDS DRB 15 – Walking & Cycling Underpasses under 15.5: Natural Lighting, which states *"Opportunities to incorporate openings for natural daylight are maximised to improve lighting and reduce operating costs."*
101. As mentioned in the Musca Street Reserve discussion, there is also opportunity for creative outcomes to wall or entrance treatments that may enhance wayfinding and sense of place. This could be in the form of painted (ie. murals) or material treatments that reference local history, stories, context and character.



Feature lighting within underpasses is expected within UDS DRB 15 – Walking & Cycling Underpasses under 15.6 – *“Lighting elements are included as design features and integrated into the structure.”* Presentation of service buildings and fencing in space towards Doncaster Road - maximising contribution to open space character and CPTED considerations.

## 5.5 Winfield Reserve

102. The project interface to Winfield Reserve is reasonably similar to the existing setting with limited encroachment south of the freeway corridor to the south at this location. The main impact to the reserve is that all vegetation to the north of the existing SUP is proposed for removal. The landscape plan indicates that this dense vegetation will be generally reinstated. There are no functional impacts to existing spaces to the south of the SUP.
103. The SUP at this location is generally anomalous relative to the remaining corridor, given that it is positioned between the noise walls and freeway interface instead of to the south of noise walls as is typical. This is understood to be driven by the raised topography of the abutting residences, requiring noise walls to be at their interface rather than along the freeway boundary for effectivity. The interface between the SUP and freeway corridor is however unclear. At 1:2000 it is difficult to see if fencing is proposed, and how it would be buffered from the SUP through landscaping or other means. It is important for the amenity of SUP users that this interface is well considered and treated. A cross section at this location is required to understand the interface condition.



Area of concern regarding the SUP interface to the freeway corridor and tall noise walls along the residential boundary

104. In addition to earlier recommendations regarding the missing links in SUP upgrades through Winfield Road, further information is required regarding vehicle access to the maintenance bay positioned along the 'retained' SUP, adjacent to a 'potential rest/furniture/bike repair area.' Maintenance bays are not referenced within the UDLR report. Their access frequency, requirements and potential implications to the SUP network are therefore unknown.
105. New noise walls are proposed along the rear boundaries of residential allotments fronting Winfield Road, in the same position as existing walls but notably taller at 8-9m. These noise walls that are equivalent to the heights of 3-storey buildings positioned directly on boundary with a sheer profile, are likely to be visually imposing to these residences from their outlooks and from within their private open space.
106. Overshadowing diagrams to Winfield Road properties illustrate shadow impacts at 9am, 12pm and 3pm. Hourly increments would be more useful in forming assessment of compliance with relevant requirements. Three chosen noise wall types are selected for the purpose of the analysis, two of which comprise a solid sawtooth base with upper glazing. As none of the shadows cast replicate the sawtooth geometry of types



WNW 07 and 09, it is assumed that WNW 06 has been exclusively used in the analysis. This requires clarification for a fulsome assessment to be made.

107. The overshadowing diagrams illustrate two shadow extents – firstly being shadow cast by solid noise wall elements and the total shadow cast to the top of the noise wall. While at Day 1, the transparent portion may be effective in limiting shadow to the extent cast by the solid portion. However, this shadow could increase depending on factors including pollution and deteriorating noise wall conditions. This is currently evident to the immediate east, where the wearing condition of noise walls has compromised transparency over time. It is recommended that further information is provided regarding how these instances will be avoided – to open space interfaces but particularly where directly abutting residential allotments. This is acknowledged at this location within the UDS on the relevant Inset K3 PSR 5C, which states *“Ensure new noise walls to the south of the Eastern Freeway address visual amenity on the road and residential interfaces, and deter graffiti at lower levels while maximising light penetration to enhance solar access to residential properties and the Koonung Creek Trail.”*



*Condition of existing transparent noise walls near Jocelyn Avenue.*

This concludes our review of the proposed NELP Eastern Freeway Upgrades UDLP within the City of Boroondara. Should you have any further enquiries, please don't hesitate to contact us.

Yours faithfully,

Hansen Partnership Pty Ltd

**Urban Design Team**

**08/11/2023**

## **Appendix D: Detailed comments.**

Attachment D: Detailed comments on the NELSA UDLP (Burke Road to Tram Road)					
Number	Document	Page	Figure or section (if relevant)	Topic	Comment
REPORT					
1	Report and all Attachments	All	All	UDLP	<p>The 'figure' labels, map labels and other descriptions provided in the whole UDLP (report and attachments) are often incorrect, inaccurate and misleading.</p> <p>For example, Figure 13 on page 14 is listed as 'Koonung Creek parklands'. The image is of a water body and not parklands.</p> <p>For example, Figure 21 on page 18 is labelled as 'Koonung Creek'. The image is of a water body but appears to be an image of the Koonung Creek Reserve wetland dog beach area.</p> <p>Review the entire UDLP and correct all 'figure' labels, map labels and other descriptions to ensure they are correct, accurate and not misleading.</p>
2	Report and all Attachments	All	All	UDLP	<p>The colour palette used on the plans and shown in the legends throughout the UDLP are indecipherable. They are straight from this season of 'Utopia'.</p> <p>Amend the colour palette to improve legibility.</p>
3	Report and all Attachments	All	Images	Quality/language/consistency	Pixelated and difficult to read imagery (both in digital and hard copy) making the document inaccessible.
4	All		General comment	Quality/ language/consistency	<p>Provide drawings at the appropriate scale to show detail. Currently:</p> <ul style="list-style-type: none"> <li>- The high level scale of drawings provided at 1:2000 and 1:5000 affecting legibility</li> <li>-The high level scale of drawings do not detail the functional or character elements of existing or modified public spaces..</li> </ul>
5	All		General comment	Quality/ language/consistency	Provide an indication of levels and topography to assist the reader understand the siting of new infrastructure, challenges and site constraints.
6	Report		n/a	Foreword	<p>The UDLP is focussed on delivering the road experience. There is very little that is being given back to the community. The open spaces have been reduced in size, the WSUD in both Boroondara and Whitehorse City Council (Valda Street wetlands) will occupy useable open space, will be difficult to maintain and will create a hazard for residents in terms of stagnating pools of water and risk from drawings. Refer to lifesaving Victoria.</p> <p>The foreword should provide an honest discussion around the challenges and comprises that need to be made to deliver the project.</p>
7	Report		n/a	Foreword	What are the upgrades to the Koonung Creek Trail? Sections of the Trail impacted by the project are being shifted and reinstated to accommodate the freeway widening. This is disingenuous.
8	Report		n/a	Foreword	<p>The description talks about the 'design' - not the 'preliminary ' design.</p> <p>We note that the UDLP is largely based on preliminary design and that much of the detail in this report and attachments is subject to Detailed Design. For example, the noise walls are indicative height only. The Estelle Street Bridge design is indicative only. What can the community and stakeholders rely on in the report?</p> <p>Acknowledge the report as a preliminary design subject to change.</p>
9	Report		n/a	Foreword	The Foreword describes the purpose of the UDLP and the outcomes. It is overly positive and upbeat and entirely subjective.
10	Report 1. Introduction	3	1.1.1 Scope of this UDLP	Koonung Creek Reserve - embellishments	<p>Explain where the project will be enhancing swales in Koonung Creek Reserve. The language suggests there are existing swales in the KCR when there are not.</p> <p>What are the open space embellishments?</p> <p>Explain what new elements of the Koonung Creek Reserve draft concept design/master plan the Project will deliver? Note the design and reinstatement of Koonung Creek Reserve is subject to the concept design developed as part of the masterplan.</p>

11	Report 1. Introduction	7	NEL Tunnels UDLP	Changes from approved NEL Tunnels UDLP	<p>Council does not support the change from a Shared Use Path (SUP) on the western side of the Bulleen Road bridge to a 1.2m wide footpath. It is likely to be used by cyclists and we seek retention of the approved SUP.</p> <p>This change also contradicts key network planning principles of the State Govt developed Strategic Cycling Corridor being 'Direct' link, refer to <a href="https://dtp.vic.gov.au/getting-around/walking-and-cycling/strategic-cycling-corridors">https://dtp.vic.gov.au/getting-around/walking-and-cycling/strategic-cycling-corridors</a>.</p> <p>Amend design to include NELPs previous commitment to include a SUP on the west side of the Bulleen Road bridge.</p>
12	Report 1. Introduction	7	1. Introduction	Quality/language/consistency	<p>There is no indication provided of the existing freeway corridor extent, resulting in difficulty in understanding the before and after effect of the widened freeway corridor.</p> <p>Include a before and after image of the full length of the UDLP corridor to enable the reader to easily understand what is happening in the area and what land is being taken for Freeway widening purposes.</p>
13	Report 2. Requirements for the Urban Design and Landscape Plan	9	2.1 Incorporated Document Requirements	Construction compounds	<p>The response to 4.9.3 (d) is accurate however it is misleading. While there are no approved construction compounds within the area covered by the UDLP there will be at least 5 construction compounds (2 in the KCR, 1 in the FGC and 2 in the former BTC). NELP has shared information about the KCR compounds with the community.</p> <p>Amend the response to include the planned construction compounds.</p>
14	Report 2. Requirements for the Urban Design and Landscape Plan	10	Public Exhibition	Community engagement/engagement period	<p>It is acknowledged the public exhibition period is consistent with the requirements of the Incorporated Document and the response to item 4.9.4 (c) in table 1 is accurate. However a 21 calendar day public exhibition period is wholly insufficient.</p> <p>The long, technical and detail heavy document cannot be read, understood and responded to within that timeframe.</p> <p>Other public exhibitions have been open for longer. The Kilmore Bypass Stage 1 Project Planning Controls Public exhibition is currently open from 19 October to 28 November. The SRL consultation - SRL East: Improving pedestrian access to the new station at Clayton is open for 4 weeks. NELPs sister agencies can host appropriate public exhibitions.</p> <p>Amend the public exhibition period for all future UDLPs and other consultations related to the NEL to be for at least 30 business days.</p>
15	Report 2. Requirements for the Urban Design and Landscape Plan	11	2.2. Community and Stakeholder engagement - Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation	Wurundjeri Woi-Wurrung	<p>What level of engagement did Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation with <b>this UDLP</b>?</p> <p>Council has received contradictory information in relation to the Wurundjeri Woi-Wurrung Cultural Heritage Aboriginal Corporation's interest in Koonung Creek Reserve and the Koonung Creek from NELP staff and contractors.</p>
16	Report - 2. Requirements for the Urban Design and Landscape Plan		Public exhibition	Community engagement/engagement period	<p>21 calendar days is insufficient time for the general public to review, understand the UDLP and its complexity. It is not sufficient time for most people to prepare a submission</p>
17	Report 3. Site analysis	13	3.1 Location and Existing Conditions	Missing information	<p>The map and the legend are not aligned, with several critical local features either not included or labelled inaccurately.</p> <p>Include a note on Figure 10: Locality Plan that says the design of the Southern Interface Zone was included in the NEL Tunnels UDLP and some changes to that design have been included in the UDLP.</p> <p>Include Trinity Grammar School and the Veneto Club in the legend and on the map.</p> <p>The legend annotates the Estelle Street bridge as a "Pedestrian Bridge". Other sections of the UDLP describe it as a Shared Use Path bridge. Choose a description and be consistent through the UDLP.</p>

18	Report 3. Site analysis	14	3.2 Landscape	Accuracy of information	<p>The Koonung Creek Valley blurb should reflect the fact the open waterways are currently within the City of Whitehorse only and there are no open waterways in the City of Boroondara.</p> <p>It should also reflect the true on ground conditions. The current text reads:</p> <p>"The Koonung Creek Reserve is a key linear parkland that extends from Bulleen Road in the west to Doncaster Road in the east, incorporating wetlands and other water quality treatment areas that provide high landscape amenity value and support a diversity of flora and fauna. The Koonung Creek runs east through these linear parklands and under the Eastern Freeway through the suburbs of Balwyn North, Mont Albert North and Box Hill North to Doncaster."</p> <p>Amend the paragraph to read:</p> <p>"The Koonung Creek Reserve is a key linear parkland that extends from Mountain View Road in the west to Doncaster Road in the east, incorporating a wetland area and land managed for biodiversity purposes that provide high landscape amenity value and support a diversity of flora and fauna."</p> <p>The current landscape conditions should not be misrepresented to suit the needs of NELP. The current landscape conditions should be a true and accurate description of what is out there at the moment. Claiming the Koonung Creek runs through the Koonung Creek Reserve is wholly inaccurate as it is piped underground and is not an aboveground water body at any point in the KCR.</p>
19	Report 3. Site analysis	15	3.3 Local Character Precincts	Accuracy of information	<p>The second dot point in the blurb and the legend associated with Figure 15 mislabel the Koonung Creek Reserve as Koonung Reserve.</p> <p>The Koonung Reserve (or Koonung Park) is located on the north side of the Eastern Freeway in Manningham. There is also a Koonung Reserve some distance away in the City of Whitehorse.</p> <p>Amend dot point and legend to read Koonung Creek Reserve.</p> <p>This is not the only instance of the Koonung Creek Reserve being labelled as Koonung Reserve. There are many more throughout the UDLP report and attachments.</p> <p>Review the entire UDLP report and attachments to ensure key assets in the UDLP area are correctly labelled.</p>
20	Report 3. Site analysis	16	Koonung Reserve	Error	Amend heading from 'Koonung Reserve' to 'Koonung Creek Reserve'.
21	Report 3. Site analysis	16	Koonung Reserve	Error	Amend Figure 17 caption from 'Koonung Reserve' to 'Koonung Creek Reserve'.
22	Report 3. Site analysis	16	Koonung Reserve	Accuracy of information	<p>The third paragraph is inaccurate and does not reflect the opinion of the Boroondara and KCR user community. Council completed two community engagement and consultation projects to understand what people value in the KCR and how they use the KCR. While the wetland was listed as an asset of interest, the wide open grassed areas, landscaping and network of paths were rated more highly by the community.</p> <p>Amend the third paragraph to read:</p> <p>"The Koonung Creek Reserve abuts and runs adjacent to the Freeway to the south for the full length of this section and is highly valued by nearby communities for its recreational, environmental and landscape values. In particular the wide open grassed areas and landscaped biodiversity areas with a network of formal and informal paths are a key focus for passive recreation activities and opportunities to directly connect with nature."</p>
23	Report 3. Site analysis	16	Yarra River Valley / Koonung Creek	Site analysis/context	<p>Provide more context around project impacts on open spaces and residential interfaces. Provide a map show existing footprint of the reserve and the smaller footprint following land acquisition.</p> <p>The site analysis focuses on the landscape character. There needs to be more context of residential interfaces, impacts on open spaces and the pinch points to residential areas on the south side.</p>
24	Report 3. Site analysis	16	Yarra River Valley / Koonung Creek	Site analysis/context	Add pre-existing conditions map and overlay the project to clearly show the impact of the project on residential areas and open space.

25	Report 3. Site analysis	18	3.4 Wurundjeri Woi-wurrung Country	Value add projects	<p>If Koonung Creek forms an intrinsic part of the Yarra River's broader cultural landscape detail NELP and is contractors plans to revitalise the Koonung Creek downstream of the Eastern Freeway (that is north of Thompsons Road and west of Bulleen Road to its confluence with the Yarra River) in the UDLP.</p> <p>If NELP and its contractors do not have plans to revitalise the currently daylighted sections of the Koonung Creek, state this and explain why not in the UDLP.</p>
26	Report 3. Site analysis	18	3.4 Wurundjeri Woi-wurrung Country	Wurundjeri Woi-Wurrung	<p>Explain what consultation was undertaken with Wurundjeri Woi-Wurrung on this particular UDLP.</p> <p>It is not clear of the Wurundjeri Woi-Wurrung were consulted on this UDLP specifically or on the project-wide UDS only</p>
27	Report 4. Project Description and Design Response	20	4.1 - Project Scope	Missing information	<p>This section of the UDLP provides no information about Musca Street Reserve and Yarra Flats Reserve.</p> <p>Amend the UDLP to include commentary about Musca Street Reserve and Yarra Flats Reserve. If nothing is planned to change in either reserve, state that. If a walking path and cycling trail connection is being built, state that. Advise of NELPs broader intentions for the reserves in terms of construction compounds.</p> <p>Amend the design to include the Council endorsed plan for the Musca Street Arboretum.</p>
28	Report 4. Project Description and Design Response	20	4.1 Project scope - Roads	Context	Explain why six additional motor lanes need to be constructed.
29	Report 4. Project Description and Design Response	20	4.1 Project scope - Bridges	Koonung Creek Trail	<p>Delete the words ...'as well as facilitating shared pedestrian and cyclist movements'.</p> <p>The existing Estelle Street bridge already facilities the shared pedestrian and cyclist movements.</p>
30	Report 4. Project Description and Design Response	20	4.1 Project scope - Noise walls	Noise walls/flood walls	<p>The maintenance and administration building at the western end of the Freeway Golf Course is home to Council's Turf Management team. It is their office and their equipment storage building.</p> <p>Amend the design to include noise walls to offer noise attenuation to this office facility as required by the Project EPRs.</p> <p>The text in the dot point under 'Noise Walls' notes no noise walls will be built along the section of the Eastern Freeway directly abutting Yarra Bend Park.</p> <p>Yarra Bend Park is outside the scope of this UDLP. It is likely it is meant to be Yarra Flats Reserve.</p> <p>Amend the text from Yarra Bend Park to Yarra Flats Reserve.</p> <p>This is not the only instance of this error and represents a total lack of interest in anything but the road by the design team.</p> <p>Review the whole UDLP, report and attachments, and ensure the Yarra Flats Reserve is accurately referenced.</p>
31	Report 4. Project Description and Design Response	20	4.1 Project scope - Walking and Cycling	Error	<p>The current text reads:</p> <p>"Provision of dedicated pedestrian and cycle paths within Koonung Creek Reserve to facilitate separation of commuter and/or through bicycle traffic using the Koonung Creek trail from recreational users."</p> <p>This is inaccurate as the Koonung Creek Trail is being reinstated as a Shared Use Path not as dedicated, properly mode separated pedestrian paths and cycle trails. All artists impressions/visualisations/images show the shared path being used by cyclists and pedestrians.</p> <p>Amend the design to include mode separated walking paths and cycling trails.</p>
32	Report 4. Project Description and Design Response	20	Figure 25	Missing information	Add the view direction (i.e. east or west) to the caption.
33	Report 4. Project Description and Design Response	21	4.1 Project Scope - Waterways and Open Space	Koonung Creek Reserve	Explain in the UDLP what "additional embellishments" will be delivered in Koonung Creek Reserve.

