

MELBOURNE METRO RAIL PROJECT ENVIRONMENT EFFECTS STATEMENT
INQUIRY AND ADVISORY COMMITTEE

MMRA TECHNICAL NOTE

TECHNICAL NOTE NUMBER: 066

DATE: 3 October 2016

PRECINCT: All Precincts

EES/MAP BOOK REFERENCE: N/A

SUBJECT: Response to the 'Matters for further consideration and/or clarification' request dated 12 September 2016

(xi) Technical Notes

NOTE:

1. This Technical Note has been prepared to respond to issues raised by the Inquiry and Advisory Committee ("**IAC**") in the 'Matters for further consideration and/or clarification' request dated 12 September 2016.
2. For ease of reference, this Technical Note sets out each relevant request made by the IAC followed by a response from MMRA.

Request:

3. The IAC has requested:

Advice about any further consideration to update the Draft RIMG (TN043) and the BSGC (TN045) as a result of acoustic and other evidence.

Response:

*Draft Residential Impact Mitigation Guidelines for Construction ("**RIMG**")*

4. The draft RIMG has not been updated since the provision of Technical Note 043 to the IAC. To take into account all relevant matters raised during the course of the IAC hearing and comments on Version 3 of the EPRs, MMRA

intends to respond to the substantive criticisms raised in relation to the draft RIMG as part of its final submissions.

Draft Business Support Guidelines for Construction (“BSGC”)

5. Since the provision of Technical Note 045 to the IAC, further consideration has been given to the draft BSGC following matters raised in the hearing to date. As a result, the draft BSGC have been updated to include:
 - a. Examples of potential construction impacts on businesses and mitigation measures that could be implemented to address those impacts appropriately;
 - b. Further information on how MMRA proposes to communicate eligibility to businesses, and
 - c. Further information on how MMRA proposes to manage complaints and implement a dispute resolution process in relation to the application of the BSGC.
6. An updated version of the draft BSGC is attached with the amendments marked (**Attachment A**).

CORRESPONDENCE:

No correspondence

ATTACHMENTS:

- A. Draft Business Support Guidelines for Construction (Version 2)

Business Support Guidelines for Construction

The Business Support Guidelines for Construction are subject to the finalisation of the Metro Tunnel Environment Effects Statement (**EES**) process, Inquiry and Advisory Committee hearing, the Ministerial Assessment, the Planning Scheme Amendment.

1 Background

The Metro Tunnel will deliver a range of benefits for Melbourne, substantially increasing the capacity of the rail network and improving connectivity and accessibility of the city's key growth areas. By stimulating urban renewal in inner city areas and enhancing access to the CBD and Parkville and Domain, the Metro Tunnel will also create opportunities for new commercial development, jobs and housing close to the city centre.

Melbourne Metro Rail Authority (**MMRA**) recognises that while the Metro Tunnel will ultimately result in many benefits for businesses particularly in the vicinity of the proposed stations, the construction of the Metro Tunnel project has the potential for adverse impacts of a temporary nature in areas close to construction activities. Impacts may include:

- changes to amenity such as noise, dust or vibration
- street closures and changes to traffic conditions
- loss of visibility due to hoardings or construction vehicles
- loss of customers such as passing pedestrian traffic due to restricted access.

Due to the scale, duration and variable nature of the construction works proposed during the construction phase of the Metro Tunnel, and the need for construction work to be undertaken outside Normal Working Hours, residual impacts on businesses may occur.

These Guidelines have been developed to support the proposed Environmental Performance Requirements for the Metro Tunnel.

2 Purpose

~~These~~ The Business Support Guidelines outline the proactive measures and support services that MMRA and the appointed construction contractors may deliver to support businesses that experience disruption during construction of the Metro Tunnel.

The Guidelines do not create entitlements for businesses affected by Metro Tunnel construction works. The purpose of this document is to provide a framework for Metro Tunnel contractors to address residual impacts on businesses so far as is reasonably practicable and appropriate. These Guidelines are intended to complement Construction Management Plans and Traffic Management Plans developed by the appointed contractors.

