2. CONSULTATION PROCESS

Consultation is an integral component of various pieces of provincial and federal environmental legislation. Consultation provides a mechanism for a proponent to define and respond to issues before decisions are made on a project.

407EDG and MTO are committed to ongoing engagement with stakeholders and members of the community throughout the design and construction phases of the Highway 407 East Phase 1. Recognizing the extensive efforts made to engage the community during the 407 East Transportation Corridor EA, the Project team will maintain and build on previous consultation efforts, ensuring consultation plans move design and construction processes forward, meet the needs of the community, and satisfy EA commitments that have been made.

The 407EDG Project team has developed a Community and Stakeholder Consultation Plan ("Consultation Plan") that provides several opportunities for two-way communication with stakeholders and the public. The guiding principles of the Consultation Plan, and consultation activities and methods to be utilized for the Project, have been described in the preface of this DCR (Refer to Section P.5). In general, the Consultation Plan provides a comprehensive approach to consultation that proactively solicits feedback and input from all stakeholders and community groups and ensures that consultation activities are effectively integrated in finalizing the design and during construction of the Project.

As a general consideration, the views and perspectives of various stakeholders will be given respectful consideration and due weight. Those to be consulted will include, but not be limited to the following:

- The general public (including property owners, ratepayer and neighbourhood groups, and citizens at large);
- Regional and local municipalities: the Regional Municipality of Durham ("Region of Durham"), City of Pickering, Town of Ajax, Town of Whitby and City of Oshawa;
- Aboriginal communities;
- Businesses (both individual operators and representative groups, such as the Chamber of Commerce/Board of Trade);
- Local transportation service providers;
- Federal and Provincial agencies, including local conservation authorities;
- Utility companies;
- Emergency medical, police and fire service providers; and
• Various community interest groups, including environmental groups, health groups, natural and cultural heritage groups, and others.

2.1. Government Agencies and Municipalities

In order to facilitate the consultation process with regulatory bodies and key stakeholders, 407EDG/407ECGP has appeared before local municipal councils to provide information and respond to questions and concerns, and established or participated in a number of regular discussion forums, including:

• MTAG;
• 407 East Advisory Committee (EAC) (by invitation);
• RAG; and
• Utility Coordination meetings.

Meetings with the above listed groups are ongoing and will continue as needed throughout the design and construction phases.

The following describes consultation undertaken with government agencies and municipalities for this DCR.

2.1.1. Municipal Technical Advisory Group

At the outset of the 407 East Transportation Corridor EA, the MTAG was formed and included senior staff from the affected municipalities. Several meetings were held with the MTAG during the EA to discuss and incorporate input from the group into the design of the Project. The MTAG was an important factor in the process, as it provided details of community infrastructure needs and allowed for information exchange on general study issues and with respect to individual municipal issues.

Representative members of the MTAG from the EA stage have been streamlined to reflect the current scope of the Highway 407 East Phase 1, and include the following municipalities:

• Regional Municipality of Durham;
• City of Pickering;
• Town of Ajax;
• Town of Whitby;
• City of Oshawa; and
• Municipality of Clarington (discretionary as applicable).
MTAG Consultation Summary

Separate meetings were held on June 19, 2013 with the Region of Durham, June 26, 2013 with the Town of Whitby, July 5, 2013 with the City of Oshawa and July 19, 2013 with the City of Oshawa to discuss specific issues related to each Municipality.

As a result of comments submitted by municipal representatives at and following Public Information Centre (PIC) #5 (refer to Section 2.2.2 Public Information Centre #5), additional meetings with the municipalities to discuss engineering technical details will be arranged. From the meetings held to date, the following issues were discussed:

- General construction update;
- Upcoming consultation events, DCR #4 and PIC #5;
- Current progress/design comments from IO and MTO Technical Advisors;
- Design review/comment and approval process;
- Current status of responses to PIC comments from municipalities;
- Traffic management; and
- Response received from Infrastructure Ontario to municipalities’ comments on the scope of the Project as defined in the Project Agreement.

The primary focus of the MTAG meetings to date has been to define the process to be used to incorporate the comments from the municipalities, to the extent possible, in the final design of the Project. These meetings will be focused to discuss the various technical questions that the municipalities have with respect to the current design and to keep them up to date on the development of the Project.