34	Report 4. Project Description and Design Response	21	4.1 Project Scope - Waterways and Open Space	Koonung Creek Reserve	<p>The "introduction of new Water Sensitive Urban Design (WSUD) features, including the creation of an open swale and supporting water quality treatment within the Koonung Creek Reserve between Doncaster Road (Doncaster) and the existing wetland opposite Wilburton Parade (Balwyn North) to connect thought the downstream wetland system, with riparian and aquatic species planted along the creek to create permanent and ephemeral pond areas and convey storm flows during heavy rain events" is not supported by the community or Council.</p> <p>Remove the drainage ditch (NELSA labelled WSUD drainage swale) and all associated infrastructure from the design.</p> <p>It is considered there are other, better opportunities to capture and transfer road run-off before it reaches the Birrarung.</p> <p>Investigate, document and implement water capture, treatment and transfer opportunities from north of Thompsons Road and west of Bulleen Road.</p> <p>Council is willing to work with NELP, NELPs contractors, Carey Grammar School and Melbourne Water on the revitalisation of the Koonung Creek adjacent to our land and on water treatment and transfer options as well.</p>
35	Report 4. Project Description and Design Response	21	4.1 Project Scope - Other	Flood walls	<p>The text notes:</p> <p>"Flood and retaining walls adjacent to the Freeway corridor where required due to topography or drainage conditions."</p> <p>Are the flood walls required to protect the Eastern Freeway or open space from flooding? Is the widened Eastern Freeway to source of the flood water? Why is this an issue now? What has generated the need for flood walls?</p>
36	Report 4. Project Description and Design Response	21	4.1 Project Scope - Other	Land acquisition	<p>The UDLP currently states:</p> <p>"No acquisition of private land is required for construction of the above works..."</p> <p>The UDLP must acknowledge that public land will be acquired for the Eastern Freeway widening. The UDLP should also acknowledge the Voluntary Purchase Scheme (VPS) the EPRs require and that this may impact on private properties in the UDLP area.</p> <p>Amend the UDLP to reflect the acquisition of public land and existence of the VPS.</p>
37	Report 4. Project Description and Design Response	21	4.1 Project Scope - Other	Stormwater management infrastructure	<p>What is the function of the YVW Pressure Reducing Station. Why does it need to be located at this point within the KCR?</p> <p>Amend the design to relocate it elsewhere and outside of the KCR.</p>
38	Report 4. Project Description and Design Response	22	Figure 28	Error	<p>Koonung Creek wetlands should be changed to Koonung Creek Reserve wetland.</p> <p>The wetland already exists and is not a design response item the UDLP should claim.</p>
39	Report 4. Project Description and Design Response	22	Figure 28	Missing information	<p>Amend the image to include a note stating "Southern Interchange Zone shown in blue is not included in this UDLP."</p>
40	Report 4. Project Description and Design Response	22	Figure 28	Missing information	<p>Key UDLP infrastructure items are missing from the map.</p> <p>Amend map to include:</p> <ul style="list-style-type: none"> <li>- the incident response building near Doncaster Road;</li> <li>- the Yarra Valley Water Pressure Reducing Station;</li> <li>- the express bus way.</li> </ul>
41	Report 4. Project Description and Design Response	23	4.1.3 Design changes from the Environment Effects Statement (EES) Reference Project Design	Missing information	<p>The first dot point notes the length of walking and cycling paths has increased from that in the EES reference design.</p> <p>Detail in the UDLP where this increase occurs in this section of the project. If it is the secondary path network in the Koonung Creek Reserve, that is inaccurate as there is an existing secondary path network already.</p>



42	Report 4. Project Description and Design Response	27	4.1.4 Southern Interface Zone - Bulleen Road Bridge Shared Use Path.	Change from approved NEL Tunnels UDLP	<p>The UDLP states:</p> <p>"... the bridge width in this location can only accommodate space for a standard footpath. Based on the design of the immediately surrounding SUP network, it is evident that this western section of path is not critical for connectivity or wayfinding. An equal if not better level of service is provided by the SUP directly to the east, which is fully separated from traffic on a separate dedicated bridge crossing."</p> <p>This statement ignores:</p> <ul style="list-style-type: none"> <li>- The Koonung Creek Trail connection at Leonis Avenue Reserve immediately to the south and easily access via a signalised crossing of the Bulleen Road inbound on-ramp.</li> <li>- The land use on the west side of Bulleen Road north of the Eastern Freeway, being Carey Grammar School sports fields, the Bullen Park sports precinct and the Veneto Club.</li> </ul> <p>The statement clearly seeks to find an excuse to not deliver what was promised and what is needed.</p> <p>Amend the design to deliver a Shared Use Path on the west side of Bulleen Road bridge.</p>
43	Report 4. Project Description and Design Response	28	4.1.4 Southern Interface Zone - Koonung Creek Reserve - Alignment of Koonung Creek Trail Figure 40 and Figure 41	Change from approved NEL Tunnels UDLP	<p>Explain in the text why the alignment of the Koonung Creek Trail to the southern boundary of the park has been changed. There is no explanation given. It was not at Council's request.</p> <p>Council's understanding is that the NELP and NELSA are realigning the SUP to accommodate the construction compounds and ensure that the SUP can remain functional during construction. As we understand, NELP/NELSA intends to retain this alignment permanently. This is not an ideal alignment as it is not direct. The Koonung Creek Trail is a Strategic Cycling Corridor (SCCs) and guiding principles for the trail are set by Department of Transport - Principles are</p> <p>The principles are:</p> <ul style="list-style-type: none"> <li>• Destination focussed</li> <li>• Safe</li> <li>• Direct</li> <li>• Connected</li> <li>• Integrated</li> </ul> <p>See <a href="https://dtp.vic.gov.au/getting-around/walking-and-cycling/strategic-cycling-corridors">https://dtp.vic.gov.au/getting-around/walking-and-cycling/strategic-cycling-corridors</a></p>
44	Report 4. Project Description and Design Response	28	4.1.4 Southern Interface Zone - Koonung Creek Reserve - Alignment of Koonung Creek Trail Figure 40 and Figure 41	Lighting	<p>The Project plans to rely on light spill from Freeway lighting to light walking paths and cycling trails is inadequate. The reliance on local street lighting to light sections of path in the KCR is inappropriate. The NELP should not rely on a third party asset to provide a service it should be providing.</p> <p>The UDLP contradicts the intention to rely on light spill with statements about reducing light spill and installing shields on lights for the Freeway to ensure they do not spill outside the road corridor.</p> <p>The provision of lighting on Shared Use Paths is a key strategy in Boroondara Council's Community Plan and Council's Bicycle Strategy 2022.</p> <p>Amend the design to include lighting for all waking paths and cycling trails.</p>
45	Report 4. Project Description and Design Response	28	4.1.4 Southern Interface Zone - Koonung Creek Reserve - Koonung Creek Reserve - Alignment of Koonung Creek trail	Lighting	<p>How will the western section of the Koonung Creek Trail near the Mountain View Road residential properties be lit? Particularly the section between noise walls?</p>

46	Report	28 and 40		Walking and cycling	<p>p.28 The NELP acknowledges that 'through traffic' cyclist commuter users are at higher speed than pedestrians. The design alignment bringing the trail to the residential interface creates a conflict with pedestrians entering the park.</p> <p>P.40 The UDLP describes it as an 'integrated movement corridor, increasing ease of use and enjoyment across all transport modes'. The design is not integrated and does not provide an improvement from existing conditions or represent best practice.</p>
47	Report 4. Project Description and Design Response	29/30	Additional Noise Walls	Noise walls/flood walls	<p>This section is confusing.</p> <p>Is the new noise wall type to be included to provide a better look and feel with the environment and to be used in the Yarra Valley Precinct area only? So material and finish change only?</p> <p>Is there a plan showing exactly where these new noise wall types and other wall types will be used?</p> <p>If there is no map/plan showing the location of the noise wall types, prepare and include a plan showing the location of all noise wall typologies in the Eastern Freeway Upgrades UDLP.</p>
48	Report 4. Project Description and Design Response	29/30	Additional Noise Walls	Noise walls/flood walls	Will the noise wall on Columba Street above the escarpment be replaced?
49	Report 4. Project Description and Design Response	29/30 and 32	Additional Noise Walls	Biodiversity/habitat creation	Council has previously raised the idea of embedding habitat features in noise walls - such as microbat or bird nesting boxes, log hollows etc. Given that the habitat corridor across the freeway is not proceeding, what steps has NELSA taken to investigate this idea and offset habitat loss?
50	Report 4. Project Description and Design Response	32	Removal of habitat corridor adjacent to Freeway Golf Course bridge.	Change from approved NEL Tunnels UDLP	We accept the commentary that a habitat corridor may not be successful at this location and suggest an alternative location be considered.
51	Report 4. Project Description and Design Response	36	Caring for Country	Biodiversity/habitat creation	<p>The UDLP states:</p> <p>"...The landscape response through the UDLP has been designed to promote and enhance biodiversity outcomes at all scales - from small micro-habitats at the base of noise walls or in road medians, to large scale reimagining of open space and linear corridors."</p> <p>What are the small micro-habitats at the base of the noise walls?</p> <p>Provide information and an image of this in the UDLP.</p>
52	Report 4. Project Description and Design Response	36	Caring for Country	Project footprint	<p>The UDLP states:</p> <p>"Built form within this UDLP has been designed to 'touch the earth lightly' through minimising the footprint and visual bulk."</p> <p>Explain and show in the UDLP where the footprint and visual bulk of the Eastern Freeway Upgrades has been minimised.</p> <p>The inclusion of the drainage ditch (NELSA described WSUD drainage swale) and associated infrastructure is totally contrary to the 'touch the earth lightly' intent. The infrastructure will fracture the Koonung Creek Reserve and doe snot touch the earth lightly.</p> <p>Remove the drainage ditch (NELSA labelled WSUD drainage swale) and associated infrastructure from the design.</p>
53	Report 4. Project Description and Design Response	36	Caring for Country	Stormwater management infrastructure	<p>The UDLP states:</p> <p>"This UDLP provides an opportunity to improve and enhance Koonung Creek as an integrated riparian corridor incorporating above and below ground elements".</p> <p>Add text to reflect the Koonung Creek is only daylighted east of Doncaster Road and north of Thompsons Road and any above ground waterbody or other water element in the Koonung Creek Reserve serves to capture and transfer road run-off only.</p>

54	Report 4. Project Description and Design Response	37	Connecting people	Project	<p>The UDLP states:</p> <p>"Just as NEL is more than a tunnel, the design presented through this UDLP is more than just a Freeway upgrade."</p> <p>With the recent rebranding of NELSA to Burke to Tram Alliance and separation from NELP branding and naming, how is the NEL now more than just a tunnel?</p> <p>Detail how the design presented through this UDLP is "more than just a Freeway upgrade." The 'improvements' listed in the UDLP are not obviously apparent, especially the "new and upgraded path networks connecting in to the Koonung Creek Trail...".</p>
55	Report 4. Project Description and Design Response	37	Connecting people	Open spaces - new facilities	<p>The text notes that 'The design response has also prioritised Connecting People through enhanced existing open space areas with additional landscaping, facilities and other park infrastructure....'</p> <p>What and where are the additional facilities?</p>
56	Report 4. Project Description and Design Response	37	Connecting people	SUP/secondary paths	<p>What is meant by upgraded path networks?</p> <p>Provide examples and explain where paths are being upgraded and where paths are being reinstated.</p>
57	Report 4. Project Description and Design Response	39	Sustainability	Climate change/Urban heat	<p>Urban heat island effect.</p> <p>It will take years for new trees to grow. Has the project considered how respite from hot weather will be provided for community while the trees are growing? What are the other shade-casting features mentioned in the text and where are they?</p> <p>Why does the UDLP single out SUPs as the only community asset requiring shade?</p>
58	Report 4. Project Description and Design Response	39	Sustainability	Tree removal/retention	<p>Potential for reuse of timber.</p> <p>Timber could also be used for natureplay areas or the new playground shown in the concept design or renewal of the existing playground. This required further discussion with Council.</p>
59	Report 4. Project Description and Design Response	40	4.3 Design Response	Koonung Creek Reserve	<p>The UDLP states:</p> <p>"Koonung Creek has been brought to the forefront of this response - reinterpreted through new open swales, short sections of culverts and expanded wetland systems within Koonung Creek Reserve..."</p> <p>This is another example of the NELP and its contractors using a mix of labels for the drainage ditch.</p> <p>Remove the drainage ditch (NELSA described WSUD drainage swale) and associated infrastructure from the KCR and the design.</p>
60	Report 4. Project Description and Design Response	40	4.3 Design Response - Figure 57	Asset handover and management	<p>The artist image shows huge swathes of mixed native grassland in Koonung Creek Reserve - who will be maintaining these areas? How will this be funded?</p>
61	Report	41	Caring for Country	Plant selection	<p>We appreciate the use of the Munsell Soil Colour Chart in your design colour selection. If you're using this scientific approach, we would also hope to see climate science brought in particularly with regard to tree selection.</p> <p>Planting mixes generally are based on pre-1750 EVC but we've seen rapid climate change through anthropogenic causes since the 1950s. There is some risk of failure if we don't look to warmer climate provenance for at least a proportion of the planting materials. The other potential benefit is greater genetic diversity, noting the significance of local provenance to the Wurundjeri-Woi Wurrung and also for sustainability of procurement for the project.</p> <p>Ideally we balance these aims with some genetic mixing from warmer climate areas, to spread/reduce the risk that plants are not resilient to future climate.</p> <p>If you can explain your climate risk assessment process that would be helpful to allay our concerns. This is not 1750, it's a highly modified, disturbed urban site in 2023, and there will be many intrinsic challenges to plant growth as well as those imposed by the operation of the road. Mitigating the urban heat island effect within the Freeway corridor is a big ask - what evidence is there from other projects that this is achievable? If there isn't any, you shouldn't claim it.</p>

62	Report 4. Project Description and Design Response	42	4.3 Design Response - 2 Koonung Reserve	Error	<p>Is this palette of materials and colours for Koonung Reserve or Koonung Creek Reserve?</p> <p>The Koonung Reserve is in Manningham Council on the north of the Eastern Freeway. The Koonung Creek Reserve is in Boroondara on the south of the Eastern Freeway.</p> <p>As previously requested, amend the title for the 'area'.</p> <p>The bright yellow colour proposed for the NELSA labelled Koonung Reserve area is not considered acceptable.</p> <p>Remove the bright yellow from the colour palette and replace with a more muted, Munsell colour.</p>
63	Report 4. Project Description and Design Response	42	4.3 Design Response - Koonung Reserve	Noise walls/flood walls	<p>The Munsell colours include textured concrete surfaces - is the grey swatch a smooth concrete noise wall? Or a noise wall colour? If it is a smooth concrete finish, if so, this is unsuitable as it will attract graffiti.</p>
64	Report 4. Project Description and Design Response	42	4.3 Design Response - Koonung Reserve	Noise walls/flood walls	<p>Are the colours standard VicRoads colours? If not, they will be difficult to maintain - for example repainting or replacing in the event of damage or graffiti as they are not standard and require an additional item in the parts library to maintain.</p> <p>Review colour and finish palette to ensure they are easily maintained by the ultimate asset owner and still provide a good urban design outcome.</p>
65	Report	42	figure 59	Noise walls/flood walls	<p>Council prefers textured walls where possible to discourage graffiti and would like confirmation if the texture will be on both sides of the noise wall panel or just on the freeway facing side?</p> <p>Bright acrylic coloured panels may not be well received by adjacent residents who are used to a more naturalistic outlook in the reserve - we anticipate that a panel that can camouflage well into the landscape whilst enhancing views as seen from back of freeway is likely to receive high support from community.</p> <p>Noise wall design is an opportunity to integrate interpretative or informative art or messaging near the wetlands in particular. The detail in noise walls and the differentiation of panels may be suited to the speeds that cars travel, but we must consider how this relates to pedestrians who are taking in much more detail at a slower speed.</p> <p>Where possible, opportunity to provide more detail to the back side of noise walls should be a site specific response that can help contribute to the localised character and shifting identity of the landscape along the trail, rather than a precinct response that applies the same homogenous design everywhere.</p>
66	Report 4. Project Description and Design Response	44	4.3 Design Response - Koonung Wetlands	Error	<p>Area 4 is labelled 'Koonung Wetlands'. This is incorrect and should be 'Valda Wetlands'.</p> <p>Area 4 is shown as the area to the east of Doncaster Road, outside the Boroondara area. The commentary about area 4 talks about the Koonung Creek Reserve. How can the commentary talk about an area of land that is not in the area 4 shown on the map? And an area that is already described (and incorrectly labelled) as area 2 in this same section of the UDLP.</p> <p>Change the area 4 label from 'Koonung Wetlands' to 'Valda Wetlands'.</p> <p>Remove the commentary about the Koonung Creek Reserve from this section of the UDLP as the physical area shown as area 4 does not include any of the Koonung Creek Reserve.</p>

67	Report 4. Project Description and Design Response	45	4.3.2. Walkability and Activation nodes	Quality/language/consistency	<p>This page is confusing.</p> <p>You have not been showing or talking about the southern interface zone in the UDLP and have gone to lengths to explain the southern interface zone is NOT part of this UDLP.</p> <p>Why is it suddenly included in this section of the UDLP and referenced and described as though it is included in this UDLP?</p> <p>The map shown in figure 62 is incoherent and, if it is included to shown connectivity between local trip generators/attractors and facilities, this needs to be better explained. The random lines between locations area meaningless, as are the circles and choice of locations.</p> <p>Review and rewrite this page to ensure it makes sense and is consistent with the rest of the UDLP and has a real purpose.</p>
68	Report 4. Project Description and Design Response	45	4.3.2. Walkability and Activation nodes	Error	<p>2nd paragraph - Upgrades to Koonung Creek Reserve and Koonung Creek Trail. All of the elements described in the paragraph are already in existence.</p> <p>Revise the UDLP to actually described what upgrades are proposed in the UDLP.</p>
69	Report 4. Project Description and Design Response	45	4.3.2. Walkability and Activation nodes	Error/Missing information	<p>The list of locations under the map incorrectly labels the 'North Balwyn Village' as 'North Balwyn Shopping Centre'.</p> <p>Amend label.</p> <p>Bulleen Road it not marked correctly on the map.</p> <p>The Freeway Golf Course is labelled as Yarra Flats Reserve.</p> <p>The Yarra Flats Reserve is not labelled.</p> <p>The Koonung Creek Reserve Wetlands are incorrectly labelled as Koonung Wetlands.</p> <p>The Boroondara Shopping Centre on Balwyn Road is not shown on the map.</p> <p>Amend map.</p>
70	Report 4. Project Description and Design Response	45	4.3.2. Walkability and Activation nodes - Figure 62	Missing information	<p>The map shown in figure 62 is missing a legend.</p> <p>Amend the UDLP to include a legend.</p>
71	Report 4. Project Description and Design Response	45	4.3.2. Walkability and Activation nodes	Site analysis/context - missing information	<p>The example local activation nodes should be revised. Parents and caregivers will not want to encourage children to play in a 'rocky creek bed' that has been designed to carry dirty road run-off.</p> <p>Amend the UDLP to include a more appropriate local activation node example.</p>
72	Report 4. Project Description and Design Response	46	4.3.3 User Experience		<p>This page is confusing.</p> <p>You have not been showing or talking about the southern interface zone in the UDLP and have gone to lengths to explain the southern interface zone is NOT part of this UDLP.</p> <p>Why is it suddenly included in this section of the UDLP and referenced and described as though it is included in this UDLP?</p> <p>Review and rewrite this page to ensure it makes sense and is consistent with the rest of the UDLP.</p>

73	Report 4. Project Description and Design Response	46	4.3.3 User Experience		<p>The text in the section "views" describing design for noise walls can be interpreted as prioritising views for drivers on the freeway over pedestrians using the spaces behind them for recreation. Suggesting see-through noise walls in spaces with high amenity and recreation value to the detriment of the experience of others would not be accepted well by the community. The community are already losing recreational space - their experience of the space as a natural environment would be further impacted by views out to the freeway. Further detail about where these transparent panels would go, and precedent imagery may alleviate the concerns if the panel design is not detrimental to views, in reality.</p> <p>Drivers will quickly forget their driving experience, particularly on this stretch of the widened Eastern Freeway with multiple traffic barriers separating the collector-distributor lanes and the removal of the grassed central median. The glimpses of parkland behind the 10m tall noise walls will be meaningless and mostly unseen.</p> <p>If the widened Eastern Freeway was delivering an EastLink of Peninsula Link visual experience for motorists (e.g. a vegetated central median, road side art, sweeping green views to the Dandenongs and across the green wedge land) then the UDLP commentary would make sense. But the NEL is not delivering that motorist experience. It is delivering a CityLink style experience with asphalt and concrete the main 'sites' visible to motorists.</p> <p>Revise the commentary to focus on the views for those who will remember and see the views. That is, think about the residents and park users and their visual experience.</p> <p>Residents remember. Drivers forget.</p>
74	Report 4. Project Description and Design Response	46	4.3.3 User Experience - Fig 63	Error	Rename 'Koonung Reserve' as 'Koonung Creek Reserve' in figure 63.
75	Report 4. Project Description and Design Response	46	4.3.3 User Experience	Missing information	Include land acquisition in Koonung Creek Reserve amongst the unavoidable impacts. This information should be presented earlier in the document as it provides the context for the reinstatement of parklands and SUPs.
76	Report 4. Project Description and Design Response	46	4.3.2. User Experience	Quality/language/consistency	<p>Replace the words 'Episodic marker' with another more reader-friendly description.</p> <p>The term 'Episodic marker' maybe familiar to the authors but may mean nothing to community members not familiar with</p>
77	Report 4. Project Description and Design Response	46	4.3.3 User Experience	SUP	<p>This section on the User Experience seems unnecessary vague and fluffy.</p> <p>What is a reimagined SUP? As far as we can tell from the UDLP, NELP and its contractors are rebuilding existing 3m wide SUPs as 3m wide SUPs and are not reimagining the path network at all.</p> <p>Where is the separate cycling commuter path? All plans detail a SUP and do not show, at any point in Boroondara, a cycling only path.</p> <p>Revise and rewrite this section of the UDLP to reflect what the design proposes.</p> <p>Amend the UDLP to include mode separated walking paths and cycling trails.</p>
78	Report 4. Project Description and Design Response	47	4.3.3 User Experience	Biodiversity/habitat creation	<p>What makes-up a green corridor? What evidence is there that this is enough to maximise opportunities for movement of pollinators and local animal species?</p> <p>Our ecologists note that to succeed habitat corridors need to be at least 30 metres in width (trees canopy, mid storey and understorey) to provide appropriate passage for fauna. Is the green corridor this width?</p>
79	Report 4. Project Description and Design Response	47	4.3.3 User Experience	Information in wrong place	<p>Why is Water and Landscape included under User Experience?</p> <p>Relocate it to Sustainability section.</p> <p>Much of this information - particularly Waterways, Wetlands and Open Space is repeated earlier in the document.</p> <p>Revise the UDLP and remove unnecessary repetition.</p>