2.1 Scope

~~These~~ The Guidelines apply to businesses which may be adversely impacted due to the proximity of Metro Tunnel construction works.

The Guidelines do not apply to non-commercial institutions (such as schools and hospitals) ~~as such~~ because these types of organisations are likely to require specifically tailored measures which will be developed on a case by case basis. Major events, festivals and community-based events are not covered by these Guidelines and will likely be addressed through the development of a Major Events Strategy. Residential properties are similarly out of scope for these Guidelines and are covered in the Residential Impacts Mitigation Guidelines.

The Appendix to ~~these Guidelines~~ this document describes the process for implementing these Guidelines.

2.2 Engagement measures

The engagement measures to be applied under the Guidelines are described below:

- (a) **Works notifications** – used to disseminate advance information about the works to businesses and to provide early warning of high impact activities (notifications could be provided by email, SMS or letter drop).
- (b) **Individual briefing** – used to inform businesses ~~personally~~ directly about the predicted impacts and the mitigation measures ~~that will be~~ being implemented.
- (c) **Phone calls** – used to inform businesses ~~personally~~ directly about the predicted impacts and the mitigation measures ~~that will be~~ being implemented.
- (d) **Case management** – to provide an additional level of support for businesses that are significantly impacted over an extended period ~~of time~~, including a single point of contact and regular, tailored engagement.

2.3 Support measures

The support measures to be applied under the Guidelines are described below:

- (a) **Promotion** – a range of marketing and promotional activities could be implemented to encourage awareness and patronage of businesses located in proximity to construction sites. Examples include advertising, flyers, online and social media promotion, digital and physical way-finding, discounts and special offers.
- (b) **Activation** – activation of an area to create a unique experience ~~could encourage~~ that encourages patronage of businesses located in proximity to construction sites. Examples include mobile stores, pop-ups, street fairs, creative use of construction infrastructure and hoarding, leveraging existing festivals.
- (c) **Partnerships** – opportunities for the appointed contractor to partner with local councils, events, festivals and tourism organisations to raise awareness of businesses and encourage patronage, or encourage businesses to apply for grants. Examples of partner organisations include local councils, Visit Victoria and Small Business Victoria. Examples of organisations offering grants include Business Victoria Grow Your Business Grants and City of Melbourne Small Business Grants Program.
- (d) **Upskilling** – businesses could be provided with an opportunity to participate in educational programs run by organisations including Small Business Victoria and local councils ~~that~~. These programs support businesses through skills development, such as online and digital commerce, business mentoring, succession planning and marketing.

MMRA expects the appointed contractors to undertake regular inspections of works to assess the effectiveness of mitigation measures in place and determine whether further mitigation or support measures are required for affected businesses.

3 Eligibility

Business support measures will be offered to businesses across the Metro Tunnel alignment that are identified by MMRA and the appointed contractors as being located in areas where construction ~~will~~ is likely to result in disruption to business activity.

A sample table is included at Appendix 2 outlining the types of potential disruption to business activity and the support measures that could be offered in each situation.

3.1 Process for communicating eligibility to businesses

A range of communication channels would be used to ensure the Business Support Guidelines and eligibility for support are communicated to businesses before Metro Tunnel project construction activities commence in each precinct. These channels would include:

- a. The www.metrotunnel.vic.gov.au website
- b. The Metro Tunnel newsletter (available in hard copy and via the Metro Tunnel website)
- c. Development and distribution of specific print and digital collateral outlining business support initiatives and contact information
- d. Information on websites and through e-communications of key stakeholder organisations such as City of Melbourne, City of Stonnington, City of Port Phillip and business precinct associations
- e. Email and phone calls to specific businesses
- f. Direct mail / targeted letterbox drops and face to face visits to businesses

4 Complaints and dispute resolution

In the event that a business operator is not satisfied with the level of support provided by MMRA or appointed contractors, the business would have options available to resolve the matter.