407EDG is committed to addressing questions and comments from the municipalities as the detail design progresses; and these will now be discussed at MTAG meetings with the individual municipalities, which will be scheduled on an as-required basis to deal with ongoing design concerns/issues.

Municipal Council Meetings

There were no presentations to municipal councils during the consultation period for this DCR.
2.1.2. **407 East Advisory Committee**

The 407 EAC was established as per the MOE Conditions of Approval for the Project. The purpose of the EAC is to ensure that concerns about the implementation of the undertaking are considered and mitigation measures are undertaken where appropriate. The EAC is comprised of representatives from local municipal, regional, provincial and federal governments and agencies.

The EAC, for which prescriptive Terms of Reference were established during the EA phase, acts in an advisory capacity to the Project team. It is not a decision-making body. Committee members are guided by the Terms of Reference and participate on the EAC at the invitation of MTO. Participation on the EAC includes the opportunity to review and comment on Project plans developed by MTO and 407EDG, as specified in the MOE Conditions of Approval for the EA. All recommendations and comments from the EAC will be documented by the assigned coordinator and will become part of the record. The EAC will be provided with the opportunity to review specified documents and may provide advice to MTO and 407EDG.

It is mandated that the EAC be composed of representatives from:

- Town of Ajax;
- Town of Whitby;
- Municipality of Clarington;
- City of Pickering;
- City of Oshawa;
- Regional Municipality of Durham;
- Toronto and Region Conservation Authority (TRCA);
- Central Lake Ontario Conservation Authority (CLOCA);
- Ganaraska Region Conservation Authority;
- Canadian Environmental Assessment Agency;
- Environment Canada;
- DFO;
- MNR (as needed basis);
- MTO; and
- An observer from the MOE.
For more information on the EAC, please refer to the EAC Terms of Reference. The Terms of Reference outlines the role of the EAC, presents guidelines for how the EAC will operate, establishes the membership and describes when meetings will take place.

The Terms of Reference can be found on line at:


The committee has had 10 meetings between September 2010 and July 2013. The minutes are publically available and they can be found on line at:


EAC Consultation Summary

407EDG was invited to the EAC as an observer and provided an update on the Project at the meeting held on October 30, 2012. During the meeting, 407EDG representatives briefed the EAC regarding its internal organization, the distribution of responsibilities and provided an update on the development of the Complaint Protocol developed for the Project. The 407EDG team also responded to questions regarding the progress of the design and environmental permits for the Highway 407 East Phase 1.

Recent correspondence and communication with the EAC includes the submission of the draft Vegetation Restoration Plan for the Highway 407 East Phase 1 on February 19, 2013 in accordance with Condition 18.2 of the of the MOE Notice of Approval to Proceed with the Project. The 407EDG Complaint Protocol and the Annual Compliance Report were also provided to EAC in May 2013, as per Condition 6 of the MOE Notice of Approval.

A meeting of the EAC was convened prior to PIC #5, on July 10, 2013, in which MTO provided an update on the status of Phases 1 and 2 of the Highway 407 East.

2.1.3. Regulatory Agency Group

The RAG consists of provincial ministries, agencies, conservation authorities and federal departments potentially affected by or interested in the Project, and was initially formed as part of the consultation process during for the EA. As with MTAG participants, RAG members were initially identified in response to a request from MTO to various agency contacts during the EA, to exchange information and obtain input on general issues and permitting requirements. For the Highway 407 East Phase 1, 407EDG has re-established RAG meetings with those interested agencies that have expressed an interest in participating and providing input throughout the design and construction of the Project.

The RAG promotes an interactive consultation process that includes a series of regularly scheduled meetings (monthly during the design phase). In the regular scheduled meetings,
environmentally related design criteria and concept details are presented to sequentially advance design with input from the RAG. Through an iterative review and positive collaborative consultation approach, detailed design is efficiently progressing with timely and constructive input. The interactive review and discussion process also promotes final design, technical documentation and appropriate permit submission that is compliant with the EA Conditions of Approval and regulatory requirements, where applicable.

Additional independent context sensitive meetings have also occurred with the MNR and conservation authorities to address vegetation restoration/compensation plans and ESA Permit elements. Other meetings with DFO have also occurred to discuss fish habitat compensation packages, as necessary.