80	Report 4. Project Description and Design Response	47	4.3.3 User Experience	Information in wrong place	<p>Paragraph 7 details the reason for the drainage ditch and associated infrastructure (NELSA described WSUD drainage swale), being to capture and transfer the additional road run-off from the widened Eastern Freeway and to mitigate the impacts of flooding this water will have.</p> <p>Why is this commentary not included in section 4.23 Sustainability?</p>
81	Report 4. Project Description and Design Response	47	4.3.3 User Experience	Missing information	<p>Waterways, Wetlands and Open Space</p> <p>There is mention of Musca Street Reserve or Yarra Flats Reserve - why not?</p> <p>Include comment on these reserves which are part of this UDLP.</p>
82	Report 4. Project Description and Design Response	47	4.3.3 User Experience	Quality/language/consistency	<p>Waterways, Wetlands and Open Space</p> <p>How can the movement of water hold strong cultural significance to the local landscape? Rewrite this in plain English.</p>
83	Report 4. Project Description and Design Response	47	4.3.3 User Experience	Stormwater management infrastructure	<p>Waterways, Wetlands and Open Space</p> <p>Note in this section that Council does not support the inclusion of the reinterpreted Koonung Creek through the Koonung Creek Reserve because of its impact on open space.</p>
84	Report 4. Project Description and Design Response	47	4.3.3 User Experience	Stormwater management infrastructure	<p>Where is the new 'rock play area' in the reserve?</p> <p>This is not included in the Koonung Creek Reserve Concept Design or UDLP.</p> <p>Amend the UDLP to either remove this reference to a 'rock play area' or update the plans to show where it is located.</p>
85	Report 4. Project Description and Design Response	47	4.3.3 User Experience	Wurundjeri Woi-Wurrung	<p>Where does the name 'Koonung Koonung Creek' come from?</p> <p>We have asked this question before and have not had it answered.</p>
86	Report	47	4.3.3 User Experience	Climate change	<p>Climate change considerations seem to be drought-focused, but the variability will also challenge us - higher frequency, more intense rainfall events, but also extended hotter dry spells, and longer term La Nina/El Nino climate oscillations. Not all species on the planting list will be robust to a generally warming climate and growing environment.</p>
87	Report 5. Consistency with the Urban Design Strategy	53	Objective 1.1 Sense of Place	Koonung Creek Reserve	<p>It is not clear in the report that the UDLP considers and responds to local community facilities and local identity.</p> <p>The Koonung Creek Reserve is a popular recreational reserve and biodiversity corridor. Consultation undertaken by Council in May 2022 and September/October 2023 highlighted what was important to the community and this was shared with NELP and NELSA. Facilities highlighted as especially important to the community included:</p> <ul style="list-style-type: none"> <li>- upgraded playground</li> <li>- new playground at western end of the reserve with public toilet and facilities</li> <li>- relocated BMX track</li> <li>- mode separated Koonung Creek Trail</li> <li>- no new water infrastructure in the reserve</li> <li>- lighting along paths in the reserve</li> <li>- decking and quiet areas from sitting and relaxing around the Koonung Creek Reserve wetland.</li> </ul> <p>The response to the objective and urban design outcome states:</p> <p>"Supporting the wider communities' expectations of what Koonung Creek Reserve is and how it is used, the rebuilt landscape will be a place to gather, pause and connect."</p> <p>This is disingenuous as the NELSA Koonung Creek Reserve design presented in the UDLP does not support the wider communities' expectations of what the KCR is and how it is used. This is despite on-going dialogue between NELSA and Council requesting the removal of the drainage ditch - a request strongly supported by the community.</p> <p>Remove the drainage ditch (labelled as a WSUD drainage swale by NELSA) and associated infrastructure from the design. This will ensure the response to the objective and urban design outcome as currently written will be true.</p>
88	Report	53	Objective 1.2	SUP	<p>Do the proposed new pathways and trail through KCR represent an 'improved' cycling and pedestrian experience? Review of the design indicates it is a replacement of existing infrastructure and does not represent an 'improvement' for the community or alignment with best practice and investment to future cyclist commuter demand</p>



89	Report 5. Consistency with the Urban Design Strategy	53	Objective 1.2 Recognise the Yarra River	Value add projects	<p>There is opportunity to rehabilitate Koonung Creek west of Bulleen Road and Council has submitted this as a value-add community project for funding by NELP and NELSA.</p> <p>Include this opportunity in the UDLP and design.</p>
90	Report 5. Consistency with the Urban Design Strategy	53	Objective 1.3 - Landscape and visual amenity	Asset handover and management	<p>Robust landscape screening will depend on the success of site preparation, careful selection of tree stock and maintenance of newly planted trees.</p> <p>What is the maintenance period for tree and other plants within the project area?</p>
91	Report 5. Consistency with the Urban Design Strategy	53	Objective 1.3 - Landscape and visual amenity	Error	<p>It is not true to claim that Intervention to existing landscapes is minimised.</p> <p>Huge areas of public open space is being formally acquired, there is extensive tree clearing in Koonung Creek Reserve and the remaining Koonung Creek Reserve will be fractured because of the inclusion of the drainage ditch and associated infrastructure.</p> <p>Intervention to existing landscapes is maximised with this UDLP and its design.</p> <p>Delete this reference from this UDLP.</p> <p>Remove the drainage ditch and associated infrastructure from the UDLP and KCR.</p>
92	Report 5. Consistency with the Urban Design Strategy	53	Objective 1.3 - Landscape and visual amenity	Project footprint	Physical impacts from the project have not been reduced. There is no evidence from plans in the UDLP that the project footprint has been reduced.
93	Report 5. Consistency with the Urban Design Strategy	54	Objective 1.5 - Architectural contribution	Estelle Street bridge	<p>The Estelle Street bridge is architecturally attractive but compromises the Koonung Creek Reserve by severing access through the KCR.</p> <p>Amend the design of the Estelle Street bridge to site it on piers and not a support mound in the KCR.</p>
94	Report 5. Consistency with the Urban Design Strategy	55	Objective 2.1 - Connectivity	Full length of the UDLP	<p>The response to the objective and design outcome includes a note about 'upgrades to walking and cycling pathways north and south of the Freeway. It suggests the Shared Use Path, walking path and cycling trail network is being upgraded along the length of the UDLP.</p> <p>This is not accurate,.</p> <p>NELSA is not mode separating Shared Use Paths and is not touching or proposing to provide funding to Councils to upgrade sections of SUP, walking paths and cycling trails outside the declared project area.</p> <p>NELSA is not upgrading all walking and cycling pathways north and south of the Freeway and the response suggests.</p> <p>Amend the design to include mode separation of all existing Shared Use Paths; Include all walking and cycling paths both north and south of the Freeway both inside and outside the declared project area; Provide funding to Councils (to Council's satisfaction and not NELPs) to upgrade walking and cycling paths where NELP does not want to complete the work.</p>
95	Report 5. Consistency with the Urban Design Strategy	55	Objective 2.2 - Transport integration	Full length of the UDLP	See comment in response to Objective 2.1 - Connectivity.
96	Report 5. Consistency with the Urban Design Strategy	56	Objective 2.3 - Legibility and wayfinding	Full length of the UDLP	<p>The response to the objective and urban design outcome states:</p> <p>"Visual clutter has been minimised through adoption of a restrained palette, as well as proposing for location of gantry legs to be behind noise walls..."</p> <p>This response indicates the visual clutter has been minimised for road users only and all visual clutter hidden behind noise walls will be visible to users of parks, reserves and local streets behind the noise walls.</p> <p>The response reinforces the fact the NEL is a road and tunnel project and nothing else.</p> <p>Amend the design to focus efforts and actions in terms of reducing visual clutter for users of parks, reserves and local streets in preference to road users.</p>

97	Report 5. Consistency with the Urban Design Strategy	56	Objective 2.3 - Legibility and wayfinding	Full length of the UDLP	<p>The response to the objective and urban design outcome states:</p> <p>"Where experience is compromised (for example, at pinch points), clear and direct wayfinding signage will be provided..."</p> <p>Why limited clear and direct wayfinding and signage to pinch points and other compromised locations only?</p> <p>Amend design to include clear and direct wayfinding and signage for all walking paths, cycling trails and intersections with the local street and path network.</p> <p>Amend the response to note clear and direct wayfinding and signage will be provided across all walking paths, cycling trails and intersections with the local street and path network.</p>
98	Report 5. Consistency with the Urban Design Strategy	57	Objective 3.1 - Integration with context	Full length of the UDLP	<p>The response to the objective and urban design outcomes is disingenuous, inaccurate and garbled.</p> <p>It suggests the Estelle Street bridge is a new bridge and not a replacement bridge. Replacing an existing bridge which currently provides pedestrian and cyclist connectivity across the Eastern Freeway is not mitigating severance of communities. It is replacing an existing link.</p> <p>Claiming all links into the Project have been supported through a continuation of the link makes no sense. In addition to it not making sense, the walking and cycling links through the full length of the UDLP are not addressed in the design and are actually ignored.</p> <p>How have the connections to the Bulleen and Doncaster Park and Ride facilities been strengthened? No information in the UDLP or on the plans in the attachments demonstrate how this has been achieved. There are no improvements beyond retaining the existing pedestrian and cycling infrastructure and/or routes. A new bridge on the east side of the Bulleen Road bridge is welcomed but not enough to justify the response. Connections to the Bulleen Park and Ride bus services has been made worse by the NELP and the NELSA design, with travel distances doubling for those wanting to catch certain bus services.</p> <p>The final four dot points in the response only just meet DTP requirements. There is nothing special about any of them and they do not demonstrate how the NELSA design avoids, minimise and mitigates severance of communities.</p> <p>Revise the design to truly improve connections to the Bulleen and Doncaster Park and Ride facilities.</p> <p>Revise the response to accurately reflect what is being done that is above and beyond the DTP requirements every road project would need to respond to.</p>
99	Report 5. Consistency with the Urban Design Strategy	58	Objective 3.2 - Integration of design	Full length of the UDLP	<p>The response to the objective and urban design outcomes states:</p> <p>"... noise walls composed with acrylic panels strategically located to provide sunlight to priority landscape settings ensuring a thriving ecology into the future."</p> <p>This contradicts many other parts of the UDLP report and attachments which note the acrylic panels will be semi-transparent or opaque. Sunlight will not fully get through semi-transparent or opaque acrylic panels. Whether sunlight will properly penetrate coloured acrylic panels is questionable. Without sunlight the ecology will not thrive.</p> <p>The inclusion of the drainage ditch (NELSA labelled WSUD drainage swale) is ignored by the statement "the impact of the loss of open space through curated spaces". The drainage ditch is a pseudo land acquisition, is a further loss of open space and cannot be 'fixed' by curated spaces.</p> <p>Revise the response to reflect reality.</p> <p>Remove the drainage ditch and associated infrastructure (NELSA labelled WSUD drainage swale) from the design.</p> <p>Revise the noise wall design with a view to actually having sunlight penetrate the limited acrylic panels included.</p>

100	Report 5. Consistency with the Urban Design Strategy	59	Objective 3.3 - Strategic Alignment	Full length of the UDLP	<p>The urban design outcome requires NELP and its contractors to:</p> <p>"Provide an integrated transport infrastructure and land use solution that responds to strategic transport and land use planning for the broader precinct in consultation with local government and authorities."</p> <p>The response notes ongoing consultation with local government continues to ensure all broader precinct strategic transport and land use planning objectives are addresses. It then lists 4 State government documents and how the NELP responds to each.</p> <p>Nothing in the UDLP suggests NELP or its contractors are genuine in their consultation and working with local government. Multiple local governments have asked NELP and its contractors to mode separate walking paths and cycling trails and NELP has not listened or actioned. Multiple local governments have provide their relevant strategic documents to NELP and its contractors for reference and inclusion in the planning and design.</p> <p>Amend the design to include mode separated walking paths and cycling trails.</p> <p>Include local government strategic documents in NELP and its contractors development of the project and explain how Boroondara' skey priorities have been met through this UDLP.</p>
101	Report 5. Consistency with the Urban Design Strategy	59	Objective 3.4 - Minimise footprint	Eastern Freeway footprint	<p>Tree canopy planting and new and expanded landscape and open space do not offset the direct encroachment of open space. Rewrite this sentence to explain how the loss of open space is being offset.</p>
102	Report 5. Consistency with the Urban Design Strategy	59	Objective 3.4 - Minimise footprint	Full length of the UDLP	<p>The response to the objective and urban design outcome claims to have minimised the overall impact of Freeway widening on open space and surrounding residential areas whilst still ensuring appropriate functionality and safety considerations are met. Considering the Eastern Freeway design has barely changed from the reference design, has not changed from the Spark/Tunnels design and grabs 25% of the Koonung Creek Reserve (open space) the response is inaccurate.</p> <p>NELSA has not made any changes that reduce the loss of open space in the KCR. If anything the design changes have resulted in the loss of more open space. These design changes include:</p> <ul style="list-style-type: none"> <li>- Mound support instead of piers supporting the Estelle Street bridge.</li> <li>- Inclusion of a 7.5-8m wide drainage ditch and associated infrastructure (NELSA labelled WSUD drainage swale) along the length of the KCR.</li> </ul> <p>Calling exiting park assets 'open space embellishments' is far fetched. These are standard park assets, not special inclusions to make things sparkle. They are replacing what already exists.</p> <p>Revise the road design to reduce the open space land take from the KCR.</p> <p>Remove the drainage ditch and associated infrastructure (NELSA labelled WSUD drainage swale) from the design.</p> <p>Amend the Estelle Street bridge design to be on piers and not a mound.</p>
103	Report 5. Consistency with the Urban Design Strategy	60	Objective 4.1 - Enduring and durable	Koonung Creek Reserve	<p>The urban design outcome requires a readily maintainable design.</p> <p>Elements of the design of the KCR presented in the UDLP are not readily maintainable. These include the drainage ditch (NELSA labelled WSUD drainage swale) and associated water capture, treatment, retention and transfer infrastructure. The design does not include any information about who will own the asset and how they will access it to maintain it.</p> <p>Remove the drainage ditch and associated infrastructure (NELSA labelled WSUD drainage swale) from the design.</p>

104	Report 5. Consistency with the Urban Design Strategy	60	Objective 4.1 and 4.2	Stormwater management infrastructure	<p>Lack of detail is provided to body of report and plans with regard to the projected maintenance of WSUD infrastructure (bioretention ponds and swale) to treat freeway runoff. What are the projected stormwater volumes? What is the catchment area? What is the impact to the existing reserve capacity (given it is 25% smaller permeable area)? What are the expected contaminants?</p> <p>Lack of design detail with durability of asset and with regard to resilience and future proofing</p>
105	Report 5. Consistency with the Urban Design Strategy	60	4. Resiliency and Sustainability	Koonung Creek Reserve	<p>Why is the Koonung Creek Reserve the only location listed in the response to the corridor-wide urban design principal? Will there be no other locations where future generations will enjoy increased amenity and biodiversity through the proposed works?</p>
106	Report 5. Consistency with the Urban Design Strategy	60	Objective 4.2 - Resilience and future proofing	Full length of the UDLP	<p>The response to the objective and urban design outcome notes the road and active transport corridors are design for future capacity. This is totally untrue as the current shared path pedestrian and cyclist volumes warrant mode separate paths.</p> <p>With the improved connection to the Melbourne CBD brought about by the North East Bicycle Corridor, volumes will grow.</p> <p>NELP and its contractors are not providing an active transport corridor that meets future demands. It doesn't even meet current demands even though the road infrastructure is designed to provide a good level of service for traffic volumes expected in 2036. These traffic volumes are based on traffic modelling, with traffic modelling proving time and time again in major road projects to severely overestimate the future traffic volumes.</p> <p>Amend the design to include mode separated walking paths and cycling trails to cater for future demand.</p>
107	Report 5. Consistency with the Urban Design Strategy	61	Objective 4.3 Environmental Sustainability	Tree removal/replanting	<p>This UDLP and the NEL Tunnels UDLP will require removal of large swathes of vegetation including mature habitat trees in Koonung Creek Reserve, Freeway Golf Course, Yarra Flats Reserve and Musca Street Reserve. This is not apparent in the response. New plantings will take a considerable number of years provide the same habitat benefits as the mature vegetation. Make it clear that vegetation is being removed and replanted.</p>
108	Report 5. Consistency with the Urban Design Strategy	61	Objective 4.3 Environmental Sustainability	Tree repurposing	<p>Ensure that Councils are consulted about the timber reuse strategy. Council has previously used logs from NELP early works for playground and there may be opportunity to use logs in the Koonung Creek playground renewal.</p>
109	Report	61	Objective 4.3 Environmental Sustainability	Tree removals	<p>The value of topsoil reuse is understood, but is it realistic to retain large volumes of mulch on site for later use? Or will this be minimal given tree removals will be staged and happen as they need to?</p>
110	Report	61	Objective 4.3 Environmental Sustainability	Lighting	<p>The intent to have the freeway lighting on the perimeter, rather than centre, may offer a simpler and safer maintenance solution with energy savings, however, as the report notes this will mean a higher lamp wattage for those lights than if they were in the middle. Having such lights at the perimeter seems to be at odds with the aspiration to use wildlife sensitive lighting throughout the project, in particular as the area will remain a wildlife corridor. Suggest this need to be re-thought.</p>
111	Report 5. Consistency with the Urban Design Strategy	61	Objective 4.4 Whole of life	Asset handover and maintenance	<p>The response to this Objective outcome seems to focus on ongoing maintenance, operations and upkeep of freeway assets only. It does not take into consideration maintenance, operations and upkeep of any other infrastructure being constructed for Project purposes on Council lands.</p> <p>The design of the landscape in Koonung Creek Reserve for example does not provide for vehicle access to maintain vegetation. Why have designers not raised this with Council and responded accordingly as it is a key requirement of the UDS?</p>

112	Report 5. Consistency with the Urban Design Strategy	62	Objective 5.1 Improved Amenity	Koonung Creek Reserve - open space/recreational improvements	<p>How has the Project created more opportunities for active and passive recreation and addressed challenges when the embellishments are largely reinstatement of existing SUP and secondary paths and the inclusion of a drainage ditch and associated infrastructure Council and the community have consistently said we do not want?</p> <p>The project has reduced amenity rather than enhanced urban amenity. It has not addressed challenges to create better places for people. The starting point for the UDLP was the widened Eastern Freeway footprint. Spark and NELSA have not taken the time to understand the needs of the community and how the Project could improve local amenity.</p> <p>Council has involved staff in UDLP workshops to share local knowledge around our parks and reserves and the challenges and opportunities for improvement including future proofing the Koonung Creek trail by mode separation.</p>
113	Report 5. Consistency with the Urban Design Strategy	62	Objective 5.1 Improved Amenity	Koonung Creek Reserve	<p>The "cohesive network of water sensitive urban design features that link the renewed Valda Wetlands with the Koonung Creek Reserve" might themselves be cohesive but they create disharmony within the KCR and fracture what little open space is left behind. The drainage ditch and other stormwater management infrastructures does not enhance urban amenity.</p> <p>Remove the drainage ditch (NELSA labelled WSUD drainage swale) from the design.</p> <p>Revise the response to reflect the change in design and retention of the existing underground piped water connection.</p>
114	Report 5. Consistency with the Urban Design Strategy	63	Objective 5.3 High quality	Full length of the UDLP	<p>The response notes there will be improvements to the Koonung Creek Trail as it is part of the Strategic Bicycle Network and quality rides for all SUP users will be provided along the Project corridor.</p> <p>The realignment and reconstruction of parts of the KCT to 3m wide is not an improvement. It is a simple realignment and reconstruction.</p> <p>The response fails to recognise the KCT is a C1 category transport corridor and is a Strategic Cycling Corridor.</p> <p>The design fails to deliver a SCC.</p> <p>Amend the design to include mode separated walking path and cycling trials to truly improve the walking and cycling experience and meet the State governments own SCC design standards and expectations.</p>
115	Report 5. Consistency with the Urban Design Strategy	63	Objective 5.4 Experiential	Response	<p>The final paragraph of the response is garbled.</p> <p>Review and rewrite the response so it makes sense.</p>
116	Report 5. Consistency with the Urban Design Strategy	64	Objective 6.1 Putting People First	Koonung Creek Reserve - open space	Provide more detail on how the UDLP has put people first. Explain this in the context of impacts to and reinstatement of Koonung Creek Reserve and Musca Street Reserve.
117	Report 5. Consistency with the Urban Design Strategy	64	Objective 6.2 Places for People	Open space	<p>The UDLP proposes to reinstate existing conditions with no new places evident.</p> <p>Explain what new spaces are being provided to create people-friendly streets and public places.</p>
118	Report 5. Consistency with the Urban Design Strategy	64	6. Vibrancy	Koonung Creek Reserve	<p>Why is the Koonung Creek Reserve the only location listed in the response to the corridor-wide urban design principal? Will there be no other locations where the Project provides enhanced connections and a prioritised pedestrian experience?</p> <p>How does the provision of Shared Use Paths on a Strategic Cycling Corridor alignment deliver prioritised pedestrian experiences?</p>
119	Report 5. Consistency with the Urban Design Strategy	65	Objective 7.1 Safer Places	Asset handover and management	What does an asset transfer strategy have to do with CPTED and the application of CPTED principles in the UDLP design?
120	Report 5. Consistency with the Urban Design Strategy	65	Objective 7.1 Safer Places	Asset handover and maintenance	<p>What is meant by 'adopting maintenance considerations'?</p> <p>Where in the UDLP and what are these maintenance considerations?</p> <p>How does this deliver on CPTED design principles?</p>
121	Report 5. Consistency with the Urban Design Strategy	65	Objective 7.1 Safer Places	CPTED	Residential interfaces should not be relied on for passive surveillance.