The key means of seeking a resolution would be to make a complaint to the appointed contractor. Each contractor will be required to have a comprehensive management process under which the contractor will implement service standards and management procedures consistent with the Australian Standard AS ISO 10002-2014 guidelines for complaint management in organisations. The contractors will be required to have an internal escalation process for complaints, with escalation to an appropriate senior officer of MMRA if not resolved to the enquirer's satisfaction.

If not satisfied with the response from the contractor, a business can make a complaint to MMRA, or take the issue through a dispute resolution process. These options are outlined below:

4.1 MMRA enquiry and complaints handling

MMRA is committed to establishing an effective and accessible system that enables enquiries and complaints to be addressed in an efficient, fair and timely manner, and is drawing on best practice advice from the Victorian Ombudsman and Public Transport Ombudsman and Australian Standard AS ISO 1002-2014 Guidelines for complaint management in organisations.

MMRA currently provides a service that allows members of the business community to provide feedback or register complaints, and has established the following channels to facilitate this:

- a. Landowner and Tenant Information Line on 1800 327 156 or Interpreter Line 03 9280 0700;
- b. Online via www.metrotunnel.vic.gov.au/contact-us;
- c. Mail to Melbourne Metro Rail Authority, PO Box 4509, Melbourne VIC 3001; and
- d. Informal feedback through social media channels – Facebook (@metrotunnel) and Twitter (@metrotunnelvic).

4.2 Victorian Small Business Commissioner dispute resolution (currently in discussion)

The role of the Victorian Small Business Commissioner (VSBC) is to provide an effective, independent dispute resolution service to resolve commercial disputes. The VSBC is not a decision-making body, but assists businesses come to pragmatic resolution of commercial disputes that both parties can agree to. This can include the identification of possible options and solutions.

The VSBC offers three dispute resolution services:

- a. Pre-mediation negotiation – where the VSBC attempts to resolve a dispute through shuttle negotiation with the parties, usually by phone and/or email.
- b. Facilitated meetings – usually beneficial when a group of businesses has a common issue with another party; and
- c. Mediation between specific parties – when there is an issue of a more commercial nature that is specific to one business, as a result of the perceived actions of another party.

For facilitated meetings and mediations, the VSBC appoints an independent facilitator/mediator to sit down with the parties, typically over a half-day, to discuss the issues and possible options under tight confidentially arrangements.

In the situation where a business is not satisfied with an outcome under the Business Support Guidelines, the matter may be referred to the Victorian Small Business Commissioner who can facilitate dispute resolution between the parties and make recommendations on how to resolve the dispute.

45 Implementation overview

Tenderers for each of the Metro Tunnel work packages will be required to outline their approach to implementing the requirements of the Guidelines as part of their proposed approach to managing disruption to business.

Metro Tunnel contractors will be responsible for implementing the support measures in accordance with the criteria set out in these Guidelines. Minimum requirements regarding processes to be used in implementing support measures based on those set out in the Appendix to the Guidelines shall also apply.

Appendix 1 - Implementation process

This Appendix sets out the processes to be used in the implementation of the measures discussed in the Business Support Guidelines. Metro Tunnel contractors are responsible for the implementation of the support measures and these requirements shall be incorporated into the technical requirements of relevant contracts. Contractors will be required to develop and implement plans to manage impacts to businesses and engage with businesses throughout construction of the project.

1 Connecting and communicating with businesses

MMRA and the appointed contractors will be required to engage with businesses across the alignment throughout the planning and delivery of the Metro Tunnel. To facilitate this, MMRA has established, and will continue to engage with businesses, via the following communication channels:

- dedicated MMRA Business Support Services free-call telephone line
- dedicated MMRA Manager, Landowner and Business Support Services position as a single point of contact
- direct communication via email, phone, letter drops and face-to-face meetings
- regular Metro Tunnel project eNews and hard copy newsletters
- access to business associations and groups via local council networks

In addition, the appointed contractors will be required to:

- provide case management support to work with businesses likely to be significantly impacted
- provide advanced notice of upcoming works to businesses within set timeframes
- provide on the ground staff to engage with businesses on construction progress and likely impacts
- establish relationships with local councils and other relevant organisations to deliver initiatives to support businesses during construction, and
- leverage existing communications channels to effectively engage with businesses during construction.

