



Melbourne Metro Rail Project

Inquiry and Advisory Committee

Expert Evidence Submission
Libraries and Recreation

Graham Porteous

Acting Director, City Communities Group
12 August 2016

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List of Abbreviations

MMRA – Melbourne Metro Rail Authority

MMRP – Melbourne Metro Rail Project

EES – Environmental Effects Statement

PSA – Planning Scheme Amendment

CoM – City of Melbourne

MPA – Metropolitan Planning Authority

EMF – Environmental Management Framework

EPR – Environmental Performance Requirement

FPTC – Fawkner Park Tennis Centre

MCB – Melbourne City Baths

1. Details of Qualifications

1.1 Name of Expert

Graham Porteous - Acting Director City Communities, City of Melbourne

1.2 Qualifications

1987 Diploma of Teaching (Primary) University of Ballarat
1995 Grad. Dip of Business (Accounting) Monash University
2006 Master Business Administration (part completion) RMIT University

1.3 Area of expertise

The provision of recreation planning and strategy to guide the development of recreation use and provision of facilities. Stakeholder management, recreation facility management (contract and in-house), major event planning and implementation

Graham Porteous is currently the Acting Director City Communities with the City of Melbourne. His substantive position is Manager Libraries and Recreation. Graham has worked in the sport, recreation and events industry for 26 years across a wide range of sectors in the not for profit and government sectors. Graham has been Manager Libraries and Recreation since 1999. The role has responsibility for recreation planning and strategy, facility development, contract and tender management and stakeholder management of a diverse range of organisations and individuals at the state, national and local levels. Council has six public libraries and an on line service located across the municipality.

In addition to this role, Graham has been involved in a number of industry organisations including:

- Member, State Netball and Hockey Centre Advisory Committee (council nominee)
- Company Secretary, Parks Forum
- Director Australia University Sport
- Presenter at a range of industry conferences and forums
- Volunteer of a number of local sporting organisations and clubs.

1.4 Assistance in preparing evidence statement

Dale Stewart – Senior Recreation Planner, CoM has assisted in the preparation of this statement. The opinions expressed in my statement are my own.

1.5 Instructions

As per Instructions for expert witness evidence letter dated 28 July, Hunt & Hunt Lawyers and Expert Evidence – Supplementary Instructions letter dated 3 August, Hunt & Hunt Lawyers.

1.6 Facts, matters and assumptions

All facts have been referenced. I am familiar with all sites mentioned within this statement.

1.7 Other reference documents

This evidence statement is informed by the following CoM policy documents and strategies. These include:

- Open Space Strategy 2012
- Heritage Strategy 2013
- Urban Forest Strategy 2012
- City of Melbourne Submission to Plan Melbourne Refresh – Discussion Paper October 2015
- Council Plan 2013–17
- Arden Macaulay Structure Plan 2012
- Municipal Strategic Statement within the Melbourne Planning Scheme
- Places for People
- City North Structure Plan
- Fawkner Park Master Plan
- JJ Holland Master Plan
- Domain Parklands Master Plan (under review)
- Active Melbourne Strategy 2006 – 2016
- Library Strategy 2013 - 2018

2. Executive Summary

2.1 Introduction

This report discusses issues relating to the potential impact on sport, recreation and library facilities, programs and services. There are numerous matters that require further consideration from the perspective of the Libraries and Recreation Branch, including issues, deficiencies and opportunities.

2.2 Key points

The MMRA EES document states in Chapter 24 – Conclusion, in section 24.3.3 – Social, Community and Land Use that “...In addition to the main construction works sites on publicly owned land at Arden, a number of smaller construction work sites would be located in each precinct. These include areas of public open space such as City Square and Edmund Herring Oval, which would be used for relatively long periods during construction. The recommended Environmental Performance Requirements set out a process for identifying alternative areas of public open space for community use during the construction period to mitigate these impacts, **and requires these public open space areas to be returned and upgraded as improved public open spaces following construction.**”

There is some ambiguity within the document as to the how these public areas will be returned to land managers at the completion of the project, when works at any particular location are to be completed and the reinstatement level of the asset. Page 17 of the EES Executive Summary states, “All parkland impacted by construction activities would be returned to a condition that is equal to or better than its existing condition. There would be opportunities to significantly improve the landscape quality, amenity and tree canopy cover of a number of parks and reserves.”