122	Report 5. Consistency with the Urban Design Strategy	65	Objective 7.1 Safer Places	Lighting	<p>Why has the project decided not to provide lighting in Koonung Creek Reserve and Musca Street Reserve?</p> <p>In feedback to Council's 2022 survey on Koonung Creek Reserve, lighting was considered an important element to include in future plans to make people feel safe when cycling or walking in the reserve.</p> <p>Amend the design to include lighting in the KCR and note the NELP and its contractors will work with Council to refine the details.</p>
123	Report 5. Consistency with the Urban Design Strategy	65	Objective 7.1 Safer Places	Musca Street Reserve	<p>How is the Project investing in making the Musca Street Reserve to Yarra Flats underpass safer for pedestrians and cyclists?</p> <p>Refer to Attachment 1: Eastern Freeway Upgrades, Urban Design comments - section 4.1 (47 and 48) for further details.</p>
124	Report 5. Consistency with the Urban Design Strategy	65	Objective 7.1 Safer Places	Open space	<p>Explain what <b>new</b> passive and recreational areas and activity have been provided to activate public open space in Koonung Creek Reserve and Musca Street Reserve.</p> <p>The text refers to retention of toilets, seating and bike repair stations. New facilities such as playgrounds, bird hide, seating areas, BMX tracks etc. will activate public open space but just retaining the existing facilities will not activate the spaces anymore than they are activated at the moment.</p> <p>How does the design encourage the use of open space?</p>
125	Report 5. Consistency with the Urban Design Strategy	65	Objective 7.1 Safer Places	Open space	<p>How does the design seek to create a strong sense of community ownership for the public spaces?</p> <p>This can only be achieved if the community assists with co-design of spaces and when they feel that they have been consulted appropriately through the design process.</p> <p>With the community clearly supporting Council's position on the Koonung Creek Reserve draft concept design, NELP would do well to amend the design to reflect the feedback from the community and Council.</p>
126	Report 5. Consistency with the Urban Design Strategy	65	Objective 7.1 Safer Places	Quality/language/consistency	<p>What does territorial clarity mean? Use plain English,</p>
127	Report 5. Consistency with the Urban Design Strategy	65	Objective 7.1 Safer Places	Stormwater management infrastructure	<p>In feedback from the community on the Koonung Creek draft concept design (September/October 2023), the contributors expressed concerns (such as risk of drowning, mosquito breeding in stagnant water, infection due to pathogens in water) about the drainage ditch and associated infrastructure.</p> <p>Has the project undertaken a preliminary risk assessment of the new water infrastructure? How will these risks be mitigated/safety concerns addressed? How will be liability be managed?</p> <p>Simply stating the NELP or the Project do not consider these to be risks or likely outcomes is disingenuous and demonstrates a lack of regard for both Council officers and the community.</p>

128	Report 5. Consistency with the Urban Design Strategy	65/66	Objective 7.1 - Safer places	Koonung Creek Reserve	<p>The response states:</p> <p>"...the design encourages people to use the public spaces through the establishment of passive and active recreation areas ... such as the Valda Wetlands and Koonung Creek Reserve."</p> <p>The UDLP design currently fractures the Koonung Creek Reserve and does not adequately respond to the CPTED design principals in that it severely limits access to half of the KCR, provides ample places to hide and offers little in the way of lighting or passive surveillance to half the KCR. The drainage ditch (NELSA labelled WSUD drainage swale) is the cause of the fracturing and lack of CPTED design principal adherence.</p> <p>The response also states:</p> <p>"The design has taken into consideration minimisation of maintenance through ... installation of a dry creek bed to provide passive irrigation to assist with plant establishment and ongoing health."</p> <p>Council officers have advised on multiple occasions the KCR does not need additional irrigation. The description of the drainage ditch as a 'dry creek bed' contradicts multiple other sections of the UDLP which note it will be permanently wet in areas and has the ability to pump water into the aboveground drainage ditch to ensure there is always water in the infrastructure.</p> <p>Remove the drainage ditch (NELSA labelled WSUD drainage swale) and all related infrastructure from the design.</p>
129	Report 5. Consistency with the Urban Design Strategy	66	Objective 7.2 - Road safety	Full length of the UDLP	<p>The response states:</p> <p>"The design has adopted a safety-led solution for all users in the following manner: ... secondary pathways are proposed to encourage pedestrians to separate from commuter cyclists."</p> <p>It is pleasing to see NELP and its contractors recognise the need to separate pedestrians and cyclists and noting there will be commuter cyclists this section of the NEL project. It is disappointing the design does not include properly mode separated paths to ensure the safety of pedestrians, cyclists, dog walkers, runners and others.</p> <p>Amend the design to include mode separated walking path and cycling trials to create a safe road related environment for pedestrians and cyclists.</p>
130	Report	67	Objective 8.1 Universally inclusive	Estelle Street bridge	<p>The Estelle Street bridge does not strike the correct balance between DDA compliance and effective Urban Design. The bridge visually imposes on the reserve, transecting the open space.</p> <p>Amend the design of the Estelle Street bridge to place it on piers and not a mound.</p>



131	Report 5. Consistency with the Urban Design Strategy	67	Objective 8.1 Universally inclusive	Full length of the UDLP	<p>The response states the design provides:</p> <p>"- flexibility of use through the introduction of primary and secondary pathways where space permits along the Koonung Creek Corridor.</p> <p>...</p> <p>- suitable space and size for use through appropriate path widths.</p> <p>A reconfigured SUP network stretches across the Project, providing clear and direct journeys into and through the corridor.</p> <p>...</p> <p>A consistent minimum width of 3m applies to all new SUPs (minimum 4m for SUP bridges)."</p> <p>While the application of the concept of a minimum width for Shared Use Paths is good practice, that is where the praise ends.</p> <p>The lack of mode separation is a major failing of the design. The minimum width of 3m for new Shared Use Paths only is totally inadequate and is not an appropriate path width. The reconfigured SUP network does not stretch across the Project as NELSA is not upgrading all paths but only a select few.</p> <p>Amend the design to include mode separated walking paths and cycling trails to meet 2036 pedestrian and cyclists volumes to provide a truly universally inclusive design.</p>
132	Report	75	Objective 8.2 Twenty-minute neighbourhoods	Site analysis/context	<p>The "20 minute neighbourhood" in the context of this landscape is a stretch as there are limited opportunities within a 20 minute walk of the project area - this is a very car-based demographic. Is this a useful element in the documentation ongoing? If not, delete.</p>
133	Report 5. Consistency with the Urban Design Strategy	68	Objective 8.3 Active transport	Full length of the UDLP	<p>The urban design outcome requires walking and cycling infrastructure that meets future growth in demand.</p> <p>The UDLP fails to meet this outcome as it does not provide walking and cycling infrastructure that meets current demand, let alone future growth in demand. The design fails to articulate if SUP have been considered in line with projected commuter and population growth through middle ring suburbs.</p> <p>NELP and its contractors cannot blame Councils for this existing discrepancy as we have been in absolute limbo in terms of infrastructure investment since the NEL was announced in 2017. It would be totally financially irresponsible for Council to invest ratepayers funds in infrastructure that NELP and its contractors might tear up.</p> <p>Amend the design to include mode separated walking paths and cycling trails to meet 2036 pedestrian and cyclist volumes.</p>
134	Report	69	Section 5 - Key Directions	Estelle Street bridge	<p>Estelle Street Bridge does not satisfy KD 1 2 or 5. It is not an integrated, site sensitive or natural connected design.</p> <p>Inconsistent outcome with Key Directions of Urban Design Strategy</p>
135	Report 5. Consistency with the Urban Design Strategy	70	Key direction 1	Full length of the UDLP	<p>Detail how the Project delivers "positive outcomes community and environmental benefit" when it proposes to building massive stormwater management infrastructure and cut what little is left of the Koonung Creek Reserve in half and rendering half of what is left completely inaccessible?</p> <p>These outcomes are utterly negative for the community and environment as the accessible public open space is reduced and the environmental benefits will be degraded because of the inaccessibility of the area.</p>
136	Report 5. Consistency with the Urban Design Strategy	70	5.2 Corridor-wide requirements - Key design directions	Koonung Creek Reserve	<p>The response to key direction 1 (develop an integrated design response) notes the Project will delivery positive outcomes for community and environmental benefit wherever possible.</p> <p>This is in contrast with the UDLP design which renders half of the leftover Koonung Creek Reserve inaccessible and therefore not maintainable. There is little to no community or environmental benefit in this outcome.</p> <p>Remove the drainage ditch (NELSA labelled WSUD drainage swale) from the design and work with Council to understand and include maintenance access and other requirements to ensure the KCR is maintainable and is maintained.</p>

137	Report 5. Consistency with the Urban Design Strategy	70	Key direction 2	Walking and cycling	<p>Detail where the "expanded cycling and pedestrian network along the Freeway corridor and linear parklands" are.</p> <p>The UDLP shows the realignment and reconstruction of the existing SUP network and nothing more.</p>
138	Report 5. Consistency with the Urban Design Strategy	70	5.2 Corridor-wide requirements - Key design directions	Full length of the UDLP	<p>The response to key direction 2 (Support and natural and connected corridor) notes there will be an expanded cycling and pedestrian network along the Eastern Freeway corridor.</p> <p>Where is this expansion happening? The UDLP designs and report do not detail where there will be new network.</p> <p>The same response talks about the Yarra Link green bridge. This asset is not in the scope of this UDLP. Why is it referenced and highlighted as a new connection in this UDLP?</p> <p>Amend the design to include mode separated walking paths and cycling trails to honour the statement about expanded walking and cycling networks.</p> <p>Remove the reference to the Yarra Link green bridge from this UDLP.</p>
139	Report 5. Consistency with the Urban Design Strategy	70	Key direction 2	Out of scope	<p>The Yarra Link Green Bridge is referenced as a new connection for pedestrians and cyclists.</p> <p>The bridge is not just outside of the scope of this UDLP, it is outside of the NELSA works area.</p> <p>Why include this reference to a design element that NELSA are not delivering?</p> <p>Amend the UDLP to remove the reference to the Yarra Link Green Bridge.</p>
140	Report 5. Consistency with the Urban Design Strategy	71	Key direction 4	Noise walls	<p>The UDLP states:</p> <p>"Existing noise walls are retained where possible between Bulleen Road and Tram Road."</p> <p>Why is this so? The existing noise walls do not meet the NEL noise EPRs and contradict other statements in the UDLP and from NELP about noise walls being replaced and built along the length of the Eastern Freeway.</p> <p>Revise UDLP to reflect NELPs commitment to constructing appropriate noise attenuation along the entire length of the Eastern Freeway in Boroondara and a commitment to new noise walls to replace any existing noise walls.</p>
141	Report 5. Consistency with the Urban Design Strategy	73	Key design requirements - 1Y	Noise walls	<p>The Freeway Golf Course is home to Council's Turf Team who operate from the maintenance and administration building at the south-western extreme of the course. They will be subject to increased traffic noise from the NEL works and will require noise walls. The building is a sensitive receptor as it is a working office.</p> <p>Amend the UDLP commentary and design to include noise walls to ensure traffic noise EPRs are met for the FGC maintenance and administration building.</p>
142	Report 5. Consistency with the Urban Design Strategy	75	5.3.1 Yarra River Valley - Map Y3	Error	<p>Why is this plan and place specific requirements for the southern interface zone included in the UDLP?</p> <p>NELP has stated that there is no opportunity for the community and stakeholders to comment on the southern interface zone and has excluded the SIZ from all other commentary.</p>
143	Report 5. Consistency with the Urban Design Strategy	75	5.3.1 Yarra River Valley - Map Y3	Quality/language/consistency	<p>What is the point of including the legend as it is impossible to see the elements under the hatching?</p>
144	Report 5. Consistency with the Urban Design Strategy	77	5.3.1 .1 Yarra River Valley - Map Y3 - Key Design Requirement 3D	Lighting	<p>No detail has been provided with regard to light spill to demonstrate that freeway lighting will provide sufficient night time lighting to park.</p> <p>Insufficient detail provided to demonstrate consistency with Urban Design Strategy</p>
145	Report 5. Consistency with the Urban Design Strategy	79	5.3.1.2Yarra River Valley - Map Y4 - Key Design Requirement 2B	Musca Street Reserve	<p>Include Council's endorsed Arboretum Plan for Musca Street Reserve and commit to reinstating the Reserve in accordance with the plan which will meet Place Specific Requirement 2B</p>

146	Report 5. Consistency with the Urban Design Strategy	79	5.3.1.1 Yarra River Valley - Map Y4 - Key Design Requirement 2E	Noise walls/flood walls	<p>Build new noise walls at this location.</p> <p>We note 2E was not included in this location in the UDS but we strongly support replacement of noise walls at this location so there are effective noise attenuation measures in place and there is a consistent look and feel along the project corridor.</p> <p>A patch work of noise walls will look ugly, messy and totally incoherent. It would ruin any aesthetically pleasing elements the UDLP is able to deliver.</p>
147	Report 5. Consistency with the Urban Design Strategy	79/80	5.3.1.2 Yarra River Valley - Map Y4 - Key Design Requirement 1D		Council does not support this walking path between the Freeway Golf Course and the Yarra River.
148	Report 5. Consistency with the Urban Design Strategy	79/80	5.3.1.2 Yarra River Valley - Map Y4 - Key Design Requirement 2B	Musca Street Reserve	Provide an artists visualisation showing what this underpass will look like. There is an opportunity for a more creative approach to the underpass which is long, dingy and low roofed. Consider murals or other ways to brighten the underpass and make it less inhospitable.
149	Report 5. Consistency with the Urban Design Strategy	79/81	5.3.1.2 Yarra River Valley - Map Y4 - Key Design Requirement 3A	<b>Error</b>	There is repeated text in this response. Does this UDLP interface with the Burke Road bridge or not?
150	Report 5. Consistency with the Urban Design Strategy	79/81	5.3.1.2 Yarra River Valley - Map Y4 - Key Design Requirement 3B	Error	Review text and sense check.
151	Report 5. Consistency with the Urban Design Strategy	79/81	5.3.1.2 Yarra River Valley - Map Y4 - Key Design Requirement 3B	Quality/language/consistency	Second paragraph - what is the location of the proposed landscape design referred to in the text?
152	Report 5. Consistency with the Urban Design Strategy	81	5.3.1.2 Map Y4 Bulleen Road to Belford Road - Key Design Requirement 4B	Quality/language/consistency	<p>This KDR is not met.</p> <p>The distant scenic views are not maintained because of the NEL/Bulleen Road/Eastern Freeway interchange and associated elevated structures.</p>
153	Report 5. Consistency with the Urban Design Strategy	82	5.3.2 Koonung Creek Valley	Quality/language/consistency	<p>The second and third paragraphs on the page, along with the four dot points have clearly been copied and pasted from the Yarra River Valley section. They do not have anything to do with the Koonung Creek Valley.</p> <p>This is one of many examples of poor drafting, proof reading and presentation. It is sloppy.</p> <p>Review the section and include the correct text.</p> <p>Council and other reviewers should not have to provide comments like this on a UDLP that has been through several reviews.</p>
154	Report 5. Consistency with the Urban Design Strategy	83	Key Design Requirement -1K	Open space	<p>How has the design optimised existing open space functions. How are the open spaces being upgraded when the footprint has been reduced?</p> <p>What evidence demonstrates the frequency and extent of existing flooding and inundation will be reduced and therefore increase usability of open space? Council has asked on multiple occasions for flood modelling that shows this and has not received it.</p>
155	Report 5. Consistency with the Urban Design Strategy	83	Key Design Requirement - 3K	Musca Street Reserve	The underpass between Musca Street Reserve and Yarra Flats Reserve provides an opportunity for creative enhancement. If the Project wishes to encourage us and maximise opportunities to connect the communities to the north and south, it should do more than just 'replace lighting' and provide landscaping at the north and southern entrances to the underpass. Murals and creative lighting treatments as suggested in the Boroondara Arboretum Plan.
156	Report 5. Consistency with the Urban Design Strategy	83	Key Design Requirement - 6K	SUP	<p>As mentioned above, the design does not improve walking and cycling movements along Koonung Creek Trail. The underpass at Doncaster Road will improve connectivity however, secondary paths may be used around the Koonung Creek wetland and the existing playground, but the design will not remove pedestrians from the Koonung Creek Trail shared use path.</p> <p>Where are the Koonung Reserve playground and wetlands? There are no wetlands in the Koonung Reserve which is on the north side of the Eastern Freeway in Manningham.</p>

157	Report 5. Consistency with the Urban Design Strategy	83	Key Design Requirement - 8K	Stormwater management infrastructure	<p>The Project is reinstating the biodiversity corridor within Koonung Creek reserve as much of the existing habitat corridor will be removed. As mentioned above, Council does not support the new drainage ditch.</p> <p>We have been told that ditch will largely be dry however this text suggests that water flow will be maintained to support ecological function of the swale. Which is it? Will it be a permanently wet drainage ditch? Or will be a dry drainage ditch for most of the time?</p>
158	Report 5. Consistency with the Urban Design Strategy	85	5.3.2.1 Map K1: Bulleen Road to Doncaster Road	Missing information	Add a legend, scale and north arrow to the map.
159	Report 5. Consistency with the Urban Design Strategy	85	5.3.2.1 Map K1: Bulleen Road to Doncaster Road - Figure 71	Quality/language/consistency	<p>Why are there more place specific requirements highlighted on this map than in the Urban Design Strategy - UDS (Map K1 - page 70)?</p> <p>Eastern Freeway Upgrades UDLP 2C, 4A, 5C, 5E, 5F, 5G - Koonung Creek wetlands 5D - between wetland and pinch point adjacent to Gardenia Road) 5B - pinch point and Doncaster Road end of Reserve</p> <p>Approved UDS 5C and 5F(Koonung Creek Wetlands 5E,5B,2A,5F (pinch point adjacent to Gardenia Road) 5B (Doncaster Road)</p>
160	Report 5. Consistency with the Urban Design Strategy	85	5.3.2.1 Map K1: Bulleen Road to Doncaster Road - Figure 71	Quality/language/consistency	<p>Why are place specific requirements for the NEL Tunnels Interchange included in this map when the UDLP clearly states that the Eastern Freeway Upgrades UDLP does not cover the NEL Tunnels UDLP?</p> <p>Remove this section of the map or explain how it is relevant and include the southern interface zone in full in the whole UDLP and invite comments on it.</p>
161	Report 5. Consistency with the Urban Design Strategy	85	5.3.2.1 Map K1: Bulleen Road to Doncaster Road - Figure 71	Quality/language/consistency	Relabel the 'Koonung Creek Wetlands' as the 'Koonung Creek Reserve Wetlands'.
162	Report 5. Consistency with the Urban Design Strategy	87	Key Design Requirements - General comment	Quality/language/consistency	Many of the Key Design requirements text responses are not specific to the location where they shown on the map. Instead they refer to other areas within this UDLP. Check responses and make sure they are place specific i.e. responses to the Place Specific Requirement at the location marked on Map K1.
163	Report 5. Consistency with the Urban Design Strategy	87	5.3.2.1 Map K1: Bulleen Road to Doncaster Road - Key Design Requirement 2C	SUP	<p>Acknowledge that the swapping in alignment of the SUP is to be undertaken so that the SUP can be functional while the reserve is being used for construction. It is not the most direct route for cyclist commuters noting that the one of the key principles from the DTP guidelines on Strategic Cycling Corridors is that they are direct - see <a href="https://dtp.vic.gov.au/getting-around/walking-and-cycling/strategic-cycling-corridors">https://dtp.vic.gov.au/getting-around/walking-and-cycling/strategic-cycling-corridors</a>. It was certainly not at the request of Council.</p> <p>The swapping of the alignment of the Koonung Creek trail from what was shown in the NEL Tunnels UDLP is also cost saving to the Project. The alignment is shifted so the SUP can be functional while the reserve is being used as a construction laydown site and does not need to be replaced along a different alignment once construction is finished. The UDLP fails to acknowledge this element.</p>
164	Report 5. Consistency with the Urban Design Strategy	87	5.3.2.1 Map K1: Bulleen Road to Doncaster Road - Key Design Requirement 2C	Error	In the second paragraph change 'Koonung Wetlands' to 'Koonung Creek Reserve Wetlands'.
165	Report 5. Consistency with the Urban Design Strategy	87	5.3.2.1 Map K1: Bulleen Road to Doncaster Road - Key Design Requirement 4A	Plant selection	Note in the text that any plant selection must be undertaken in consultation with councils as part of detailed design.
166	Report 5. Consistency with the Urban Design Strategy	88	5.3.2.1 Map K1: Bulleen Road to Doncaster Road - Key Design Requirement 5B	SUP/lighting	<p>The response provided by the Project is generic and does not respond to the Key Design requirement at this location - the Koonung Creek Trail at the pinch point to residential properties.</p> <p>Explain how the Koonung Creek Trail will have good lighting, open sightlines and will be attractive to users at this point. Delete references in the text to other locations.</p>
167	Report 5. Consistency with the Urban Design Strategy	88	5.3.2.1 Map K1: Bulleen Road to Doncaster Road - Key Design Requirement 5C	Koonung Creek Reserve	<p>The response to KDR 5C talks more about the drainage ditch and supporting infrastructure rather than the wetlands and how the UDLP maintains them as a focal point. The response fails to listen to the community and Council.</p> <p>We look forward to the 'future design development process in consultation with Boroondara City Council and the local community' along with NELP and its contractors actively listening and properly responding to both Council and the community.</p>

168	Report 5. Consistency with the Urban Design Strategy	89	5.3.2.1 Map K1: Bulleen Road to Doncaster Road - Key Design Requirement 5E	Noise walls/flood walls	In relation to the heights of noise walls and impact of shading on southern side on plant growth, what consideration to reduced light availability has been/will be given in selection of trees and understorey? Particularly as dense, layered planting is proposed. The colours and likely opacity of the acrylic sections of the noise walls over time do not help in terms of sunlight penetration to the south side of noise walls.
169	Report 5. Consistency with the Urban Design Strategy	89	5.3.2.1 Map K1: Bulleen Road to Doncaster Road - Key Design Requirement 5E	Noise walls/flood walls	Anti-graffiti treatment needs to be applied to all areas where a landscape buffer is proposed. Landscaping may take 5+ years to be established to provide sufficient visual barrier to these wall areas
170	Report 5. Consistency with the Urban Design Strategy	89	5.3.2.1 Map K1: Bulleen Road to Doncaster Road - Key Design Requirement 5F	Missing information	Why is no information given with regard to finished surface levels to plans?  Insufficient detail provided to demonstrate consistency with Urban Design Strategy
171	Report 5. Consistency with the Urban Design Strategy	89	5.3.2.1 Map K1: Bulleen Road to Doncaster Road - Key Design Requirement 5F	Missing information	Confirm the extent of mounding. The response to this Key Design Requirement includes reference to properties on the northern side of the Freeway. The response should be targeted at the location on the map.
172	Report 5. Consistency with the Urban Design Strategy	89	5.3.2.1 Map K1: Bulleen Road to Doncaster Road - Key Design Requirement 5G	Plant selection	Note in the text that Boroondara Council will be consulted on plant selection as part of detailed design.
173	Report	96	5.3.2.1 Map K1: Bulleen Rd to Doncaster Rd Item 5L	Bebo Arch	Interpretive signage is required for the half concrete arch at Koonung Creek Reserve.
174	Report 5. Consistency with the Urban Design Strategy	94	5.3.2.2 Map K2: Doncaster Road to Elgar Road - Key Design Requirement 3A	Missing information	What landscaping will occur at the Western end of Winfield Road Reserve which will be impacted by construction?  This response does not mention Winfield Road Reserve. Winfield Road Reserve must be referenced.
175	Report 5. Consistency with the Urban Design Strategy	95	5.3.2.3 Map K3: Doncaster Park and Ride Figure 73	Error	Why is Map K3 called Doncaster Park and Ride given that Doncaster Ride is not included in the UDLP?
176	Report 5. Consistency with the Urban Design Strategy	95	5.3.2.3 Map K3: Doncaster Park and Ride Figure 73	Error	Key Design Requirement 5C is in the wrong location on Map K3 (Figure 73). See location in the UDS.  Mark this Key Design Requirement in the correct location and provide a response.  Key Design Requirement 5C: Ensure new noise walls to the south of the Eastern Freeway consider visual amenity on the road and residential interfaces, and deter graffiti at lower levels while maximising light penetration to enhance solar access to residential properties and the Koonung Creek Trail.  Use landscaping to filter views to walls from the surrounding dwellings and from the Koonung Creek Trail.
177	Report 5. Consistency with the Urban Design Strategy	95	5.3.2.3 Map K3: Doncaster Park and Ride Figure 73	Missing information	Should 5D be referenced on this map? It is not in the UDS as Place Specific Requirement at this location - but given there are additional Place Specific Requirements included on other maps, and 5D which refers to ensuring there is Tree Canopy along Koonung Creek Trail to improve shade provision is relevant at this location.
178	Report	98	5.3.2.2 Map K2: Doncaster Rd to Elgar Rd Item 1C	Stormwater management infrastructure	Increased flow, long-lasting inundation and the risk to trees to be retained: If you have significant specimens that you must keep and care for in a soil that is wet for a long time, soil strength is reduced and trees may become less stable in the ground.  Alternatively if their root systems are in waterlogged, anaerobic conditions for too long, the tree may decline over time.  We have a lived experience of a large tree failure due to reduced soil strength.  If we agree that trees can be retained, expect us to ask how trees will be maintained in a healthy and safe condition.