2 Prior to construction

As part of the ongoing preparation for the Metro Tunnel project there are opportunities for MMRA and the appointed contractors to assess potential disruption for businesses and implement design solutions to reduce the impact of works, or to offset ~~the impact of construction~~ those impacts prior to construction commencing.

MMRA will undertake surveys and interviews with businesses in proximity to the proposed construction sites likely to be affected by ~~the construction of the Metro Tunnel~~ to better understand their individual circumstances, identify opportunities to reduce ~~the impact of construction~~ impacts and identify support measures that best suit their business needs. This information will also be communicated to the appointed construction contractors to inform their Community and Business Involvement Plan and business disruption plan.

Prior to commencing the relevant work, Metro Tunnel contractors will also assess the businesses that are likely to be affected by the construction of the Metro Tunnel. This assessment is likely to include an analysis of the proposed construction works and methodology, time of day and duration of works.

The contractor will engage with businesses in the area in advance of the works commencing to outline the works and expected impacts, and offer support in accordance with the Guidelines. Businesses will also be notified about the works and expected impacts in advance of works commencing in line with specified notification timeframes.

Contact details for the contractor (including a project information line) must be provided in the notification so that businesses can make contact with the contractor in advance of the works commencing, or at any time during the specified works period, to accept the support measures on offer and make appropriate arrangements.

3 During construction

During Metro Tunnel construction, contractors will continue to monitor the impacts of construction, assess the effectiveness of support measures and offer support measures to businesses.

Businesses that have not received support measures prior to the relevant work commencing but that believe their business is adversely impacted by the construction may apply to Metro Tunnel contractors for support. If applicants are eligible, or can demonstrate other special circumstances, appropriate support measures will be offered.

DRAFT

Appendix 2 – Example table of potential disruption and support measures

Examples of the types of potential disruption and appropriate support measures that may be offered are provided in the table below:

<u>Business type and location</u>	<u>Project stage</u>	<u>Type of potential disruption</u>	<u>Potential support measures</u>
<u>Café or restaurant in Domain Road, South Yarra</u>	<u>Early works</u> <u>Station and tunnel construction</u>	<u>Loss of pedestrian, vehicle and tram traffic</u> <u>Construction impacts</u>	<u>Marketing and promotion including special offers</u> <u>Wayfinding – maps and signage</u> <u>Promotion of alternative transport options to and from destination</u> <u>Local area / event activation</u> <u>Upskilling opportunity, such as digital marketing or financial health check</u>
<u>Accommodation business in CBD South / North</u>	<u>Early works</u> <u>Station and tunnel construction</u>	<u>Noise and vibration impacts</u> <u>Visual amenity changed from hoardings/acoustic shed</u> <u>Potential loss of line-of-sight/visibility of business</u> <u>Impact on room bookings</u>	<u>Noise and vibration mitigation, such as acoustic glazing</u> <u>Marketing and promotion including special offers</u> <u>Wayfinding – maps and signage</u> <u>Use of hoardings/acoustic shed as a point of interest</u>
<u>Clothing retailer in laneway or</u>	<u>Demolition works</u>	<u>Noise and vibration impacts</u>	<u>Lighting and safety audit</u>

<u>Business type and location</u>	<u>Project stage</u>	<u>Type of potential disruption</u>	<u>Potential support measures</u>
<u>street adjacent to a construction site in CBD South / North</u>	<u>Station and tunnel construction</u>	<u>Visual amenity changes from hoardings/acoustic shed</u> <u>Potential loss of line-of-sight/visibility of business</u> <u>Reduced pedestrian traffic</u>	<u>Marketing and promotion including special offers</u> <u>Wayfinding – maps and signage</u> <u>Local area / event activation</u> <u>Use of hoardings/acoustic shed as a point of interest</u> <u>Construction viewing platform</u> <u>Upskilling opportunity, such as digital marketing or financial health check</u>

DRAFT