

5 July 2016

Melbourne Metro EES Submissions
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Dear Sir/Madam

**SUBMISSION TO THE MELBOURNE METRO RAIL EES INQUIRY
400 ST KILDA ROAD, MELBOURNE**

We act for Owners Corporation 348427V of 400 St Kilda Road, Melbourne ('**The Botanica**').

The Botanica principally contains some 60 dwellings housing many residents, it also includes two commercial properties (known as 398 and 402 St Kilda Road respectively). It is located to the immediate south of the proposed Domain Station and will be materially affected by the design, construction and operation of the Melbourne Metro Rail Project ('**Project**').

The Botanica's submission is summarised under the following headings:

- i. Design;
- ii. Construction; and
- iii. Operation.

A. DESIGN

i. Tunnel emergency exit location

The location of the southern emergency exit on the footpath directly outside The Botanica is inappropriate. It is understood that the Melbourne Metro Rail Authority now concurs with this view and proposes its relocation to the southern side of Bowen Crescent. Further information in this respect is necessary to ensure that an appropriate outcome is achieved.

ii. Access

The design and location of vehicular and pedestrian access are key concerns of The Botanica. The maintenance of convenient and safe vehicular and pedestrian access is of critical importance.

iii. Disabled access

It is unclear as to whether the Project will necessitate changes to The Botanica that trigger concerns with respect to DDA requirements. This issue requires further consideration.

iv. Parking

The Botanica is reliant upon on-street parking for visitor and loading/delivery vehicles. The maintenance of an appropriate provision of such spaces is important to the daily use of the building.

v. Traffic

The design of the road network around The Botanica must provide an appropriate functional and safe design, including consideration of permitted/proposed developments, supported by best practice analysis. The redevelopment of St Kilda Road in this location as part of the Project provides the opportunity to address current difficulties experienced with respect to vehicular ingress and egress to The Botanica from St Kilda Road.

vi. Tunnel ventilation shaft

The location and design of external ventilation shafts must be appropriate in respect of visual amenity, acoustic attenuation and air emissions.

vii. Access to public open space and memorials

Convenient and safe pedestrian access to nearby public open space, including the Shrine of Remembrance and Boer War Park is critical as such areas are relied upon as a primary source of nearby open space for residents of The Botanica.

viii. Risk management and awareness

The Botanica seeks to be advised on the Project's risk register and consulted on relevant matters pertaining to it in this respect.

ix. Resolution of appropriate drainage

The area surrounding The Botanica is known to be susceptible to localised flooding at times. Adequate drainage is critical within the design of the Project. Further information and resolution of this issue is required.

x. Urban design, safety and security

The Botanica seeks to ensure that the Project will provide good public safety. Further information and resolution of this issue is required.

xi. Structural implications and property rights

The Botanica seeks that the Project be designed to ensure that future development and maintenance of its property is not affected. Issues associated with structural engineering implications and property rights, including compensation, require further information and resolution.

xii. Further design detail

The Botanica understands that design elements of the Project as exhibited in the EES are now proposed to be altered or further developed in a number of respects. The Botanica seeks to be advised of and consulted on relevant matters pertaining to it in this respect.

B. CONSTRUCTION

i. Defects survey

The nature of and program of proposed defects surveys and monitoring are critical to The Botanica. Further information and resolution of this issue is required.

ii. Duration

The duration of the construction period requires the implementation of appropriate ongoing controls to reduce inappropriate impacts on The Botanica. Construction management and overrun are issues of particular importance to The Botanica. Further information and resolution of this issue is required.

iii. Amenity

There will be significant and protracted degradation of amenity to the immediate area and The Botanica including:

- Loss of significant trees;
- Acoustic and vibration impacts;
- Light spill;
- Air emissions;
- Visual amenity impacts;
- Safety; and
- Accessibility.

Further information and resolution of these issues is required to ensure that amenity impacts are appropriately mitigated and managed. Engagement for the duration of development, including transparency of monitoring and measurements of the above issues are critical.

iv. Tunnel Boring Machine launch option for Fawkner Park

The Botanica seeks two separate Tunnel Boring Machine (TBM) launch options that utilise Domain and Fawkner Parks instead of St Kilda Road with a view to reducing inappropriate amenity impacts.

v. Tunnelling vibration

Further information and resolution of the issue of tunnelling vibration is required to satisfy The Botanica that vibration and any associated reverberation noise will be below relevant threshold levels at all times.

vi. Compensation for loss

The Botanica reserves all rights to pursue compensation for any losses incurred as a result of the Project.

vii. Traffic management

Traffic management during construction must specifically consider vehicular and pedestrian access to The Botanica including minimising road closures and ensuring ongoing access is provided to all basement entrances. Further information and resolution of this issue is required.

viii. Service outages

The Botanica seeks to ensure that outages to utility services including power, water, sewerage, gas, fixed line and wireless telecommunications are avoided. The Botanica requires further information and resolution of how any outages caused by Project will be managed, including the nature of specific compensation measures that will be provided.

ix. Continuing information

The Botanica seeks to ensure that it is provided with ongoing information on planned construction activities, impacts or issues. This is necessary for its members and residents to be adequately informed as appropriate.

C. OPERATION

i. Restoration of pre-existing amenity and significant trees

The Botanica seeks to ensure that the amenity currently enjoyed by members and residents is restored/improved as soon as practicable after completion of necessary works. A critical concern in this respect is the transplantation and/or replacement of significant trees removed during the process. Further information and resolution of this issue is required.

ii. Security

The Botanica seeks to ensure that good public safety will be provided when Domain station is operational. Further information and resolution of this issue is required.

iii. Building integrity and vibration

We are instructed that representatives of the Project have assured The Botanica that the movement of trains through the new tunnel system will not be perceptible from within our client's building. Failing to meet this commitment will lead to significant adverse impacts on The Botanica.

Further information and resolution of the following issues is required:

- Vibration, acoustic and adverse impact mitigation measures;
- The ground settlement policy, including structural assessments and ongoing monitoring.

The Botanica reserves all rights in this respect.

Our client seeks to be heard at the inquiry regarding this matter.

Should you have any queries, please contact the undersigned on 8626 9030 or Nick Sutton on 8626 9015.

Yours faithfully


CHRIS TAYLOR

Planning & Property Partners Pty Ltd