179	Report 5. Consistency with the Urban Design Strategy	106	Section 5.4 Detailed Requirements and Benchmarks - Objective 6.1 Project Buildings and Ancillary Structures	Third party assets	<p>The Yarra Valley Water Pressure Reducing Station requires vegetation removal and has an immature design. Nothing is shown of the building, just the large fence.</p> <p>The PRS has not been sited to avoid or minimise impacts. Nor has it been collocated with any other structure, despite the incident recovery amenities building being nearby.</p> <p>Explain why the PRS needs to be in the proposed location.</p> <p>If it is not necessary, relocate it to be collocated with the incident recovery amenities building.</p> <p>The incident recovery amenities building has limited detail as well, and there is a very real risk it will be a tin shed from Bunnings or a standard Adco hut similar to the CityLink, EastLink and Peninsula Link incident recovery amenities buildings.</p> <p>Detail the building and ensure it is not a tin shed from Bunnings or a Adco hut. Ensure it is an appropriately design structure that is respectful of it's surrounding environment and conditions.</p>
180	Report 5. Consistency with the Urban Design Strategy	107	Section 5.4 Detailed Requirements and Benchmarks - Objective 7.2 Open Space Infrastructure	Quality/language/consistency	<p>The response to this Objective fails to acknowledge the KCR is the public open space most impacted in terms of land lost to the NEL project.</p> <p>The response indicates little knowledge of the KCR as it incorrectly describes it as being between Musca Street and Estelle Street in the Spark/Tunnels UDLP area. The reserves between Musca Street and Estelle Street, from west to east, are:</p> <ul style="list-style-type: none"> <li>- Musca Street Reserve</li> <li>- Columba Street Reserve</li> <li>- Leonis Avenue Reserve</li> <li>- Koonung Creek Reserve</li> </ul> <p>Update the response to be accurate.</p> <p>We look forward to being consulted about the final design for the open space at the KCR and other reserves as the owner of the land.</p>
181	Report 5. Consistency with the Urban Design Strategy	107	Section 5.4 Detailed Requirements and Benchmarks - Objective 7.3 Positive Use of Open Space	Error	Change 'Koonung Wetlands' to 'Koonung Creek Reserve Wetlands'.
182	Report 5. Consistency with the Urban Design Strategy	107	Section 5.4 Detailed Requirements and Benchmarks - Objective 7.3 Positive Use of Open Space	Koonung Creek Reserve - master plan	Note that for Koonung Creel Reserve, the development of the Koonung Creek master plan and concept design by NELP will guide the reinstatement to ensure the Reserve post construction meets community needs and enables the positive use of the public open spaces.
183	Report 5. Consistency with the Urban Design Strategy	107	Section 5.4 Detailed Requirements and Benchmarks - Objective 7.4 Pedestrian Realm.	Lighting	Provide evidence to demonstrate that borrowed lighting from the freeway will provide adequate lighting for the Koonung Creek Trail and secondary paths.
184	Report 5. Consistency with the Urban Design Strategy	107	Section 5.4 Detailed Requirements and Benchmarks - Objective 7.4 Pedestrian Realm.	Lighting	Lighting will be necessary at pinch points. Confirm that lighting will be provided on the Koonung Creek Trail.
185	Report	107	Section 5.4 Detailed Requirements and Benchmarks - Objective 7.4 Pedestrian Realm.	Lighting	<p>Paucity of lighting detail to plans.</p> <p>Insufficient detail provided to demonstrate consistency with Urban Design Strategy</p>
186	Report 5. Consistency with the Urban Design Strategy	108	Section 5.4 Detailed Requirements and Benchmarks - Objective 7.5 Safety	Estelle Street bridge	The design of the new Estelle Street Bridge on the south side of the freeway creates 'pockets' of isolated open space on either side due to mounding and embankments. Constructing the bridge on piers would enable sightlines through the structure and reduce the sense of isolation created by the current design.
187	Report 5. Consistency with the Urban Design Strategy	108	Section 5.4 Detailed Requirements and Benchmarks - Objective 8.1 Pedestrian - friendly local streets	Musca Street Reserve	Refer to previous comments regarding the Musca Street/Yarra Flats Reserve underpass and request for further upgrade. Incorporate the Musca Street Arboretum Plan in the UDLP.
188	Report 5. Consistency with the Urban Design Strategy	108	Section 5.4 Detailed Requirements and Benchmarks - Objective 8.3	Quality/language/consistency	What is 'a feathered approach' to the transitions between the highway environment and local streets. Use plain English and provide an example of what this is and where this is achieved.

189	Report 5. Consistency with the Urban Design Strategy	108	Section 5.4 Detailed Requirements and Benchmarks - Objective 8.4 School interface	Community engagement/schools	<p>The response to this objective conveniently chooses to ignore the southern interface zone where other sections of the UDLP have included it.</p> <p>Belle Vue Primary School directly abuts and interfaces with the project. There is no need to claim otherwise.</p> <p>Students from Belle Vue PS and other schools currently and will continue to use the Koonung Creek Trail to walk and wheel to and from school.</p> <p>Belle Vue Primary School and Boroondara Park Primary School use Koonung Creek Reserve for events.</p> <p>NELP and NELSA should liaise with all local schools and kindergartens/childcare centres to understand their needs and requirements in relation to the Project.</p>
190	Report	109	9.0 Walls, Fences, Barriers and Screens  Objectives 9.1 and 9.2	Noise walls/flood walls	The focus on use of noise wall treatments should be based on effectiveness of different noise wall materials - what evidence do you have of the effectiveness of different materials in the palette e.g. Corten vs concrete? We understand that there is further modelling to be done, but the community will expect to understand where will acrylic be used or not used, given the range of wall heights from 4 m through to 10 m?
191	Report	110	Section 5.4 Detailed Requirements and Benchmarks - Objective 9.4 Interfaces	Noise walls /flood walls	Noise walls and acrylic panels - Several issues with acrylic panels at residential interfaces should be unpacked. 'Borrowed' light by day may become a nuisance at night to residential properties dealing with artificial light spill. Glare should also be considered to residential properties.
192	Report 5. Consistency with the Urban Design Strategy	110	Section 5.4 Detailed Requirements and Benchmarks - Objective 9.3 Local Context and Scale.	Noise walls/flood walls	Is noise attenuation compromised if noise walls wholly compromise acrylic panels? This is proposed along pinch points which are often close to residential properties.
193	Report 5. Consistency with the Urban Design Strategy	110	Section 5.4 Detailed Requirements and Benchmarks - Objective 9.4 Interfaces	Noise walls/flood walls	<p>Where along the Koonung Creek Trail is there likely to be insufficient space for landscape screening between the Trail and noise walls?</p> <p>Identify the locations.</p> <p>Remove the drainage ditch to accommodate vegetation for visual buffering.</p>
194	Report 5. Consistency with the Urban Design Strategy	111	Section 5.4 Detailed Requirements and Benchmarks - Objective 9.9 Deterring Graffiti	Noise walls/flood walls	<p>The response to the objective notes the use of acrylic panels will be limited to the upper levels of noise walls only.</p> <p>While this might help with graffiti management on that section of the wall, it will not help with sunlight penetration and survival of the vegetation, especially on the south side of the walls.</p> <p>Vandals will graffiti anything within reach, whether it is concrete or acrylic. Do not limit the use of the transparent panel which can allow sunlight through because of graffiti concerns. Build in a graffiti management and cleansing program or consider other noise attenuation measures that will not attract graffiti.</p>
195	Report 5. Consistency with the Urban Design Strategy	112	Section 5.4 Detailed Requirements and Benchmarks - Objective 11.1, 11.2 and 11.3	Missing information	Insert Objectives 11.1, 11.2 and 11.3 into the table.
196	Report 5. Consistency with the Urban Design Strategy	113	Section 5.4 Detailed Requirements and Benchmarks - Objective 12.1 General Lighting	Lighting	Provide evidence to demonstrate that borrowed lighting from the freeway will provide adequate lighting for the Koonung Creek Trail and secondary paths.
197	Report 5. Consistency with the Urban Design Strategy	113	Section 5.4 Detailed Requirements and Benchmarks - Objective 12.1 General Lighting	Lighting	Regarding night illumination to open space and Shared Use Paths, there is no mention of borrowed lighting from street lighting to illuminate the SUP in Koonung Creek Reserve. This is mentioned earlier in the report.
198	Report 5. Consistency with the Urban Design Strategy	113	Section 5.4 Detailed Requirements and Benchmarks - Objective 12.3 Light Pollution	Lighting	<p>The inclusion of light fittings and shields to prevent light spill contradicts the frequent statement about light spill from the Eastern Freeway and local streets being relied upon to light public open spaces, walking paths and cycling trails.</p> <p>How will light spill if shields and other fittings are installed?</p> <p>Replace 'Koonung Wetlands' with 'Koonung Creek Reserve Wetlands'.</p>



199	Report 5. Consistency with the Urban Design Strategy	114	Section 5.4 Detailed Requirements and Benchmarks - Objective 13.1 Pedestrian and cycling network	Walking and cycling	How have connections to and through neighbourhoods been enhanced? No new connections or other improvements are detailed in the UDLP.
200	Report 5. Consistency with the Urban Design Strategy	114	Section 5.4 Detailed Requirements and Benchmarks - Objective 13.2 Encourage Cross-community Connectivity	Walking and cycling	What are the design upgrades the response to the objective relies upon?  The design in the UDLP shows the retention of a shared use path and 'goat tracks' in the Koonung Creek Reserve. Retention of existing facilities is not an improvement.
201	Report	114	Section 5.4 Detailed Requirements and Benchmarks - Objective 13.2 Encourage Cross-community Connectivity	Walking and cycling	The pathway design does not represent best practice for providing effective and safe multi mode commuting in and through the KCR. Design increases rather than reduces mode conflict.  Inconsistent with the Urban Design Strategy.
202	Report 5. Consistency with the Urban Design Strategy	114	Section 5.4 Detailed Requirements and Benchmarks - Objective 13.3 Pathways and Connections	Quality/language/consistency	The response references Yarra Bend Park in the Burke Road section.  Yarra Bend Park is nowhere near Burke Road. Yarra Flats Reserve abuts Burke Road.  Council officers should not have to provide this level of comment on a UDLP that has been through multiple review processes and signed-off as fit for public exhibition.
203	Report 5. Consistency with the Urban Design Strategy	115	Section 5.4 Detailed Requirements and Benchmarks - Objective 13.4 Path separation	Walking and cycling	The response states:  "Due to spatial constraints both north and south of the Freeway corridor, there is insufficient room to provide mode separated path through most of the UDLP area without impacting on adjoining private property or compromising compliance with CPTED, landscaping and canopy tree replacement requirements."  As the owner of the KCR we wholly reject this statement. There is sufficient room in the Koonung Creek Reserve to provide mode separated paths without compromising CPTED (as this UDLP design proposes), landscape and canopy tree replacement requirements.  Revise the response to reflect the on the ground reality that there is sufficient room.
204	Report 5. Consistency with the Urban Design Strategy	115	Section 5.4 Detailed Requirements and Benchmarks - Objective 13.6 Perceived Safety	Walking and cycling	The paths in the Koonung Creek Reserve have not been designed to be wide, welcoming or attractive. At 3m they are considered narrow and substandard for the volume of pedestrians and cyclists.  The response acknowledges the need to mode separate cyclists and pedestrians but the design does not reflect this, suggesting the speed of cyclists will be controlled through signage.  Amend the design to provide mode separated walking paths and cycling trails.
205	Report 5. Consistency with the Urban Design Strategy	115	Section 5.4 Detailed Requirements and Benchmarks - Objective 13.8 Prioritise Pedestrians	Walking and cycling	To truly maximise pedestrian priority on key walking routes into and around key community facilities and destinations, provide mode separated walking paths and cycling trails.
206	Report 5. Consistency with the Urban Design Strategy	115	Section 5.4 Detailed Requirements and Benchmarks - Objective 13.9 Wayfinding	Walking and cycling	Wayfinding signage should not be used for storytelling. It needs to be clear, concise and consistent.  Storytelling is entirely separate and has different design requirements.  Separate wayfinding signage from storytelling signage.
207	Report 5. Consistency with the Urban Design Strategy	116	Section 5.4 Detailed Requirements and Benchmarks - Objective 13.10 Wayfinding Signage Design	Walking and cycling	Wayfinding signage should not be used for storytelling. It needs to be clear, concise and consistent.  Storytelling is entirely separate and has different design requirements.  Separate wayfinding signage from storytelling signage.
208	Report 5. Consistency with the Urban Design Strategy	116	Section 5.4 Detailed Requirements and Benchmarks - Objective 14.1 Walking and Cycling Bridge Design	Estelle Street bridge	The current design of the Estelle Street bridge is not 'low impact' in the Koonung Creek Reserve. The support mound severs the reserve and restricts access around the bridge.  Amend the design to have the bridge on piers in the Koonung Creek Reserve.

209	Report 5. Consistency with the Urban Design Strategy	117	Section 5.4 Detailed Requirements and Benchmarks - Objective 15.1 Entries	Walking and cycling	<p>The response references Yarra Bend Park.</p> <p>Amend to Yarra Flats Reserve.</p> <p>Council officers should not have to provide this level of comment on a UDLP that has been through multiple reviews and was considered fit for public exhibition.</p>
210	Report 5. Consistency with the Urban Design Strategy	119	Section 5.4 Detailed Requirements and Benchmarks - Objective 17.1 Green Corridors	Landscaping	<p>The response to the objective states:</p> <p>"In all areas, the design of the landscape improves the quality of public open space, biodiversity, ecology, experience and passive open space for local residents."</p> <p>This statement is entirely untrue for the Koonung Creek Reserve design included in the UDLP as the drainage ditch fractures the public open space, results in further land loss by making half the land leftover by the NELP inaccessible and is not an improvement to the quality of the public open space, biodiversity, ecology, experience or passive open space for local residents.</p> <p>Remove the drainage ditch and associated infrastructure from the UDLP design and the KCR.</p>
211	Report 5. Consistency with the Urban Design Strategy	119	Section 5.4 Detailed Requirements and Benchmarks - Objective 17.2 Roadway identify	Error	<p>Review and fix the error in the description of the objective. It is not what the March 2020 endorsed Urban Design Strategy has in it as Objective 17.2.</p> <p>Council officers should not have to provide this level of comment on a UDLP that has been through multiple reviews and was signed-off for public exhibition.</p>
212	Report	120	Section 5.4 Detailed Requirements and Benchmarks - Objective 17.4 Minimising loss	Tree removal/retention	Red river gums to existing wetland should be expressly noted for retention.
213	Report	120	Section 5.4 Detailed Requirements and Benchmarks - Objective 17.4 Minimising loss	Tree removal/retention	Re-use of felled timber in project area. Re-use should also be considered to wider community. Should be funding these to be provided to schools and community groups. Refer to 'Treasuring our Trees' or similar NFP groups that re-purpose felled timber for schools/communities in local area
214	Report 5. Consistency with the Urban Design Strategy	120	Section 5.4 Detailed Requirements and Benchmarks - Objective 17.7 Inspired by Local Assets	Stormwater management infrastructure	<p>If it is not possible to truly daylight the Koonung Creek west of Doncaster Road as Melbourne Water would expect, why introduce a drainage ditch as a means of naturalising an already naturalised setting? The Koonung Creek Reserve is a green asset in that it is existing public open space offering an incredible naturalised setting already. The drainage ditch is faux-naturalisation and is unnecessary.</p> <p>Remove the drainage ditch and associated infrastructure from the UDLP design and the KCR.</p>
215	Report 5. Consistency with the Urban Design Strategy	121	Section 5.4 Detailed Requirements and Benchmarks - Objective 17.10 Plant selection	Quality/language/consistency	<p>It is totally unclear where each of the planting schedules has been applied in the landscape plans. The response to the objective suggests otherwise.</p> <p>Amend legends to better distinguish between planting area, and provide plans at a better scale to improve readability and legibility.</p>
216	Report	129	Section 5.4 Detailed Requirements and Benchmarks - Objective 17.10 Plant selection	Plant selection	The focus on species selection is on use of species from historic EVCs that are robust and drought resistant, and future proof against climate and rainfall change. Demonstration of risk mitigation built in during the design phase is critical for Council to have confidence in the process. High quality site prep/remediation, planting and maintenance are other key considerations.
217	Report 5. Consistency with the Urban Design Strategy	122	Section 5.4 Detailed Requirements and Benchmarks - Objective 17.11 Buffer planting and land form	Quality/language/consistency	<p>Review and fix the error in the description of the objective. It is not what the March 2020 endorsed Urban Design Strategy has in it as Objective 17.11.</p> <p>Council officers should not have to provide this level of comment on a UDLP that has been through multiple reviews and was signed-off for public exhibition.</p>
218	Report 5. Consistency with the Urban Design Strategy	122/123	Section 5.4 Detailed Requirements and Benchmarks - Objective 18 Water	Stormwater management infrastructure	<p>We appreciate the WSUD design approach, however we do not accept the inclusion of the proposed drainage ditch and associated infrastructure in the Koonung Creek Reserve.</p> <p>Remove the drainage ditch and associated infrastructure from the Koonung Creek Reserve.</p> <p>Investigate and implement water treatment opportunities downstream of the Koonung Creek Reserve and work with adjacent land owners to implement these opportunities.</p>

219	Report 5. Consistency with the Urban Design Strategy	123	Section 5.4 Detailed Requirements and Benchmarks - Objective 18.4 Minimise Habitat Impacts	Stormwater management infrastructure	Where will the noted 'additional flood storage' be located in the Koonung Creek Reserve in the design presented in this UDLP?  Where is this additional water coming from?
220	Report	123	Section 5.4 Detailed Requirements and Benchmarks - Objective 18.4 Minimise Habitat Impacts	Stormwater management infrastructure	The preliminary report and plans indicate that runoff is just being diverted to adjacent parks for local municipality management. It is unclear how the design has been optimised to minimise habitat and open space impacts. No existing or proposed flooding data is provided. Increased water flow to these areas will have an impact on soil and tree health. None of which is adequately discussed or addressed.
221	Report	123	Section 5.4 Detailed Requirements and Benchmarks - Objective 18.5 Drainage infrastructure and retarding basin design	Stormwater management infrastructure	Vegetated swale is noted to improve drainage to KCR. This is not supported by any data or drainage assessment.
222	Report 5. Consistency with the Urban Design Strategy	123	Section 5.4 Detailed Requirements and Benchmarks - Objective 18.5 Drainage infrastructure and retarding basin design	Stormwater management infrastructure	The UDLP design does not meet this objective in that it inhibits the ability of local residents to have access to open space near where they live.  The design includes a 7.5-8m wide drainage ditch along the length of the Koonung Creek Reserve and several large ponds in various sections. The drainage ditch cuts the KCR in half longitudinally and inhibits the ability of local residents to access half of the KCR leftover by the NELP and its contractors.  Remove the drainage ditch and associated infrastructure from the UDLP and KCR to ensure the design meets this objective.
223	Report	124	Section 5.4 Detailed Requirements and Benchmarks - Objective 18.6 and 18.7	Stormwater management infrastructure	WSUD infrastructure. Insufficient information provided. Should be supported by MUSIC modelling and more design detail (even at this preliminary stage of design). No detail is provided to plans with regard to slope and surface levels (this impacts effectiveness of passive irrigation impacts), no detail with regard to downstream slope of swale (risk of scouring if it is too steep which will require maintenance, too flat and boggy conditions are created). What is the planting density through the swale to ensure efficient weed suppression. Has dynamic hydrologic modelling and analysis been undertaken to inform preliminary design? What is the projected inflow data? What is the expected mass of contaminants and suspended solids - this informs expected maintenance? Swale is largely located within the biodiversity corridor - how does this impact maintenance going forward as it looks challenging for access?  Amend the design to remove the drainage ditch (NELSA labelled WSUD drainage swale) and all related infrastructure from the design.
224	Report 5. Consistency with the Urban Design Strategy	125	Section 5.4 Detailed Requirements and Benchmarks - Objective 19.4 Siting to Reduce Visual Clutter	Quality/language/consistency	Review and fix the error in the description of the objective. It is not what the March 2020 endorsed Urban Design Strategy has in it as Objective 19.4.  Council officers should not have to provide this level of comment on a UDLP that has been through multiple reviews and was signed-off for public exhibition.
225	Report 5. Consistency with the Urban Design Strategy	125	Section 5.4 Detailed Requirements and Benchmarks - Objective 20.2	Quality/language/consistency	How is the inclusion of bright yellow in the colour palette for the Koonung Creek Reserve area 'sensitive to the local environment'?
<b>ATTACHMENTS</b>					
1	Attachment 1 Architecture and Urban Design		General comment - Legend - General Arrangement Plans	Quality/language/consistency	The legend - due to choice of colours - and grey and white hatchings is very difficult to discern on the plans. Use colours to enable the reader to more easily discern different elements on the plans for example, noise walls, project boundary, Shared Use Path.