The RAG includes representatives from the agencies listed below:

**Provincial agencies:**
- MOE (Central Region; York-Durham District);
- MNR (Aurora District);
- MTO;

**Federal agencies:**
- DFO;
- Environment Canada;

**Conservation authorities:**
- TRCA; and
- CLOCA.

**RAG Consultation Summary**

To date, 7 RAG meetings have been held, with the most recent meeting being on August 7, 2013. Key aspects of discussion during these meeting have included:

- 407EDG Project team organization;
- Overall plan for DCRs and PIC events;
- Applicable approvals (e.g. ESA) and current design and construction schedule and progress to date;
- Opportunities to review and comment on design elements and mitigation measures;
• Development of Vegetation Restoration Plans to provide compensation for the loss of forest and wetlands with technical working group of agencies from the RAG (MNR, CLOCA, TRCA, Environment Canada);
• Update on 407EDG responses to address agencies comments on DCRs;
• Presentation of MTO groundwater and surface water monitoring program;
• Presentation of design changes for select culverts at watercourse crossings, with respect to open footing designs to box culverts; and
• Presentation of natural channel design principles and approaches being applied at required stream realignments.

All comments received will be reviewed by 407EDG for consideration in the design and construction of the Project, in conjunction with IO and MTO.

2.1.4. Utilities Coordination

Consultation (coordination meetings and correspondence) with utility companies potentially affected by the Project was conducted for the proposed works in this DCR. The coordination meetings were used to review proposed design and construction issues. The outcome of these meetings is a key input to the Utility Relocation Strategy, which will continue to be updated on a regular basis. Details of the utility relocations required to accommodate the proposed works in this DCR are described in Section 3.5. Utility coordination meetings and/or correspondence to to confirm the need and/or requirements for relocations include:

• Region of Durham;
• Bell Canada;
• Rogers Cable;
• Enbridge Gas Distribution (Enbridge);
• Whitby Hydro;
• Veridian Connections; and
• Oshawa Power and Utilities Corporation Networks.

2.2. Public and Stakeholder Participation

As part of the 407 East Transportation Corridor EA, extensive consultation with Aboriginal groups and the public was undertaken by MTO. This consultation included individual meetings with Aboriginal groups, written correspondence, newspaper notifications, distribution of brochures to adjacent residents, meetings and PIC events. For more detail regarding the
historical consultation efforts to engage the public and stakeholders during the EA and planning stages of the Project, refer to the 407 East Individual Environmental Assessment and Preliminary Design Study Report, (August 2009).

During the Detail Design process for the proposed works in this DCR, a variety of consultation activities took place to ensure that the public and stakeholders are adequately informed and involved in the Project. At mandatory consultation points, the public and stakeholders have been invited to provide input and comment on the Project as it progresses.

Two primary conventional mechanisms were used to ensure the requisite level of public and stakeholder involvement:

- Public notices at milestone points in Project work:
  - PIC #5; and
- PIC #5 to present the design for the proposed works in this DCR and receive government agency and public input for the purposes of refining the design.

The following section provides a brief summary of these mechanisms and the results of the public and stakeholder consultation process.

### 2.2.1. Notifications

**Public Information Centre #5**

The notification of PIC #5 was published in the Pickering-Ajax “News Advertiser” and Whitby/Oshawa “This Week” on July 3, 2013, and in the Brooklin Town Crier on July 5, 2013. The notice was also distributed by e-mail invitation letters and posted on the 407EDG Project website.

The notice of PIC #5 included:

- Project history/approvals, information and Project limits;
- A map showing the existing relationship to the current 407 highway and the proposed highway improvements;
- Purpose of PIC #5 and venue details;
- Environmental assessment context (compliance with MTO’s Class EA);
- 407EDG contacts and website information;
- Where to send comments and feedback; and
Freedom of Information and Protection of Privacy statement.

A copy of the notice is included in Appendix B-1.

The Notice of PIC #5, accompanied with a letter, was also emailed to key stakeholders on July 3, 2013. This included representatives from the MTAG, RAG and EAC and utilities/railways listed in Section 2.1.

The notice was also sent to Municipal Clerks’ offices (Pickering, Ajax, Whitby, Oshawa, Clarington and Durham) the Durham District School Board; public transit providers; emergency and police service providers; local trade and commerce boards/committees; First Nations; and Federal and Provincial Members of Parliament covering the project area.