Page 20 of the EES Executive Summary also states, “At the end of construction, all parkland impacted by the project (not required to be permanently occupied) would be returned to a condition that is equal to or better than its existing condition. There would be opportunities to significantly improve the landscape quality, amenity and tree cover of a number of parks and reserves.”

Chapter 23 of the EES – Environmental Management Framework, outlines the Environmental Performance Requirements for the project. The draft EES Evaluation Objective regarding Land Use and Planning states “...To protect and enhance the character, form and function of the public realm and buildings within and adjacent to the project alignment, and particularly in the vicinity of project surface structures, having regard to the existing and evolving urban context.” The subsequent EPR’s for this objective remain relatively silent on how public realm and open space areas impacted by the project will be returned to land managers, particularly when considering the evolving urban context characterised by urban renewal in and around a number of areas along the project alignment.

The EPR ‘SC 7’ for the Social and Community draft EES evaluation objective states “In consultation with the key stakeholders and in accordance with the Melbourne Metro Urban Design Strategy, relevant statutory approvals and other relevant requirements, re-establish sites impacted by construction works, including...” Again the standard of re-establishment at the identified sites is not entirely clear.

In addition, given the disruption and impacts for all parties and the community, it should be further clarified and consistent across all documentation that improved public open spaces will be returned to land managers in all situations at the completion of works at particular sites.

3. General Overview

3.1 Introduction

The activities of the Libraries and Recreation branch of the City of Melbourne provide many established health, development and wellbeing benefits to all users, including but not limited to physical health, mental health, psychosocial health, educational and development outcomes.

The Councils' Active Melbourne Strategy and Library Strategy have both been developed to ensure that a wide range of community sport, recreation, leisure, information and education needs can be achieved, with the broad aim of improving community health and wellbeing, both physical and mental.

The opportunities provided under the direction of these strategies to all CoM residents, workers and visitors includes sporting fields, libraries, recreation centres – (e.g. Melbourne City Baths), community hubs, and community sport and recreation facilities.

The projected increase in the CoM population, from 137,889 in 2016 to 237,651 in 2031 (Source: City of Melbourne website) will see an increase in demand for a wide range of Council services, including sport and recreation and library facilities. This will be further impacted by growth expected in adjoining municipalities, e.g. Fisherman's Bend, largely occurring in the City of Port Phillip, and broader metropolitan Melbourne.

With respect to likely impacts on open space and sporting fields from the project at Fawkner Park, and Edmund Herring Oval in Kings Domain, the permanent and even temporary (for substantial periods of time) loss of any sport and recreation facilities (noting the history over the last decade and beyond of the loss of many community sport fields, e.g. Melbourne and Olympic Park Trust areas) further increases pressure on Council to be able to adequately meet current and future community sport demands. It is important to note that existing sport fields are currently at or reaching capacity. The ability to meet future demand in a sustainable manner will become more problematic and add to the pressure that decreasing the currently available spaces for sport and recreation will create.

Two of the major facilities managed by the branch include the Melbourne City Baths and the City Library. The impacts on these facilities from the project may include detrimental effects to service delivery, negative revenue impacts, additional expenditure, access, maintenance and facility structure concerns, as well as negative impacts on access and amenity for customers. The impacts on these two facilities is not clear, please set this out.

Specifically, there also exists a unique opportunity to consider the future location of Council's City Library. The current lease expires in mid-2020 and new and unique space is required. MMRP presents an obvious option to consider the inclusion of a new City Library.

3.2 Deficiencies

There remains concern that there may be impacts upon open spaces and formal sporting facilities. EPR LU1 notes that there is a desire to 'minimise' impacts. This is not sufficient. There should be no impact upon open spaces and formal sporting facilities.

4. Fawkner Park and Domain

4.1 Summary of Key Issues

Fawkner Park is a key regional open space in the CoM offering a wide range of sport, recreation and leisure opportunities. It is estimated that it receives 3 million visits a year, and is a much loved and respected community asset.

Key areas in Fawkner Park that would be impacted by the project include the Fawkner Park Tennis Centre and potentially the multi-use sport space just south of the tennis courts. See image below.



Figure 1 – Map of facilities impacted in Fawkner Park

The FPTC is well utilised 7 days per week, catering for tennis lessons, school programs, competition tennis and casual hire, with typical hours ranging from 7 am to 10 pm weekdays, and slightly less on weekends.