2	Attachment 1 Architecture and Urban Design		General comment - Legend - General Arrangement Plans	Quality/language/consistency	<p>The legend is not clear on three items:</p> <ul style="list-style-type: none"> <li>- Noise wall - Proposed &amp; retained.</li> <li>- Retaining wall/Bridge Abutment</li> <li>- Existing and Proposed Tree Canopy</li> </ul> <p>The three items cover six different items.</p> <p>Redraft the legend to include:</p> <ul style="list-style-type: none"> <li>- Noise wall - Proposed.</li> <li>- Noise wall - Retained.</li> <li>- Retaining wall.</li> <li>- Bridge abutment.</li> <li>- Existing tree canopy (i.e. retained tree canopy).</li> <li>- Proposed tree canopy.</li> </ul>
3	Attachment 1 Architecture and Urban Design	9011	DRG- 9011	Missing information	Show the new Koonung Creek trail connection to the main Yarra Trail at Musca Street Reserve. This is mentioned in the Report (P113, Objective 13.3). If you refer to it should be showed, even if it is being delivered as part of the West Package.
4	Attachment 1 Architecture and Urban Design	9011	DRG-9011	Noise walls/flood walls	Confirm that the noise walls at Columba Street Reserve will be replaced with new noise walls that are consistent and coherent.
5	Attachment 1 Architecture and Urban Design	9012	DRG-9012	Change from approved NEL Tunnels UDLP	<p>Council does not agree with the change from approved NEL Tunnels UDLP Shared Use Path on Bulleen Road bridge west side to pedestrian path.</p> <p>Revert to NELPs previous commitment and design showing a shared use path on this side of the bridge.</p> <p>We accept there is insufficient width in this section of the path network to mode separate and accept a 2.1m wide shared use path will have to suffice.</p>
6	Attachment 1 Architecture and Urban Design	9013	DRG-9013	Noise walls/flood walls	Why is there a gap in the noise wall near the Incident Recovery Amenity Building?
7	Attachment 1 Architecture and Urban Design	9013	DRG-9013	Noise walls/flood walls	<p>Just east of the Koonung Creek Reserve wetland, the noise wall seems to sit further away from the freeway than elsewhere.</p> <p>Move the noise wall closer to the road to reduce the take on the reserve. The incursion into the reserve is shown clearly in DRG9027.</p>
8	Attachment 1 Architecture and Urban Design	9013	DRG-9013	SUP	Reinstate the SUP shown to be retained inside and outside the project boundary to meet UDS requirements to create a truly integrated approach.
9	Attachment 1 Architecture and Urban Design	9013	DRG-9013	SUP- construction	How will access along the Koonung Creek trail be maintained east of Doncaster Road while construction works are underway?
10	Attachment 1 Architecture and Urban Design	9021	DRG 9021 and 9022	Musca Street Reserve	Confirm if the Boroondara Council Arboretum concept design has been reviewed to inform the reinstatement of the Musca Street Reserve following works. Reinstatement works should align with the Concept design plans for path, access and planting.
11	Attachment 1 Architecture and Urban Design	9027	DRG-9027	Bridge/barrier	Is the existing bridge across the wetland to be retained or upgraded?
12	Attachment 1 Architecture and Urban Design	9027	DRG-9027	Estelle Street bridge	Show the details of the noise wall, flood wall and bridge interface. Include two cross sections and the drainage ditch to enable a proper understanding of the design at this point.
13	Attachment 1 Architecture and Urban Design	9027	DRG-9027	Estelle Street bridge	The landscape plan and cross section show us an indicative straight bridge and ramp alignment from Estelle St to the southern SUP. The bridge crosses a noise wall that is assumed to be 8m high based on the cross section, and sits at about 6m high. This is also consistent with the technical report C prepared for the EES which stated “existing noise walls are proposed to be demolished and replaced with taller walls that are eight metres to 10 metres in height” in this area. It is noted though that this height is marked indicatively only.
14	Attachment 1 Architecture and Urban Design	9028	DRG-9028	Third party assets	Show the existing underground drain on this and other KCR plans. You have done this in the zone 11 plans, and it would be consistent to do it across them all.
15	Attachment 1 Architecture and Urban Design	9028	DRG-9028	Noise wall/construction	Why is there such a large gap between the noise wall and the incident recovery amenities building. Can the noise wall be brought in closer to the freeway?
16	Attachment 1 Architecture and Urban Design	9028	DRG-9028	SUP/reinstatement	The Project should reinstate the section of Koonung Creek Trail to be retained to provide a an integrated cycling corridor and experience for users.
17	Attachment 1 Architecture and Urban Design	9029	DRG-9029	SUP/CPTED	The Koonung Creek trail passes very close to the freeway. What safety fencing or buffer will be between the SUP and the Eastern Freeway off ramp to ensure the safety of riders and walkers at this point?

18	Attachment 1: Architecture and Urban Design	9029	NEL-STH-NSA-5900-UUD-DRG-9029	Underpass/culvert	We asked for a cross section to show the path condition as you enter into the culvert - which was prepared. Concerned of an unsafe tunnel effect created by the walls and the narrow spacing. Previously suggested that the retaining wall could be moved back against the upper path with garden bed creating more space. Understand this may create an unsafe pocket near the entrance of the culvert though that could hide a person if not designed appropriately.
19	Attachment 1 Architecture and Urban Design	9047	DRG-9047	Quality/language/consistency	Show the full cross section of the bridge to the end in the KCR.  Showing the full length of the bridge in Manningham but not Boroondara is not particularly fair, especially when the impact in the KCR of the bridge support mound is as significant as it is.  If needed, spread the cross section over 2 pages as the Spark/Tunnels UDLP did for several cross sections.
20	Attachment 1 Architecture and Urban Design	9048	DRG-9048	Quality/language/consistency	Show the full cross section, including the full Koonung Creek corridor and the residential properties on both aides.
21	Attachment 1 Architecture and Urban Design	9141	DRG-9141	SUP - construction	Refer to comments provided against DRG 9029, 9013
22	Attachment 1 Architecture and Urban Design	9143	DRG-9143/9144	Bridge/barrier/construction	Why are there no throw screens or safety barriers on the Doncaster Road bridge?
23	Attachment 1 Architecture and Urban Design	9148	DRG-9148	Doncaster Road underpass	Mode separate the Koonung Creek Trail through the underpass as there is sufficient space and it would lead nicely into the mode separated path in the KCR.
24	Attachment 1 Architecture and Urban Design	9150	DRG-9150	Third party assets	The incident recovery building looks like a tin shed from Bunnings or an Adco hut. CityLink, EastLink and Peninsula Link incident recovery buildings are all tin sheds from Bunnings or Adco huts and they look dreadful.  Provide a suitably designed building that responds sensitively to its surrounds.
25	Attachment 1 Architecture and Urban Design	9150	DRG-9150	Third party assets	The 'design' of the YVW pressure reducing station does not meet the requirements of the Incorporated Document as there are no details about the structure provided in the UDLP. The only detail is of the fence and even then the description does not match the image.  The description notes a 'feature steel fence' will be provided. The image shows a cyclone mesh fence with barbed wire on the top.  Provide a suitably detailed design for the structure and show elevations of the building.
26	Attachment 1 Architecture and Urban Design	9171	DRG-9171	Estelle Street bridge	The confluence of the Estelle Street bridge and SUP in Koonung Creek Reserve needs to be made larger otherwise there will be conflicts between cyclists and pedestrians.  Will the Koonung Creek Trail be elevated at its connection with the bridge? Will it then ramp down to meet the at-grade path? If so, this is another severance of access and pseudo land acquisition.  Amend the design to put the Estelle Street bridge on piers and not a mound. Amend the design to have the bridge reach ground level and not be elevated requiring ramping of the Koonung Creek Trail.
27	Attachment 1 Architecture and Urban Design	9172	DRG-9172	Estelle Street bridge	There is feature lighting to the bridge but it is unclear what lighting will be installed on the bridge to guide pedestrians and cyclists at night over the 70 plus metre ramp to the SUP. Confirm handrail lighting will be installed on the bridge.
28	Attachment 1 Architecture and Urban Design	9172	DRG-9172 and 9173	Estelle Street bridge	The elevations are deceptive in that they show a green area under the bridge in the KCR but do not provide any detail about what it is. The elevations do not show the drainage ditch and how it interacts with the bridge/  Provide this detail in the elevation.
29	Attachment 1 Architecture and Urban Design	9174	DRG-9174	Missing information	Provide the south elevation of the Estelle Street bridge. Treat both sides of the bridge equally.
30	Attachment 1 Architecture and Urban Design	9201	DRG-9201	Noise walls/flood walls	Will new noise walls be installed in Musca Street Reserve?  If so, does vegetation need to be cleared to construct the noise walls in Musca Street Reserve?  Our preference would be to protect the existing vegetation.

31	Attachment 1 Architecture and Urban Design	9201	DRG-9201	Quality/ language/consistency	It can be difficult to tell the difference between the project boundary and the noise walls. Change noise walls to a different colour and line type.
32	Attachment 1 Architecture and Urban Design	9202	DRG-9202	Noise walls/flood walls	What is the purpose of the flood walls both sides of the Estelle Street bridge? Is this to keep floodwaters out of the freeway? Where will the water go during flood events?
33	Attachment 1 Architecture and Urban Design	9203	DRG-9203	Noise walls/flood walls	What is the extent of the shadow cast by the 9 metre noise walls at the pinch point in Koonung Creek Reserve (near Gardenia Street)? Is there a over shadowing diagram for this point? Will the shadow impact the SUP and the residences during Winter, Spring and Autumn equinox?
34	Attachment 1 Architecture and Urban Design	9203	DRG-9203	Noise walls/flood walls	Note above comments about overshadowing of noise walls adjacent to residences on Winfield Road.
35	Attachment 1 Architecture and Urban Design	9206	DRG-9206-9208	Noise walls/flood walls	Provide a plan showing which noise walls are located where.
36	Attachment 1 Architecture and Urban Design	9206	DRG-9206-9208	Noise walls/flood walls	Identify which noise walls are the new noise wall type.
37	Attachment 1 Architecture and Urban Design	9206	DRG-9206-9208	Noise walls/flood walls	The acrylic panel commentary on the drawings states:  "Semi-transparent panel with etched finish/gradual opacity to top of panel..."  This contradicts statements in the UDLP about the acrylic panels being transparent to enable sunlight to penetrate and glimpses of views.  Amend the acrylic panel design to ensure they are fully transparent along the entire height and width to enable sunlight to penetrate.
38	Attachment 1 Architecture and Urban Design	9207	DRG 9207	Error	Drawing 9207 is duplicated in the UDLP. Remove one of the pages labelled as 9207.
39	Attachment 2: Landscape Design	All	All	Missing information	No approximate finished surface levels or contours. Difficult to understand design and how it will work as a recreation space and biodiversity corridor when there is very little detail given to the finished land/surface morphology of the area. Also difficult to understand predicted flow of water and drainage from freeway to KCR
40	Attachment 2: Landscape Design	All pages	All	Quality - legends	Vegetation hatching visually is hard to make out, hatching details is too light and colours are all too similar.
41	Attachment 2: Landscape Design	All pages	All	Quality - legends	Review the tones used to illustrate unencumbered areas of planting. The similarity of colours do not meet accessibility requirements. Refer to the blue and green tones used in the NEL Tunnels UDLP. See Section 1.2 Attachment 1 - Eastern Freeway Upgrades UDLP comments.
42	Attachment 2 : Landscape Design		General comment	Quality/ language/consistency	The provided landscape and architecture drawings at 1:2000 and 1:5000 scales limit the provision of detailed information. An obvious benchmark is the approved Tunnels UDLP which comprises plans at 1:500 scale, and illustrates far more detail regarding the design vision and composition of public spaces and proposed project elements. Provide drawings at the 1:500 scale to show detail - especially where new public amenity and facilities are located. Please refer to Section 1.12 of Attachment 1 - Eastern Freeway Upgrades - Urban Design comments
43	Attachment 2 Landscape and Design		General comment - Legend - General Arrangement Plans	Quality/language/consistency	Use different colours to show existing tree canopy and proposed tree canopy.
44	Attachment 2 Landscape Plans		Various	Maintenance bays	Why are maintenance bays proposed adjacent to SUP paths and secondary paths. Who will be using them and for what purpose?
45	Attachment 2. Landscape Plans		Various	SUP/secondary paths	The 'Retained Path' graphic lacks hierarchy and should be split between 'Retained Shared Use Path' and 'Retained Path.'
46	Attachment 2 - Landscape Design	9511		Plant selection	The species list generally appears good for the renewal of the existing Koonung Creek Reserve wetland. Future detailed wetland renewal designs will enable Council to comment on species selections more specifically.
47	Attachment 2: Landscape Design	9511	DRG-9511	Plant selection	Council's biodiversity team would like to work through the plant selection in detailed design. They have some concerns about hybrids in the planting schedule. These might be better suited as part of the planting mix for the Biodiversity Gateway at the eastern and western end of Koonung Creek Reserve. The Biodiversity Gateway is depicted in the Koonung Creek Reserve draft concept design.

48	Attachment 2 - Landscape Design	9521	Planting Mix Schedule LS01 Proposed lawn area	Landscaping	Consider incorporating understorey plantings in some of these tree and lawn area and/or some parts within individual tree and lawn area to create more integrated plant communities. This gives us a chance to look at how the plant community develops together and whether this improves establishment success, and community satisfaction.
49	Attachment 2 - Landscape Design	9521	Planting Mix Schedule LS01 Proposed lawn area	Plant selection	<p>We are concerned that the tree species range is so heavily focused on Myrtaceae/Eucalyptus (of 26 species, only 5 are not Myrtaceae, and of the 21 Myrtaceae, all but 3 are Eucalyptus). While we understand this from a Country and Wurundjeri Woi-Wurrung perspective, it's concerning to us from a diversity point of view as it leaves us prone to pest and disease outbreaks that target these groups (e.g. psyllids, myrtle rust) under different climatic conditions.</p> <p>We would like to know more about the process you followed to assess future climate readiness given the focus on pre-1750 EVCs and the likely growing conditions on this highly modified, urbanised site. Trees are the big challenge in a new designed landscape as they take so long to grow and their failure takes years to replace. This is another reason for us to work together really effectively to retain as many mature tree groups and specimens as possible.</p>
50	Attachment 2 - Landscape Design	9521	Planting Mix Schedule LS01 Proposed lawn area	Plant selection	<p>We would prefer to see a mix of smaller and larger tree stock planted, perhaps with focus on larger stock for high use areas, e.g. nodes, park furniture, paths (new, existing).</p> <p>Alternatively, planting a mix of more advanced specimen trees with smaller containerised trees could work to build effective planted groups of trees.</p> <p>If the landscape features different height vegetation at planting, the community can see tree growth and can help with monitoring progress. This is an education opportunity for residents, Councils and major infrastructure project teams.</p> <p>People say smaller tree stock catches up to larger tree stock. Why not use this opportunity to demonstrate if this is true? Perhaps future high value specimen trees could go in at a larger size, if sourced from a good grower they will have had structural pruning. A big risk of planting very small trees is that Councils will inherit many poorly structured trees because they won't have had the early attention and/or been replaced. This is a risk to meeting 2045 canopy targets too.</p> <p>Focusing planting entirely on 200 mm tree stock, particularly on freeway medians could be a pretty risky strategy. Consider mixed sizes here or nobody will notice the plantings for years (based on ability to "read" vegetation at high speed). There will be no shade from a tree planted as a 200 mm tube literally for decades, and 2045 will come around really fast.</p>
51	Attachment 2: Landscape Design	9529	DRG-9529/9537	Landscape	What is the semi circular encroachment into Yarra Flats Reserve? What is happening in this area?
52	Attachment 2: Landscape Design	9529	DRG-9529	Plant selection	Council's biodiversity team should be consulted on the plant selection and landscaping at Yarra Flats Reserve as Council will be the returned asset owner.
53	Attachment 2: Landscape Design	9530	DRG-9530	Error	Noise Wall arrow is pointing to the project boundary not the noise wall. Unless noise walls are being proposed along Carron Street?
54	Attachment 2: Landscape Design	9530	DRG-9530	Koonung Creek Reserve wetland	The wetland shape appears highly stylised in the landscape plan and is missing the central island. How will the Project works affect the wetland and what changes will be made to the wetland size and shape?
55	Attachment 2: Landscape Design	9530	DRG-9530	Koonung Creek Reserve - master plan	The draft KCR concept design developed by NELP includes a bird hide and relaxation deck and seating on the north side. Why have these not been featured in this landscape plan?
56	Attachment 2: Landscape Design	9530	DRG-9530	Missing information	<p>Land subject to inundation at the western end of Koonung Creek reserve is a change from the NEL Tunnels UDLP and features in the draft concept plan for Koonung Creek Reserve developed by NELP.</p> <p>Mark this area on the plan.</p>
57	Attachment 2: Landscape Design	9531	9531	Flood wall	How does the flood wall interact with the landscape and existing overland flow?



58	Attachment 2: Landscape Design	9542	DRG 9542 and 9543	Quality	<p>The landscape plans as a whole are cartoonish and do not show the true scale and impact of the NELP and NELSA proposed design.</p> <p>The drainage ditch is shown as a consistent 4m width through the KCR when the cross sections show it as 7.5m and 8m in width - effectively double what it depicted on the plans.</p> <p>The plans should be labelled as 'Not To Scale' if they are to be presented as they are.</p> <p>Either amend the drawings to show the true size of infrastructure NELP and NELSA are proposing or, preferably, remove the drainage ditch from the design.</p>
59	Attachment 2: Landscape Design	9542	NEL-STH-NSA-5900-UUD-DRG-9542	Landscape/SUP and planting	We are in favour of the biodiversity treatment coming down as far as it does, and encourage as many trees to be planted as possible as Council has a 30% canopy target for the municipality. However, with what looks like native grass plantings abutting the SUP, need to be careful that these can be maintained in a way that doesn't encroach on the SUP and cause a safety issue.
60	Attachment 2: Landscape Design	9542	NEL-STH-NSA-5900-UUD-DRG-9542 (but relevant to all)	Quality - legends	The key for mixed grass planting is not clear. There should be a separate key for 'lawn' and for native grass plantings.
61	Attachment 2: Landscape Design	9542	DRG-9542	Estelle Street bridge	Confirm that the landing from the Estelle Street bridge to Koonung Creek Trail is large enough to accommodate cyclists and pedestrians using the Koonung Creek Trail and entering or exiting the bridge.
62	Attachment 2: Landscape Design	9542	DRG-9542/9530	Flooding	Explain flooding scenarios around the wetland and potential impacts on currently unencumbered open space.
63	Attachment 2: Landscape Design	9542	DRG-9542	Koonung Creek Reserve wetland	<p>What is the grey/brown material around the perimeter of the wetland? Is this walking access? Participants responding to the draft Koonung Creek concept design consultation suggested they would like to walk behind and around the wetland.</p> <p>Confirm if a circuit around the wetland will be maintained. If not, confirm if it is possible to construct a circuit walk.</p>
64	Attachment 2: Landscape Design	9542	DRG-9542	Koonung Creek Reserve wetland	<p>Potential rest, furniture bike repair area: This space needs to be larger to accommodate the large numbers of visitors to the wetland.</p> <p>The existing Gazebo should be replaced as it is very old.. An alternative structure needs to be provided by the Project while construction is underway to provide a shelter for regular users of the gazebo.</p>
65	Attachment 2: Landscape Design	9542	DRG-9542	Koonung Creek Reserve wetland	As noise walls have encroached some 40m closer to the wetland, there should be an effort to provide screening to soften views to the noise wall from the wetland.
66	Attachment 2: Landscape Design	9542	DRG-9542	Landscape	How has Council's maintenance access requirements to Koonung Creek Reserve wetland been considered? Council needs to conduct maintenance on the existing drainage infrastructure/gross pollutant trap.
67	Attachment 2: Landscape Design	9542	DRG-9542	SUP	Why are sections of the Koonung Creek Trail within the project boundary marked as existing path to be retained. Is this a mistake? To create an integrated cycling experience, upgrade the Koonung Creek Trail inside and outside the project boundary.
68	Attachment 2: Landscape Design	9543	DRG-9543	Landscape	Native Grasses and tussocks should not be planted next to the SUP as they will attract snakes that may bask on the path. Lawn should be planted next to the Koonung Creek trail. Refer to additional comments on the buffer zone to SUPs.
69	Attachment 2: Landscape Design	9543	DRG-9543	Stormwater management infrastructure	How will land required for the water reducing pressure station be acquired from Council?
70	Attachment 2: Landscape Design	9543	DRG-9543	Stormwater management infrastructure	What is the difference between water bodies in the eastern end of the KCR? Shown in cross sections 05-9555 and 04-9554. What are the purposes of the three water bodies?
71	Attachment 2: Landscape Design	9543	DRG-9543	SUP	Why are sections of the Koonung Creek Trail within the project boundary marked as existing path to be retained. Is this a mistake? To create an integrated cycling experience, upgrade the Koonung Creek Trail inside and outside the project boundary.
72	Attachment 2: Landscape Design	9544	DRG-9544	Cross Section	Why are sections of the Koonung Creek Trail within the project boundary marked as existing path to be retained. Is this a mistake? To create an integrated cycling experience, upgrade the Koonung Creek Trail inside and outside the project boundary.
73	Attachment 2: Landscape Design	9544	DRG-9544	SUP	To create an integrated cycling experience, upgrade the Koonung Creek Trail inside and outside the project boundary
74	Attachment 2: Landscape Design	9544	DRG-9544	SUP	How will the SUP be diverted during works along this section east of Doncaster Road?