Web-based Notification

In addition to the more traditional methods of notification, social media is being used to assist with keeping people informed about the various aspects of this Project. 407EDG has developed a website specifically designed for the Highway 407 East Phase 1, the web address is www.407eastphase1.ca. It includes an overview of the Project, the Project team, timelines for any road closures/delays, PICs, media information, Project maps, photos, employment and contractor opportunities, upcoming events, consultation materials, frequently asked questions, contact information and sign-up for electronic mailing lists to receive construction updates, e-newsletters and a rich site summary feed.

There are 3 mailing lists for subscribers to the Highway 407 East Phase 1 website to get information:

- **Rich Site Summary** - website updates;
- **E-Newsletters** - 407 East Development Group news; and
- **Project Updates** - construction updates via email subscribers.

Questions are directly submitted to the website “Ask Us” Section and answers are posted in a timely fashion. This system is intended to assist in building a database for the consultation program, with the goal to maintain a two-way and open dialogue with local communities. The website is updated on a regular basis and connections can be made on Facebook and Twitter.

In addition to the above web-based notification, 407EDG requested that Oshawa, Whitby, Ajax Pickering and Durham Region post Project notifications on their respective websites, with a link to the www.407eastphase1.ca.
Media Advisory

On July 12, 2013, a media advisory was issued to all local media outlets prior to PIC #5.

Notice of Submission of Design and Construction Report

The Notice of the Submission provides notification of the opportunity to review the Design and Construction Report #5 for the Highway 407 East Phase 1. The notice was placed in the Pickering-Ajax “News Advertiser” and Whitby/Oshawa “This Week”) prior to placing the DCR on Public Record. The Notice of Submission represents the filing of the DCR in the Public Record on September 16, 2013 and includes information on the availability of the report at review locations (see - Viewing Locations, after the signature cover page of this report). Notification of the DCR review opportunity is also being made public through the posting of the notice on the Project website homepage, and posting of the DCR on the homepage, as well as providing links to the notice and the DCR on the Project Twitter site.

The notice will be emailed to all key stakeholders listed in Section 2.1.

The notice included:

- the Project limits;
- description of the proposed works;
- the study process;
- locations and addresses at which to view DCR #5;
- commencement and expiry dates for the review process; and
- 407EDG contacts and website information.

A copy of the Notice of Submission is included in Appendix B-4.

2.2.2. Public Information Centre #5

Public Information Centre events are being conducted to provide stakeholders and members of the public with design and construction related information and the ability to obtain feedback on the Highway 407 East Phase 1 design elements and construction related activities. The PICs are designed as informal drop-in centres with the members of 407EDG/407ECGP and MTO, available at the events to answer questions and provide feedback when required. Attendees are encouraged to complete a comment sheet either at the PIC or following the event, and to submit the comment sheet to the contacts provided, either in person, by fax or e-mail.

At each PIC, the overall plan and timeframe for future PICs and DCRs (refer to Table P-2) is presented, and will be posted on the project website to inform members of the public of further consultation events and opportunities for their involvement in the process.
PIC #5 was held as follows:

Wednesday July 17, 2013
Brooklin Community Centre
45 Cassels Road East, Brooklin

PIC #5 was open for agencies and municipalities to attend between 4:00 pm and 5:00 pm. The public was invited to attend between the hours of 5:00 pm and 8:00 pm.

The purpose of PIC #5 was to:

- Maintain ongoing public, municipal and regulatory agency engagement in accordance with the 407EDG Community and Stakeholder Consultation program and the MTO Class EA process;
- Provide general information about the Project;
- Explain how design and construction packages will be delivered for the Project, and specifically to seek input on work activities in Segment A2;
- Provide design details on grading, drainage, paving and structures;
- Outline plans to minimize the impacts of construction (dust, noise, traffic) on the community; and
- Provide information on how to stay informed and involved throughout the upcoming construction phase.

In addition to the Project representatives being available to answer questions, presentation display boards, showing the type and extent of construction activities.