The multi-purpose pitch is also well utilised for summer and winter sports all year round, for soccer, baseball and turf cricket. Relocation of turf cricket is extremely problematic. Further, Personal Training activity takes place to the west of the tennis courts and the project will potentially impact on the amenity of this area to conduct these sessions.

Edmund Herring Oval is a sporting oval in the Domain Parklands, catering for both summer and winter sport. Mercantile Cricket Association and Melbourne Grammar School are the current seasonal users of this facility for soccer and cricket. See image below.



Figure 2 - Aerial image of Edmond Herring Oval

The major recreation issues regarding the proposals in this area of the municipality include:

- Fawkner Park Emergency Access Shaft options - of particular concern is the one "at the potential TBM southern launch site location at and surrounding FPTC". Given the issues of increasing demand for sport and recreation facilities, growing population, and somewhat limited ability to increase supply, we cannot afford to compromise any existing sport and recreation space with loss of space or encroaching infrastructure. This option should be avoided at all costs.
- Fawkner Park TBM site – Council is extremely concerned with the loss of access to the FPTC together with the existing childcare and senior citizens centres. In addition, the potential compromise on the site that would occur post project with the construction of the emergency access shaft on the site is problematic. Of equal concern is the potential temporary loss of sports oval space at Fawkner Park (S7/SB1&2/Lawn 17/CT2), and specific impacts on Personal Training areas. The subsequent return of these facilities and spaces should not be at pre project status. As per the "EPR", the reinstatement must be held to the higher standard

of enhancement, and result in the return of a contemporary multi use sport and recreation facility on at least the same footprint size as pre project – maximising opportunity and flexibility for community use well into the future.

Council has limited alternate opportunities to meet the requirements for all potential displaced users at Domain (Edmund Herring Oval) and / or Fawkner Park (S7/SB1&2/Lawn 17/CT2) that will meet their needs for any facilities affected temporarily or permanently. It remains the responsibility of MMRA to secure opportunities where Council is unable to do so.

As Edmund Herring Oval is identified as “a construction site in any option”, the EES does not recognise the restrictions on access to public open space in the same way as it does at FPTC. Unlike the table at 9.3 in Chapter 9 of the EES calling for reinstatement of this area, reinstatement of this parkland should also held to the higher standard of reinstatement – that being **enhancement** - recognising:

- the impact on the community while it is unavailable,
- the ability to create a legacy for the community in terms of providing enhanced community sport and recreation opportunities that will help to meet the widest range of future demands i.e. significant sports ground upgrade, pavilion upgrade and sports lighting, and
- the ability to meet other key state and local government sport and recreation objectives, i.e. facilities that cater for gender equality.

There is also concern over lack of technical information regarding construction activities in Fawkner Park, for example, what does the Power Supply at Fawkner Park mean and are there implications for the Park and Park use/users that need to be further understood?

4.2 Options

It is recommended that the emergency access shaft not to be located at FPTC site and to consider integration with other park infrastructure, for example associated with existing toilet infrastructure.

4.3 Issues

The ability to easily relocate users of affected sports areas in the Domain parklands and Fawkner Park is problematic, particularly turf cricket. Any relocation of training and or competition venues both within the CoM and in all likelihood neighbouring municipalities will impact other areas of open space and users of those spaces. The sustainability of turf sports areas, and diminished ability to cater for other new and emerging activity requests becomes particularly problematic.

The financial impact of losing access to the tennis facility and other sporting areas in the Domain Parklands and Fawkner Park (assuming there were no replacement opportunities) has been estimated in the order of \$140,000 per annum.

4.4 Deficiencies

The proposition that no lights and Council's seasonal sport permit process mitigates issue with closure of Edmund Herring Oval is not correct - there will be an impact for those organisations who do use the space currently as there is not a full range of alternate opportunities within the local area or

even the municipality. It also does not recognise the future “opportunity lost” whereby other groups cannot use this space as it is no longer available for a period of time, meaning that activity does not proceed, or proceeds elsewhere in the municipality.

SC 6 refers to a relocation strategy being developed. This is not detailed enough given time frames required and known challenges relating to lack of alternate facilities within and external to the CoM. SC7 is unclear as to what this intends to mean or be implemented.