75	Attachment 2: Landscape Design	9551-9555	Sections	Missing information	Insufficient sections through area.
76	Attachment 2: Landscape Design	9551	DRG 9551	Cross Section	Why was the cross - section chosen at this location in Musca Street Reserve? It would be better to have a transect further east - just before the underpass and intersection of the paths .
77	Attachment 2: Landscape Design	9551	DRG-9551	Error	Check information is correct on this transect plan. Koonung Creek trail should be labelled Yarra Flats Reserve. In Musca Street Reserve there is no path at the location of the transect.
78	Attachment 2: Landscape Design	9551	DRG 9551	Tree retention/removal	Is tree removal at Musca Street Reserve required only for noise wall construction? If so, can the construction be undertaken from the freeway side? The noise walls sit on an embankment so it should be easier to work from the freeway side rather than the reserve side to construct the noise walls. This would also mean that vegetation does not need to be removed.
79	Attachment 2: Landscape Design	9552	NEL-STH-NSA-5900-UUD-DRG-9542, NEL-STH-NSA-5900-UUD-DRG-9552	Cross Section	Show the full cross section, including the full Koonung Creek corridor and the residential properties on both sides and the drainage ditch.
80	Attachment 2: Landscape Design	9552	NEL-STH-NSA-5900-UUD-DRG-9542, NEL-STH-NSA-5900-UUD-DRG-9552	Flood wall	What are the proposed flood wall finishes - walls facing the reserve only?
81	Attachment 2: Landscape Design	9553	NEL-STH-NSA-5900-UUD-DRG-9542, NEL-STH-NSA-5900-UUD-DRG-9553	Cross Section	Show the full cross section, including the full Koonung Creek corridor and the residential properties on both sides and the underground pipe.
82	Attachment 2: Landscape Design	9553	DRG 9553/ 9543	Cross Section	Check the scale of cross section drawings compared to landscape plan. The distance from the noise wall to the project boundary appears to be about 30 metres compared to approximately 22 metres on plan 9543 which shows the location of the cross section
83	Attachment 2: Landscape Design	9553	DRG 9553	Cross Section	Label 'Landscape' Koonung Creek Reserve
84	Attachment 2: Landscape Design	9554	DRG 9554	Cross Section	How deep will the water bodies shown in this plan be? How will children in particular, and dogs be prevented from entering the water. It is a dog off leash park and dogs will trample plants surrounding the waterway making access easier for people. This has been the case at Hays Paddock.
85	Attachment 2: Landscape Design	9571	DRG 9571	Tree retention/removal	Why would the areas marked in orange - tree canopy confirmed to be removed - be needing to be removed? What other activities are being removed that would necessitate this vegetation removal?
86	Attachment 2: Landscape Design	9572	DRG 9572	Tree retention/removal	It is understandable that vegetation will need to be removed for construction of the Estelle Street bridge but the extent of vegetation clearance in this area seems extreme.  Review the construction method and approach to reduce vegetation clearance in this area.
87	Attachment 2: Landscape Design	9573	DRG 9573	Tree retention/removal	There is some remnant vegetation around the wetland. Seek confirmation of this vegetation with your ecologist and protect this vegetation.
88	Attachment 2: Landscape Design	9573	DRG 9573	Tree retention/removal	There is vegetation removal indicated at the pinch point adjacent to Koonung Street. Why does this vegetation need to be removed?
89	Attachment 2: Landscape Design	9570-9574	Vegetation removal	Tree removal/replacement	Very vague. Large areas appear to be noted for removal. Why does there need to be so much removal around the existing KCR wetland?
90	Attachment 2: Landscape Design	9574	DRG 9574	Error	Drawing 9574 is duplicated in the UDLP. Review and remove the duplicate.
91	Attachment 3 : Urban Design Visualisations		General comment	Visualisations	Annotate renders to note that they are the end point of long term ambition of the project
92	Attachment 3 : Urban Design Visualisations		General comment	Visualisations	Add additional visualisations to show the landscape establishment in increments, such as Year 0, Year 5, Year 10 following project completion.
93	Attachment 3 : Urban Design Visualisations		General comment	Visualisations	Add a map in this attachment showing the location of each visualisation and the view direction.  Include an inset map on each visualisation showing the location and view direction.
94	Attachment 3 : Urban Design Visualisations		General comment	Visualisations	Provide additional renders at the locations listed below:  <ul style="list-style-type: none"> <li>- Estelle Street bridge looking north from its landing in the KCR.</li> <li>-- Estelle Street bridge looking both east and west from within the KCR.</li> <li>- Various locations in the KCR looking to NEL infrastructure.</li> <li>- Looking to the KCR, YVW water pressure reducing station and proposed stormwater management infrastructure from the Doncaster Road off-street car park.</li> <li>- From Winfield Road Reserve (Boroondara) looking to the NEL infrastructure (i.e. noise walls).</li> <li>- Looking north-east to the NEL infrastructure from 20, 22 or 24 Orion Street.</li> <li>- Looking north to the NEL infrastructure from 14, 16 or 18 Koonung Street.</li> <li>- Burke Road overpass looking east from the centre of the Eastern Freeway.</li> </ul>
95	Attachment 4: Urban Design Overshadowing	All	Site levels	Overshadowing	Overshadowing drawings should be assessed in tandem with surface levels.

96	Attachment 4: Urban Design Overshadowing	9734	Zone 7 callouts	Overshadowing	Overshadowing drawings are generally easiest understood by the lay person when oriented north to the top of the page. It is unclear why this orientation has been selected (short of its easiest to visually put together on a page as images).  Poor design representation for impacted properties to understand.
97	Attachment 4: Urban Design Overshadowing	9734	Zone 7 callouts and individual property diagrams	Overshadowing	Overshadowing - does not also take into consideration impact to north facing habitable room windows. The impact to this area is most substantial between 9am to 1pm. Due to orientation, for most properties peak impact is at 9am and decreases from there. Really should have been depicted for each hour between 9am and 3pm to allow people to get a better understanding of impact.  Poor design representation for impacted properties to understand.
98	Attachment 4: Urban Design Overshadowing	9734	Zone 7 callouts	Overshadowing	Overshadowing standard applied - does not provide a minimum dimension to remaining unshadowed area (i.e. do people have a 'usable' area of SPOS left unshadowed).  Insufficient design detail.
99	Attachment 4: Urban Design Overshadowing	9734	Zone 7 callouts	Overshadowing	Overshadowing standard applied - allows for 50% of SPOS to be overshadowed or 40m <sup>2</sup> - whichever is the greater. This exceeds what would be allowed for a building development under 54.04-5 of the Boroondara Planning Scheme which directs: <i>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</i>  This is a poor design outcome.
100	Attachment 4: Urban Design Overshadowing	9741	142 Winfield Road Shadow diagrams	Overshadowing	Location of wall is not shown in context, it therefore cannot be ascertained if the impact has been correctly shown  Poor design representation for impacted properties to understand.
101	Attachment 4: Urban Design Overshadowing	9741	142 Winfield Road Shadow diagrams	Overshadowing	Location of wall is not shown in context, it therefore cannot be ascertained if the impact has been correctly shown  Poor design representation for impacted properties to understand.
102	Attachment 4: Urban Design Overshadowing	9742	144B Winfield Road Shadow diagrams	Overshadowing	Preliminary assessment indicates that 9am shadow of top of noise wall appears to be the shadow for an 8.25m high wall instead of maximum 10 assumed height. Table for this page incorrectly notes that there is no shadow impact at 9am and 12 noon however the shadow diagrams specify 28.1m <sup>2</sup> and 6.6m <sup>2</sup> respectively.  Poor design representation for impacted properties to understand.
103	Attachment 4: Urban Design Overshadowing	9743	146 Winfield Road Shadow diagrams	Overshadowing	Preliminary assessment indicates that 9am and 12 noon shadow of top of noise wall is incorrectly shown. Table for this page incorrectly notes that there is no shadow impact at 9am and 12 noon however the shadow diagrams specify 70m <sup>2</sup> and 34m <sup>2</sup> respectively.  Poor design representation for impacted properties to understand.
104	Attachment 4: Urban Design Overshadowing	9744	148 Winfield Road Shadow diagrams	Overshadowing	Preliminary assessment indicates that 9am and 12 noon shadow of top of noise wall is incorrectly shown. Table for this page incorrectly notes that there is no shadow impact at 9am and 12 noon however the shadow diagrams specify 42m <sup>2</sup> and 12.9m <sup>2</sup> respectively.  Poor design representation for impacted properties to understand.
105	Attachment 4: Urban Design Overshadowing	9745	150 Winfield Road Shadow diagrams	Overshadowing	Preliminary assessment indicates that 9am and 12 noon shadow of top of noise wall is incorrectly shown. Table for this page incorrectly notes that there is no shadow impact at 9am and 12 noon however the shadow diagrams specify 42.3m <sup>2</sup> and 6m <sup>2</sup> respectively.  Poor design representation for impacted properties to understand.

106	Attachment 4: Urban Design Overshadowing	9746	152 Winfield Road Shadow diagram	Overshadowing	<p>Preliminary assessment indicates that 9am and 12 noon shadow of top of noise wall is incorrectly shown. Table for this page incorrectly notes that there is no shadow impact at 9am and 12 noon however the shadow diagrams specify 43.5m<sup>2</sup> and 7.2m<sup>2</sup> respectively.</p> <p>Poor design representation for impacted properties to understand.</p>
107	Attachment 4: Urban Design Overshadowing	9747	152A Winfield Road Shadow diagram	Overshadowing	<p>Preliminary assessment indicates that 9am and 12 noon shadow of top of noise wall is incorrectly shown.</p> <p>Poor design representation for impacted properties to understand.</p>
108	Attachment 4: Urban Design Overshadowing	9748	154 Winfield Road Shadow diagram	Overshadowing	<p>Preliminary assessment indicates that 9am and 12 noon shadow of top of noise wall is incorrectly shown.</p> <p>Poor design representation for impacted properties to understand.</p>
109	Attachment 4: Urban Design Overshadowing	9749	370-372 Doncaster Road Shadow diagram	Overshadowing	<p>Preliminary assessment indicates that 9am and 12 noon shadow of top of noise wall is incorrectly shown. Assessment table for shadow impact is inconsistent with values as shown to diagrams for each hour.</p> <p>Poor design representation for impacted properties to understand.</p>
110	Attachment 4: Urban Design Overshadowing	9741-9748	individual property shadow diagram	Overshadowing	<p>Shadows from existing fencing are shown however shadows cast by existing structures are not shown. Should be depicting this as impacts overall daylight penetration to SPOS.</p>
111	Attachment 4: Urban Design Overshadowing	9741-9748	individual property shadow diagram	Overshadowing	<p>Acrylic panels are noted to 9207 as semi transparent. It is inaccurate to advise that these sections will result in no overshadowing. There will be some 'shadowing' impact that needs to be considered.</p> <p>Poor design representation for impacted properties to understand.</p>

## **Appendix E: EPR comments.**

## Appendix E - Detailed comments on the EPR responses

EPR	EPR description	Phase	Boroondara Council comment	BTA Response
<b>Environmental Management Framework (EMF)</b>				
EMF 1	Deliver project in general accordance with an Environmental Management System	All	No comment	
EMF 2	Deliver project in accordance with an Environmental Strategy and Management Plans	All	Strategy and management plans must be provided to councils for review and information.	
EMF 3	Audit and report on environmental compliance	Design, construction and operation	Ensure the summary reports are made available on a project website in a timely manner.	
EMF4	Complaints Management System	Design, construction and operation.	Complaints recorded in the Complaints Management System must be made available to relevant Councils to understand, be aware of and track resident's concerns about the Project.	
<b>Aboriginal Heritage (AH)</b>				
AH1	Comply with the Cultural Heritage Management Plan	Design, construction	No comment	
<b>Air Quality (AQ)</b>				
AQ1	Implement a Dust and Air Quality Management and Monitoring Plan to minimise air quality impacts during construction	Construction	The management plan should include, inter alia, cleaning of vehicles, residential properties and other personal property in the event dust from the works site is not managed. Provide Council a copy of the Dust and Air Quality Management and Monitoring Plan.	
AQ2	Design tunnel ventilation system to meet EPA requirements for air quality	Design, construction and operation.	Refer to the EPA Victoria Works Approval and conditions/requirements of the same.	
AQ3	In-tunnel air quality performance standards	Design, construction and operations	Refer to the EPA Victoria Works Approval and conditions/requirements of the same.	
AQ4	Monitor ambient air quality	Construction and operation	Ensure the air quality data is published on a project website on a daily basis as required by the EPR.	
AQ5	Monitor compliance of in-tunnel air quality and ventilation structure emissions	Operation	Refer to the EPA Victoria licence and conditions/requirements of the same.	
AQ6	Construction Haulage Vehicle Fleet	Construction	No comment	
<b>Arboriculture (AR)</b>				
AR1	Develop and implement a Tree Removal Plan	Design and construction	Share relevant Tree Removal Plans with Council, so that Council officers (and Councillors) are aware of vegetation removal and are not surprised by tree removals and our internal databases can be updated.  Provide at least 10 business days notice ahead of any tree removals.  While not tree removal but vegetation removal, discuss with Council the clearing of the NELP funded wildflower meadow at least four weeks in advance so plants can be retrieved and relocated.	
AR2	Implement a Tree Protection Plan(s) to protect trees to be retained	Design, construction and operation	Who monitors trees subject to protection over the three year period during and following completion of constructions works?  Where trees are on Council land will relevant council's be provided with tree monitoring data and consulted where trees need to be replaced?  Revise Project response to acknowledge monitoring data to be provided to land manager in request.  What mitigation measures will be implemented to ensure the survival of retained trees during the construction phase?	

## Appendix E - Detailed comments on the EPR responses

EPR	EPR description	Phase	Boroondara Council comment	BTA Response
AR3	Implement a Tree Canopy Replacement Plan	Design construction and operation	<p>Amend the list of key location for amenity tree planting to include - Musca Street Reserve and Yarra Flats Reserve. Trees to be planted in Musca Street Reserve should be in accordance with the Arboretum Plan.</p> <p>Amend the text to include: the Tree Canopy Replacement Plan will be provided to relevant stakeholders for discussion prior to finalisation.</p> <p>Council will need to provided with a database of trees planted by the Project within the project boundary and to be handed back to Council - including but not limited to species, GPS location and maintenance regime to handover.</p>	



## Appendix E - Detailed comments on the EPR responses

EPR	EPR description	Phase	Boroondara Council comment	BTA Response
<b>Business (B)</b>				
B1	Business disruption mitigation plan	Design and construction	<p>Council and local businesses should be advised well in advance of business disruption and businesses should be supported through this period. Amend the Project response to acknowledge the above.</p> <p>The LXRP delivered some excellent initiatives to support businesses impacted by level crossing works. Confirm the Project will deliver initiatives to encourage local shopping strips to thrive during the construction program. What are these initiatives likely to be?</p> <p>Council Local Economies Team can provide assistance and contact details for Boroondara's Trader Associations.</p>	
B2	Business relocation strategy	Design and construct	No comment	
B3	Employee Assistance Program	Design, construction	No comment	
B4	Minimise disruption to businesses from land acquisition and temporary occupation	Design, construction	Amend the text to acknowledge that Freeway Golf Course will be affected by land acquisition and temporary occupation. Any compound construction works and temporary and permanent fence installation must not disrupt golfing activities. Project contractors must advise Council of on ground activities related to land acquisition and temporary occupation well in advance and discuss how this will be managed.	
B5	Minimise and remedy damage or impacts on third party property and infrastructure	Design, construction	No comment	
B6	Minimise access and amenity impacts on businesses	Design, construction	<p>Acknowledge in the text that Council contractors working on Council land adjacent to construction areas (such as Koonung Creek Reserve, Musca Street Reserve and Winfield Road Reserve) should not be adversely by the Project.</p> <p>Access must be also be maintained to the Koonung Creek Reserve wetland to enable maintenance of drainage infrastructure.</p>	
B7	Protect utility assets	Design, construction	No comment	
B8	Business Liaison Groups	Design, construction	No comment	
<b>Contamination and Soil (CL)</b>				
CL1	Implement a Spoil Management Plan	Design, construction	<p>The Project response must state that Councils will be consulted during the preparation and implementation of the Spoil Management Plan (as noted in the EPR).</p> <p>Explain the reporting requirements if contaminated spoil (such as PFAS, acid sulphate soils or asbestos) is found.</p> <p>Council must be informed when contaminated spoil is exposed during construction on Council owned land used by the project, along with the next steps in terms of treatment and/or disposal no matter how small the volume of material and opinion of the EPA. As the ultimate land owner we need to know what is happening on and in our land, including if there is contamination.</p>	
CL2	Minimise impacts from disturbance of acid sulphate soil	Design, construction	No comment	

## Appendix E - Detailed comments on the EPR responses

EPR	EPR description	Phase	Boroondara Council comment	BTA Response
CL3	Minimise odour impacts during spoil management	Design, construction	What advice is provided to nearby residents or the LGA if odours cannot be contained? The UDLP response should note that a communication strategy will be developed to inform communities and councils in the event of odour impacts.	
CL4	Minimise risks from vapour and ground gas intrusion	Design, construction	The Project response should refer to emergency management procedures or plan in the event vapour and ground gas intrusion risks cannot be minimised.	
CL5	Manage chemicals, fuels and hazardous materials	Design, construction, operation	The Project response should note that the CEMP will be shared with relevant councils.	
CL6	Minimise contamination risks during operation	Operation	No comment	
<b>Flora and Fauna (FF)</b>				
FF1	Avoid and minimise impacts on fauna and flora	Construction	<p>Yarra Flats Reserve is part of the Yarra River biodiversity corridor and includes a diversity of native animals including species of native birds such as threatened Powerful Owl and endangered species such Gang Gang Cockatoos, microbats, flying fox, amphibians, reptiles. Construction work will occur at Yarra Flats Reserve. How will the wildlife at Yarra Flats Reserve be protected from noise, light impacts and vegetation removal?</p> <p>Koonung Creek Reserve is a fragile and highly modified ecosystem with a range of species including amphibians that are sensitive to environmental changes. How will fauna that inhabit the wetland in Koonung Creek Reserve be protected? How much time will be given to ecologists and fauna handlers for fauna relocation before clearing starts? Where will fauna be relocated to?</p> <p>When will the Flora and Fauna sub-plan be provided to Council (as noted in the Project's response)?</p>	
FF2	Minimise and offset native vegetation removal	Design, construction	The Project response must state that relevant arboricultural and ecological reports must be made available to relevant councils for review and to enable adjustment of Council asset management data.	
FF3	Avoid introduction or spread of weeds and pathogens	Construction	Include in the Project response that local land managers will be notified of any introduced pathogens or weed outbreaks.	
FF4	Protect aquatic habitat	Design, construction	<p>The Project response should list examples of design measures to minimise impacts on waterways rather than listing key design outcomes (which do not address the EPR). What design measures have been considered to minimise impacts on the Koonung Creek Reserve wetland in Koonung Creek Reserve?</p> <p>When can Council expect to be consulted on measures to protect aquatic habitat?</p>	
FF5	Obtain Flora and Fauna Guarantee Act 1988 permits	Construction	No comment	
FF6	Implement a Groundwater Dependent Ecosystem Monitoring and Mitigation Plan	Construction, operation	No comment	
FF7	Implement a salvage and translocation plan for Matted Flax-lily	Design, construction	No comment	
FF8	Minimise intense noise and vibration impacts on Australian Grayling	Design, construction	No comment	
FF9	Protect fauna habitat values in existing waterbodies that are modified for drainage purposes	Construction	The Project response should include reference to Koonung Creek Reserve wetlands as well as Koonung Creek.	