The following information was displayed for discussion purposes with attendees at PIC #5:

- Overview of Highway 407 East Phase 1;
- EA Background and current status, MTO Class EA process, EA commitments;
- 407EDG approach to continuing consultation;
- Overall Plan for future PICs and DCRs, and purpose of PIC #5;
- Overview of existing conditions and proposed works; information on civil and structural design elements in Segments A2 (selected bridges and culverts);
- Potential environmental effects and proposed mitigation measures;
- Locations of SWM ponds in Segment A2;
- Traffic management and road diversions;
- Watercourse realignments;
- General Information on SAR mitigation and overall benefit, including Butternut trees, Bobolink/Eastern Meadowlark, Barn Swallow and Redside Dace; and
- Next Steps in the design and consultation process.

Copies of the display boards presented at PIC #5 can be found in Appendix B-2 of this DCR.

A handout of selected materials presented at the PIC, as a take home reference, was available to participants at the session. This included
- Key Plan Map;
- Project Organization, Roles and Responsibilities of MTO/IO and 407EDG;
- Consultation Process; and
- Overall Plan for all DCRs and future PICs.

The full set of PIC #5 displays was posted on the project website.

**Summary of PIC #5**

The following provides a summary of the PIC event, including attendance, comments, responses, and, where applicable, how public and stakeholder input was addressed in the detail design process for the proposed works in DCR #5.

A total of 27 people attended the session. There were 23 members of the general public and 4 attendees from government agencies, utilities and municipalities, representing the Region of Durham, and the Town of Whitby. No media attended the event.

Comment sheets were made available to attendees. On-line comment forms were also made available to participants for submission of their comments on-line. Five written comments were submitted at PIC #5; these are included in Appendix B-3. The public was informed at the PIC that responses to their questions would each be individually answered. A summary of questions and comments can be found in Table 2.1.
### Table 2.1: Summary of Public and Stakeholder Comments from PIC #5

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<tr>
<th>ID</th>
<th>Comment</th>
<th>Project Team Response</th>
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<tbody>
<tr>
<td>1</td>
<td>Please let me know if there will be any changes to my driveway entrance with respect to road grading for structure M33 for Coronation Road Brooklin</td>
<td>The grade on Coronation Road adjacent to your property will be higher than the existing road. The ditch culvert crossing your driveway will be replaced. These changes will require reconstruction of the approach to your driveway within the right-of-way. The final design is not complete for this area. Please contact 407EDG early next year if you would like further information.</td>
</tr>
<tr>
<td>2</td>
<td>Subject: Proposal for a Monor Amendment to the Present Plan for the Highway 407 Extension in order to produce as much efficiency as possible in the movement of the future traffic through and beyond the Village of Brooklin I suggest that a bypass road should be considered necessary. Reasons for support of bypass: 1. Even when the highway 407 extension is completed to Harmony Road, there will still be extremely high traffic through downtown Brooklin for those travelling north on Highway 12 to points North and East. 2. Much of this traffic will be of vehicles exiting Highway 407 at the Baldwin street intersection. 3. While I understand that as present no funding is approved or project is approved for a Brooklin bypass. Money would be saved if a short north facing spur was incorporated in the grading and paving of intersection of the 401 link to Highway 407 so that major changes to this intersection would not be necessary when a Brooklin Bypass may be built. 4. I would envision that when the bypass is completed, Highway 12 would begin at Highway 401 and continue north on the 401/407 link and go north on the Brooklin Bypass and join with the existing Highway 12 to Port Perry etc. 5. When all this is completed, traffic congestion in Brooklin would be greatly reduced and driving time for those going north and east would be faster.</td>
<td>You have suggested that provisions for a bypass of the Village of Brooklin be included in the Highway 407 East Phase 1 Project, based on concerns over existing congestion in the Village and future travel demands resulting from completion of the Highway. Your suggestion includes building a short spur on the north end of the West Durham Link/Highway 407 East Interchange. The 407 East Development Group’s obligations and scope of work do not currently include construction of the spur that you have suggested. To our knowledge, the Ministry of Transportation has not identified the need for constructing a bypass of the Village as part of the provincial highway network. We can advise you that the Town of Whitby is currently conducting the Northwest Brooklin Environmental Assessment. We understand that purpose of the study is to identify a preferred solution to address concerns regarding Highway 7/12 as it passes through Brooklin. The study will give consideration to establishing an alternative route for Provincial Highway 7/12 as it passes through Brooklin, so that the Town of Whitby can gain control over Baldwin Street as it passes through Downtown Brooklin. Further information is available on the Town’s project website (<a href="http://www.whitby.ca/en/townhall/caseastudyfornorthwestbrooklin.asp">http://www.whitby.ca/en/townhall/caseastudyfornorthwestbrooklin.asp</a>). The Town’s study contact is Tara Painchaud (<a href="mailto:painchaudt@whitby.ca">painchaudt@whitby.ca</a>, 905-430-4307, Ext. 2419).</td>
</tr>
<tr>
<td>3&amp;4</td>
<td>Your recent PIC panels indicate that Structure M22 over Lynde Creek Tributary A is to be a</td>
<td>During Detail Design, review of criteria for Structure M22 included hydraulic sizing for a</td>
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14.5m arch culvert. The panels also show a storm water management pond that outlet to Lynde Creek Tributary A upstream of Structure M22. This culvert is much smaller than the recommended 22m span bridge contained in the approved Environmental Assessment Report.