5. Western Portal (Kensington)

5.1 Summary of Key Issues

JJ Holland Park is a much loved and used open space area in Kensington, and is home to a number of vibrant community sporting organisations, creating a range of sport and recreation opportunities all year round, for both junior and senior participants, and both males and females. The proposal to upgrade the existing walking path in Holland Park (along Childers Street) to be a shared path is a concern, particularly if there is any intention to widen the path. This proposed path cannot have any detrimental effect on the regular sport and recreation uses within the park. This includes the activities that take place on the Number 1 and 2 ovals, as well as the BMX track. The proposed path must also ensure that there is no detrimental effect on the recreation operations of the Bill Vanina Pavilion, as well as the parks depot function which operates from the same building.

5.2 Options

In accordance with Council's submission to the IAC, further consideration of an alternate design that can deliver the shared path requirements outside of the Holland Park footprint is supported, with potential for an alternative cycling route in part around the north of the park via Kensington Road and Altona Street. The existing road closure and pedestrian/cyclist rail crossing at Arden Street could be modified to allow cyclists to use this route minimising conflict with pedestrians.

5.3 Issues

The issues that may arise if the proposed shared path proceeds mainly arise from the conflict between the sport and recreation activities of the playing fields, and the activities from the pavilion (including depot operations) with the increased use and closer proximity of the shared path to these areas.

5.4 Deficiencies

EPR T1 in Chapter 23 of the EES, relating to transport connectivity, states a requirement for the "Provision of suitable routes for cyclists and pedestrians to maintain connectivity and safety for roads and shared paths to provide continued access, including (but not limited to): Childers Street, JJ Holland Park...." EPR T3 and T7 again address suitable routes for cyclists and pedestrians at Holland Park. This does not identify the potential impacts and conflicts with adjacent land use and users.

6. Arden Station Precinct

6.1 Summary of Key Issues

The Libraries and Recreation branch operates the very popular North Melbourne Recreation Centre in this precinct, at 2 locations on the North Melbourne Recreation Reserve. The reserve is also the training and administrative headquarters of the North Melbourne Football Club and the location of the State Fencing Centre. The proposed 24 hour per day construction activities and truck movements have potential to impact on the amenity of the area and subsequently the community health and wellbeing programs and services offered by this centre. Of particular concern is the potential impact on the North Melbourne Pool at the Reserve, which is a major community facility for the warmest six months of the year. Depending on the impact of the construction activities at this precinct, impacts on service delivery and business operations could be similar to those described in Section 9 CBD North Station Precinct for the MCB.

6.2 Conclusion / Recommendations / Options

An opportunity exists for integrated design and enhancement of the project with the broader urban renewal project for this area of the municipality to ensure the best outcomes for all stakeholders and future precinct occupants must be considered.

7. CBD North Station Precinct

7.1 Summary of Key Issues

This precinct includes the heritage listed (MCB), which has been operating at the current site for 155 years, with elements of the current facility dated at over 100 years old. MCB is a key commercial and community service in this precinct however appears unrepresented / unreferenced in the EES. The facility currently caters for around 11,500 – 13,500 visitations per month. The extent of impacts on MCB from MMRP is unknown and could vary from loss of amenity, impacting service delivery and customer satisfaction, to complete facility closure if adequate facility access and amenity cannot be maintained to meet health and safety requirements and customer expectations. Expected disruptions to MCB during early works through to completion include: reduced/changed access, loss of amenity - noise/vibration/construction activity, impacts on current tenancy arrangements in the building (x2) with subsequent facility user and tenant dissatisfaction and loss of business and rental income.

An assessment from low through to high grade business impacts has been completed, with consideration given to service delivery, health and safety, infrastructure requirements and financial implications.

Key features of the project work which will impact MCB operations and facility structure include, but may not be limited to:

- Closure of Franklin Street and station entrance. During construction, impact for MCB operations, safety and security, chemical deliveries etc., plus potential impact on MCB users from all works relating to CBD North and effect on desire to continue to travel to MCB. Post construction opportunities for MCB as a result of station entrance and closure of Franklin Street. (Ch 6)
- Considerable impact of dust, noise and vibration – even with mitigation it is likely that these impacts will be reduced only and not eliminated.
- Damage to MCB foundations / building structure from vibration.
- Access restrictions to MCB plant and equipment (24/7 access required)
- Access restrictions to Franklin Street access to facility (accessibility access – wheelchairs, prams etc.)
- OHS and operational issues regarding chemical delivery, waste management and potential works required to mitigate issues
- Contractor and customer access to facility (reduced parking) resulting in further cost and time to attend facility maintenance issues and further inconvenience for customers who need close and convenient access for programs and services (disability parking, school and children's programs)
- Impact on pedestrian access to facility with all works in the immediate area, resulting in a direct negative revenue impact at facility

- Impact of construction traffic on MCB business negatively impacting customer access and ultimately facility revenue
- Any loss of utilities to service MCB during the project construction / set up / early works has potential to have a significant and serious impact on operations, with facility closure the likely result. (Ch 11)
- Likely potential for greater than just noise impact on MCB business as per EES (Ch 10)

An assessment of low to high grade business impacts has been completed, with consideration given to service delivery, health and safety, infrastructure requirements and financial implications.