## Appendix E - Detailed comments on the EPR responses

EPR	EPR description	Phase	Boroondara Council comment	BTA Response
FF10	Studley Park Gum mitigation	Design, construction and operation	No comment	
<b>Ground movement (GM)</b>				
GM1	Design and construction to be informed by a geotechnical model and assessment	Design, construction	Check project response for completeness. Otherwise no comment.	
GM2	Implement a Ground Movement Plan to manage ground movement impacts	Design, construction	No comment	
GM3	Carry out condition surveys for potentially affected property and infrastructure	Construction	Property and infrastructure condition surveys for Council owned or managed infrastructure must be provided to Council for information and review.	
GM4	Rectify damage to properties and assets impacted by ground movement or settlement	Construction	No comment	
<b>Groundwater (GW)</b>				
GW1	Design and construction to be informed by a groundwater model	Design, construction	No comment	
GW2	Monitor groundwater	Design, construction, operation	The project response to this EPR should include a reference to other relevant EPRS such as FF6 - Implement a Groundwater Dependent Ecosystem Monitoring and Mitigation Plan.	
GW3	Minimise changes to groundwater levels through tunnel and trench drainage design and construction methods	Design, construction	No comment	
GW4	Implement a Groundwater Management Plan to Protect groundwater quality and manage groundwater interception	Design, construction	Note in the Project response that the Groundwater Management Plan must be shared with councils and that councils will be advised of any discharges of groundwater to local creeks.	
GW5	Manage groundwater during operation	Operation	The Project response should state that the Operations Environment Management Plan will be shared with councils and land managers.  Councils and Melbourne Water must be advised of any discharges of groundwater to local waterways. Consider referencing EPR SW3 in this response.	
<b>Historical Heritage (HH)</b>				
HH1	Design and construct to minimise impacts on heritage	Design, construction	No comment	
HH2	Implement an Archaeological Management Plan to avoid and minimise impacts on historic archaeological sites and values	Construction	No comment	
HH3	Monitor condition of heritage sites	Construction	No comment	
HH4	Undertake archival photographic recording	Construction	No comment	
HH5	Minimise impacts on heritage trees	Construction	No comment	
<b>Land Use Planning (LP)</b>				
LP1	Minimise land use impacts	Design, construction	The response to this EPR states that the Project has reduced the design footprint to minimise impacts at the following locations. There is only one location referred to which is Elgar Park. The references to the trees and arborist and ecology surveys are not 'locations'. Given the response refers to 'locations', where else has the design footprint been minimised to reduce impacts on open space?  The Project is having a significant impact on Koonung Creek Reserve. It is disappointing that more than 20% of the reserve will be acquired for the project and that NELSA and NELP have made no effort to reduce the footprint of Eastern Freeway and its encroachment into Koonung Creek Reserve.	
LP2	Minimise impacts from location of new services and utilities	Design	New infrastructure is being located in Koonung Creek Reserve. Note in the response that land managers including local councils will be consulted and approval sought on the location of new services and utilities.	

## Appendix E - Detailed comments on the EPR responses

EPR	EPR description	Phase	Boroondara Council comment	BTA Response
LP3	Minimise inconsistency with strategic land use plans	Design	<p>Amend the Response to reflect the reality that NELP is developing the Koonung Creek Master Plan with support from Council.</p> <p>Given the impact on Boroondara, Manningham and Whitehorse Council owned and managed land, the response should also reference local Council strategies, plans and frameworks that have been referred to in developing this plan</p>	
LP4	Minimise overshadowing from noise walls and elevated structures and overlooking from elevated structures	Design	<p>This UDLP does not currently comply with EPR LP4.</p> <p>The overshadowing assessment needs to be reviewed and overshadowing assessments recalculated as there are multiple errors and inconsistencies in the overshadowing diagrams and assessment tables. Refer to detailed comments made by Council in response to Attachment 4 - Overshadowing Assessment.</p> <p>Council would like to made aware ahead of time about any conversations with Boroondara residents to discuss overshadowing and likely VPS conversations.</p> <p>The noise wall overshadowing assessment has only been shown for the Spring Equinox and therefore does not show overshadowing to Secluded Private Open Space and Habitable Rooms at the Winter solstice when the sun is at its lowest in the sky.</p>	
LP5	Prepare and implement a Public Open Space Relocation and Replacement Plan	Design and construction	The UDLP is a public document and therefore the response to EPR LP5 should provide more detail to satisfy the communities concerns and interest in replacement of public open space lost to be acquired by the Project along the alignment of the Eastern Freeway Upgrades UDLP including Koonung Creek Reserve.	
<b>Landscape and Visual (LV)</b>				
LV1	Design to be in accordance with the Urban Design Strategy	Design and construction	<p>Please refer to Council's submission and comments spreadsheet that outline key issues in relation to the UDLP and how it has responded to the requirements of the Urban Design Strategy.</p> <p>It is disingenuous to claim that the project identifies opportunities for enhancement of public amenity, open space and facilities including in Koonung Creek Reserve where amenity and facilities are being reinstated rather than enhanced.</p>	

## Appendix E - Detailed comments on the EPR responses

EPR	EPR description	Phase	Boroondara Council comment	BTA Response
LV2	Minimise landscape and visual impacts during construction	Design, construction	<p>This response does not comply with the EPR LV2</p> <p>Detail what enhancements are to occur in Koonung Creek Reserve prior to construction starting.</p> <p>Given the substantial impacts to Koonung Creek Reserve improvements should focus on community facilities such as upgrading of the playground and provision of shelters/gazebos for groups who regularly use these facilities.</p> <p>The response should acknowledge that the approval of the two Koonung Creek Reserve Construction Compounds are pending approval.</p> <p>Refer to additional comments regarding tree retention and removal provided in Council's comment spreadsheet.</p>	
LV3	Minimise Construction lighting impacts	Design, construction	The CEMP should be submitted to relevant councils for consideration and a 'no objection' response.	
LV4	Minimise operation lighting impacts and maximise operational lighting benefits for open space.	Design, construction	Ensure any new cycling, pedestrian or SUP paths are lit to ensure safety of users at night. Refer to additional comments regarding lighting to the Koonung Creek Trail provided in Council's comment spreadsheet.	
<b>Noise and vibration (NV)</b>				
NV1	Achieve traffic noise objectives	Design, construction, operation	<p>Confirm where noise measurements are conducted in Category A and Category B buildings (ground floor, first or second floors etc.). If noise measurements are deemed higher than the DoT/VicRoads policy, what mitigation treatments will be offered to affected residents?</p> <p>Why is the response provided under the heading 'Design' when NV1 refers to the Design, Construct and Operation phases of the project?</p> <p>Share with the relevant council/s the locations where EPR noise levels may be exceeded and provide advice on the additional design measures that may be implemented to mitigate these exceedances.</p> <p>During operations will data collected in the traffic noise monitoring program be made available to the public? How will this be done?</p>	
NV2	Monitor traffic noise	Design, operation	<p>Will baseline traffic noise monitoring data (pre-construction) be made available to the Councils or the public?</p> <p>Confirm in the response when additional traffic noise monitoring will be undertaken.</p> <p>At what locations was noise monitoring data collected? How many stations and at what location in Boroondara?</p>	

## Appendix E - Detailed comments on the EPR responses

EPR	EPR description	Phase	Boroondara Council comment	BTA Response
NV3	Minimise construction noise impacts to sensitive receptors.	Construction	Include residential streets that will be subject to significant noise impacts for example sections of Mountain View Road and Viewpoint Road as well as examples of other sensitive receptors in addition to Belle Vue Primary School. Without further details of sensitive receptors near the project area, it is difficult to know if the Project has a clear understanding of the local community.	
NV4	Implement a Construction Noise and Vibration Management Plan (CNVMP) to manage noise and vibration impacts	Construction	<p>The Project response must include a statement to say that it will respond (and not be limited to) the items noted in the EPR NV4.</p> <p>Include a statement in the Project response to acknowledge temporary relocations of residents where noise exceeds acceptable limits and under what conditions this will occur? Include a statement that the community and local councils will be notified ahead of noisy works or works generating vibrations.</p> <p>The community living close to works will be very sensitive to noise from construction works and must be kept well informed of noisy construction works and mitigation solutions on offer.</p> <p>It is noted in the text, that the CNVMP has been developed in consultation with the EPR and local councils. Boroondara Council has not been consulted on the CNVMP. Please provide a copy of the CNVMP to Council and demonstrate how and when Council was consulted.</p>	
NV5	Establish vibration guidelines to protect utility assets	Construction	No comments	
NV6	Design permanent tunnel ventilation system and relevant fixed infrastructure to meet EPA requirements for noise	Design, construction	No comments	
NV7	Monitor noise from tunnel ventilation system and relevant fixed infrastructure	Operation	No comments	
NV8	Minimise construction vibration impacts on amenity	Construction	<p>If vibrations are likely to exceed maximum vibration dose values, what mitigation measures are put in place - just respite periods/breaks in construction activities?</p> <p>State in the Project response whether mitigation measures will include temporary relocation of affected residents. What notification will be provided to residents?</p>	
NV9	Minimise construction vibration impacts on structures	Construction	What structures in Boroondara will be monitored for construction vibration impacts? Belle Vue Primary School for example?	
NV10	Minimise impacts from ground-borne (internal) noise	Construction	State in the Project response whether mitigation measures will include temporary relocation of affected residents.	
NV11	Minimise amenity impacts from blast vibration	Construction	What notification will be provided to residents ahead of any blasts? Include a statement about community notification.	
NV12	Minimise amenity impacts from blast overpressure	Construction	What notification will be provided to residents ahead of any blasts? Include a statement about community notification.	



## Appendix E - Detailed comments on the EPR responses

EPR	EPR description	Phase	Boroondara Council comment	BTA Response
NV13	Noise mitigation – noise walls	Construct	Will Winfield Road residents be offered temporary relocation while noise walls are being constructed adjacent to their property boundary?	
NV14	Reduce impacts from engine brake noise	Design, construction, operation	<p>Council and community members are concerned about engine breaking noise from trucks joining the Eastern Freeway from the NEL southbound to Eastern Freeway westbound ramp.</p> <p>The ramp is located close to residential properties near Musca Street and Orion Street. The Project response does not address engine breaking in this context. Include in the Project response a statement explaining how engine breaking can be reduced in this and similar contexts.</p>	
NV15	Noise at public open space and school recreation grounds	Design, construction, operations	<p>Will schools be consulted around noise mitigation measures and options? Include a statement in the Project response to outline consultation.</p> <p>Include a statement in the Project response noting consultation with public open space managers will also be undertaken during the design phase to address additional noise mitigation options.</p>	
NV16	Monitoring of Ongoing performance of operational traffic noise mitigation measures	Operation	No comment	
<b>Social and community (SC)</b>				
SC1	Reduce community disruption and adverse amenity impacts	Design and construction	<p>Acknowledge the impacts on open space adjacent to the Eastern Freeway in the Project Response, rather than dismissing this use as minimal.</p> <p>The Project response to this EPR is disingenuous. The response says the location and footprint of temporary construction compounds and site facilities has been carefully considered regarding acceptable levels of amenity and impact.</p> <p>The location of the construction compounds in the Koonung Creek Reserve in particular, will cause significant disruption to local open space and amenity. How can the project say that this five year occupation of up to 65% of Koonung Creek Reserve is minimal?</p>	
SC2	Minimise and manage impacts of land acquisition and occupation	Design and construction	<p>The Project response does not comply with EPR SC2.</p> <p>The EPR discusses acquisition of both private and public land. The Project response totally ignores the permanent acquisition of public land within this UDLP.</p> <p>The permanent acquisition of over 34,000 m2 of public open space by this UDLP alone is significant and the Project response should demonstrate how the extent of acquisition has been minimised, how NELP and its contractors have reached agreement with the land manager on terms for possession of the land and how the land will be returned to Council.</p> <p>The temporary occupation of up to 65% of the KCR for up to 5 years is also ignored in the Project response. Explain how the works will be staged and how the functionality of the KCR will be maintained.</p>	



## Appendix E - Detailed comments on the EPR responses

EPR	EPR description	Phase	Boroondara Council comment	BTA Response
SC3	Implement a Communications and Community Engagement Plan	Design, construction, operation	<p>Design: Council has provided input to the UDLP development process via three workshops, however, very little of Council's feedback has been reflected in the UDLP. The public exhibition of the UDLP was undertaken for the minimum statutory period of 21 calendar days. The UDLP is a complex document and community members were disappointed that there so little time to review the document, understand it and then respond.</p> <p>Construction: The Project response needs to respond to the elements listed in the EPR. Communications and community engagement needs to be more than updates on the Project's progress. Will any innovative communications tools be developed to help the community understand various impacts from the projects?</p> <p>Any works notifications being distributed to the community need to be provided to Council at least 5 business days ahead of any letter box drops so that Council's Customer Connect staff can be kept informed and relevant Ward Councillors informed of upcoming works.</p>	
SC4	Participate in the Community Liaison Group	Design, construction	No comment	
SC5	Minimise impacts of displacement of formal active recreation facilities	Design, construction, operation	No comment	
SC6	Minimise impacts on formal active recreation and other facilities	Design, construction, operation	No comment	
SC7	Implement a Community Involvement and Participation Plan (CIPP)	Construction, operation	We assume that the CIPP refers to the North East Link Community Fund. This is a useful way to disburse funds to community groups to upgrade local facilities and activities. The Project should also consider opportunities to enhance amenity for regular users of public open spaces being impacted by the project during construction and near by residents. This could include playground upgrades, pop-up activities near by; temporary bike skills track, promotions in association with local traders etc.	
SC8	Implement a voluntary purchase scheme for residential properties	Construction, operation	Will the details of the voluntary purchase scheme be made public? If so when?	
<b>Surface Water (SW)</b>				
SW1	Discharges and runoff to meet State Environment Protection Policy (Waters)	Design, construction, operation	Drainage design and water sensitive urban design (WSUD) that impacts Council land or local waterways/waterbodies must be shared with Council during the preliminary and detailed design. It is noted that pollutants generated by the Project and the WSUD mitigation measures have been assessed against MUSIC to confirm compliance with the BPEMG. Will processes for managing and documenting discharge and run off be identified in the SWMP or CEMP? These documents should be shared with Council.	
SW2	Design and implement spill containment	Design, construction, operation	Explain if the spills contained in the Spill containment Units are tested before being discharged into Koonung Creek and the Yarra River. Apart from the infrastructure, what steps are typically included in the operations manual in relation to spills? Add more detail in the Project response to address the above.	

## Appendix E - Detailed comments on the EPR responses

EPR	EPR description	Phase	Boroondara Council comment	BTA Response
SW3	Waste water discharges to be minimised and approved	Construction, operation	<p>Include in the Project response that Councils will be kept informed of waste water discharges into local waterways ahead of the discharge occurring.</p> <p>Check response for missing word to make sentence meaningful.</p>	
SW4	Monitor water quality	Design, construction, operation	<p>Design: The Project response to this EPR notes the flood design and WSUD have been presented in the UDLP, however there is no technical information or justification of either in the UDLP text. Correct this misinformation or provide page references to the relevant detail in the body of the UDLP.</p> <p>Construction: Will the results of water monitoring be made publicly available?</p>	
SW5	Implement a Surface Water Management Plan during construction	Construction	No comment	
SW6	Minimise risk from changes to flood levels, flows and velocities	Design, construction	<p>Melbourne Water may be the relevant authority for management of waterways and some drainage, but Council stormwater drainage may be impacted from flow changes (e.g. back filling of drains) and Council assets such as Freeway Golf Course and Koonung Creek Reserve may be impacted by increase in flow or flooding.</p> <p>The Project response should note that councils will be consulted on plans to increase overall flood risk or changes to flow regime of waterways and shown modelling undertaken to assess changes to flood risk.</p>	
SW7	Develop flood emergency management plans	Construction, operation	No comment. Council must be informed of flood emergency and any damage from flood impacts on the Project to Council assets and local residences.	
SW8	Minimise impacts from waterway modifications	Design construction	No comment	
SW9	Maintain bank stability	Design, construction, operation	No comment	
SW10	Provide for access to Melbourne Water and other drainage assets	Design, construction	Boroondara Council has not been consulted on access for drainage maintenance. Have other councils been consulted? Share the Land Access Management Plan with Boroondara Council and other impacted Council for review.	
SW11	Adopt Water Sensitive Urban and Road Design	Design, construction, operation	<p>According to EPR SW4, the WSUD design is already included in the UDLP.</p> <p>Was the WSUD strategy developed before the UDLP or is it still to be developed?</p> <p>If the latter, will the WSUD design change?</p> <p>Will Councils have an opportunity to comment on the WSUD strategy? It certainly has not been developed in consultation with Boroondara Council.</p> <p>Amend the statement to reflect who it has been developed in consultation with.</p>	
SW12	Minimise impacts on irrigation of sporting fields	Design, construction, operation	No comment	
SW13	Consider climate change effects	Design	No comment	
SW14	Meet existing water quality treatment performance	Design, construction	No comment	
<b>Sustainability and Climate Change (SCC)</b>				

## Appendix E - Detailed comments on the EPR responses

EPR	EPR description	Phase	Boroondara Council comment	BTA Response
SCC1	Implement a Sustainability Management Plan	Design, construction, operation	Council should be informed of sustainability measures delivered as part of returned assets for reporting purposes.	
SCC2	Minimise greenhouse gas emissions	Design, construction and operation	No comment	
SCC3	Apply best practice measures for energy usage for tunnel ventilation and lighting systems	Design operations	No comment	
SCC4	Minimise and appropriately manage waste	Construction, operation	No comment	
SCC5	Minimise potable water consumption	Construction	No comment	
<b>Traffic and Transport (TT)</b>				
TT1	Optimise Design Performance	Design	The Project response says that design performance has been optimised for the works and will be developed further through consultation with appropriate road management authorities, land managers and local councils. Our Council and community have concerns about active transport options. What further changes can be made regarding design performance given that changes must be made ahead of detailed design?	
TT2	Transport Management Plan(s) (TMP)	Construction	<p>Include swept path analysis and haulage route analysis in the list of traffic management analyses.</p> <p>Include in the Project response that TMPs will be shared with impacted Councils for review and comment.</p>	
TT3	Transport Management Liaison Group	Design, construction	No comment	
TT4	Road safety design	Design construction, operation	No comment	
TT5	Traffic monitoring	Design construction, operation	Include a statement that Traffic Monitoring data will be shared with relevant councils for information.	

# MINUTES ATTACHMENTS



## **Council**

**Monday 27 November 2023**

Attachments as annexed to the resolution:

- 7.9 Instrument of Appointment and Authorisation - Planning and Environment Act 1987 & Environment Protection Act 2017

## **Boroondara City Council**

### **Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)**

Joel Elbourne	Manager Urban Planning
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## Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*)

In this instrument "**officer**" means -

Joel Elbourne
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**By this instrument of appointment and authorisation Boroondara City Council -**

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officers to be authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* authorises the officers generally to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that -**

- (a) this instrument comes into force immediately upon its execution and remains in force until varied or revoked;
- (b) this instrument must not be exercised in a manner which is inconsistent with Council's corporate position.
- (c) on the coming into force of this instrument, any previous Instruments of Appointment and Authorisation to the members of Council staff named above are revoked.

This instrument is authorised by a resolution of the **Boroondara City Council**  
On 27 November 2023.

The Common Seal of the Boroondara  
City Council was hereunto affixed  
in the presence of:

..... Chief Executive Officer

..... Mayor

..... Date

## **Boroondara City Council**

### **Instrument of Appointment and Authorisation (*Environment Protection Act 2017*)**



# Instrument of Appointment and Authorisation (*Environment Protection Act 2017*)

In this instrument "officer" means -

Madeline Gierck	Animal Management Officer
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**By this instrument of appointment and authorisation** Boroondara City Council –

1. under s 242(2) of the *Environment Protection Act 2017* ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021 - appoints the officers to be authorised officers for the purposes of exercising the powers and functions set out in the Instrument of Direction of the Environment Protection Authority under the Act dated 4 June 2021.
2. under s 114(2) of the *Environment Protection Act 2017* - appoints the officers to be litter enforcement officers for the purposes of s 114(2) of the *Environment Protection Act 2017*.
3. under s 347(4) of the *Environment Protection Act 2017* authorises the officers to take proceedings against the *Environment Protection Act 2017* or the regulations under this Act.
4. under s 171 of the *Environment Protection Act 2017* – appoints the officers to be residential noise enforcement officers for the purposes of s 171 of the *Environment Protection Act 2017*.
5. under s 170 of the *Environment Protection Act 2017* authorises the officers to take proceedings against certain offences under the *Environment Protection Act 2017* or the regulations under this Act.
6. under s 242(2) of the *Environment Protection Act 2017* – appoints the officers for the purposes of the power or function delegated to Council under s 437(1) of the Act.

under –

- s 170(2), 170(4), 170(6) of the *Environment Protection Act 2017*
- s 347(4) of the *Environment Protection Act 2017*
- s 347(3) of the *Environment Protection Act 2017* and r 171 of the *Environment Protection Regulations 2021*
- s 347(7) of the *Environment Protection Act 2017*

authorises the officers generally to institute proceedings and represent Council in proceedings for offences against the Acts, Regulations and local laws described in this instrument.

**It is declared that** this instrument -

- a) comes into force immediately upon its execution
- b) remains in force until varied or revoked
- c) on the coming into force of this instrument, any previous Instruments of Appointment and Authorisation under the *Environment Protection Act 2017* or the regulations under this Act to the members of Council staff named above, are revoked.

This instrument is authorised by a resolution of the Boroondara City Council on 27 November 2023

The Common Seal of the Boroondara City Council was hereunto affixed in the presence of:

..... Chief Executive Officer

..... Mayor

..... Date