You had previously justified leaving the existing Rossland Road culvert in place at Site 97, stating that there were no drainage works that would be affecting the flow of Lynde Creek Tributary A. As you are now adding the outflow of the Stormwater Management pond to Tributary A and also accommodating that flow with a 14.5m arch under the 407E mainline, just downstream of the pond, is the statement that the flow 3 km further downstream through the 3m span box culvert at Site 97 will be unaffected by your works, still valid? If a 3m culvert is hydraulically acceptable at Site 97, why are you installing a 14.5m culvert upstream on the same tributary?

In addition to providing written responses to the above questions, please also provide written answers to the following:

What are the calculated design flow rates for Lynde Creek Tributary A at Structure M22 and at Site 97 under the 25, 50, 100 year and Regulatory Storm events, both before and after your drainage works are completed?

What is the design capacity of the existing culvert at Site 97?

What is the calculated elevation for both the HWL and RWL at Site 97 with the existing culvert in place after all your drainage works are complete?

At what distance upstream from Site 97 will there be backwater effects for the major storm events?

What is the date for your Stormwater Management Report for Lynde Creek and its tributaries and where can it be viewed?

As a resident on Rossland Road East in Ajax, I am very concerned that your drainage works will flood my property someday and your responses

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<td>610706-00-6D-RR-CGP-R005</td>
<td>01</td>
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to my earlier enquiries have not provided adequate assurance.

5 Your Civil Drawings for the 401 at Lakeridge Road omit Pier #3 for the Lakeridge Road Structure W3, while showing the other four piers. This is also true for the Lakeridge Road Civil drawings. Has Structure W3 had its span arrangement changed to allow the future collector lanes to pass under this bridge? If so, please publish the revised General Arrangement drawing for W3. If not, please explain how future collector lanes pass through Pier #3.

The PIC civil drawings have been revised to show Pier #3. The W3 span arrangement has not changed. The future collector lanes shown on the bridge drawing have been revised to show that the future Highway 401 eastbound collector lanes will pass between Piers #3 and #4.

2.3. First Nations Consultation

Engagement with First Nations began at the start of the EA study for the Project and has been ongoing. 407EDG is responsible for public and stakeholder consultation throughout the design, construction, operations and maintenance phases of the Project, with the exception that MTO retains responsibility for Aboriginal communications and consultation.

The following First Nation communities were notified of PIC #5:

- Huron-Wendat First Nation
- Scugog First Nation
- Alderville First Nation
- Rama First Nation
- Hiawatha First Nation
- Curve Lake First Nation
- Chippewas of Georgina Island First Nation
- Beausoleil First Nation

MTO met with Huron-Wendat First Nation representatives on February 19, 2012, May 13, 2013 and September 11, 2013 to provide an update on the Project and discuss aboriginal commemorative installations along the highway.

On February 25, 2013 MTO and 407EDG held a meeting with the Williams Treaty Group First Nations in a workshop forum to develop the details related to the Aboriginal commemorative installations at the Simcoe Street Bridge.

MTO continues to communicate with First Nations as the design and construction proceeds on the Highway 407 East Phase 1.
2.4. Public and Stakeholder Input to Detail Design

Input received from the public and stakeholders has been reviewed and considered by the Project team in finalizing the proposed work presented in this DCR. As a result of public and stakeholder consultation to date, and the review process undertaken, no significant changes to the Detail Design of the works in this DCR are proposed at this time.