The EES makes reference to RMIT specific service disruption challenges, yet there is no reference to MCB specific and unique challenges, including 24 hour access requirements including for emergency services, location of chemical plant and equipment, and Franklin street access for customer, supplier and emergency services access. (Ch 11)

7.2 Options

There is no real discussion through the EES on post construction opportunities for MCB as a result of station entrance and closure of Franklin Street.

Other possible project opportunities for the MCB facility include:

- Lease MCB retail space to MMRA for use as site office
- Utilise project to plan a complete MCB shutdown and renovation program (last such occurrence in 1982)

Detailed design of Franklin Street and immediate MCB surrounds to include positive opportunities for the positive and seamless integration of the MCB facility with the immediate public realm. To date most references relating to this precinct and in particular Franklin Street seems to apply to RMIT only.

7.3 Issues.

Council has engaged a heritage architect to produce an expert report outlining a range of heritage and structural issues that require further consideration as a result of the potential project impact on the heritage and structure of the MCB building. MMRA have also engaged a consultant to inform the EES Cultural Heritage sections. It would be beneficial if both parties could share the resultant information and work together in considering the implications from the reports.

The potential negative impact on revenue at MCB as a result of the project is estimated at a loss of between \$370,000 and \$830,000 per annum (ex GST and not including CPI) at low to medium level of impact. Further revenue losses would be experienced if the project resulted in higher impacts on the MCB operation.

The potential negative impact on expenditure at MCB as a result of the project is estimated at increase of \$70,000 per annum for additional cleaning, and \$400,000 for once off initial expenditure to resolve immediate issues (both figures ex GST and not including CPI)

7.4 Deficiencies

The Environmental Performance Requirements in Chapter 23 of the EES do not specifically address issues that may have impacts for the operation and successful delivery of programs and services from the MCB:

The Historical Cultural Heritage section contains no reference to the MCB;

SC3 does not reference MCB

SC9 (Social & Community) describes utilising part of Franklin Street for public open space post construction, however there is no reference to potential opportunities to integrate the MCB, and

AQ1 (Air Quality) identifies a number of "key sensitive receptors", which does not identify MCB.

8. CBD South Station Precinct

8.1 Summary of Key Issues

The City Library is located at 253 Flinders Lane and is open 7 days per week, Mon - Thurs 8am - 8pm, Fri 8am - 6pm, Sat 10am - 5pm, and Sunday 12pm - 5pm. The library will remain open during construction but as the EES describes, the project may significantly impact the area up to and including Ross House. Potential environmental impacts include noise, dust, power and water disruptions and operational impacts regarding traffic management - delivery and patron access.

The library attracts on average over 67,500 visitors per month, and over 3,000 visitors per day on some weekdays. It is envisaged that with the works associated with MMRP that visitation may increase with visitors being 'siphoned' along Degraeves Street, Centreway Arcade and Flinders Lane. Conversely, visitation may be negatively affected if potential library users choose to avoid the area entirely, or if access is 'awkward'.

The library has visitor access from Flinders Lane but also requires high volume delivery access from the rear entrance to Degraeves Street. There is a daily inter library book delivery along with twice weekly book deliveries. These services require truck access.

It is noted that CBD South Station 'would act as a catalyst for change and reinvigorate a block of the CBD that is currently tenanted by lower value retail tenancies'. There is a significant opportunity for this development to incorporate the concept of a City Library. The current City Library is highly utilised and in addition to attracting residents, students, and tourists to the site, is a destination for city workers in transit to and from Flinders Street Station. A public library offer would potentially complement the high end retail businesses planned for the new CBD South Station.

9. Noise and Vibration

9.1 Summary of Key Issues

The major impact for the Libraries and Recreation branch from the project with respect to Noise and Vibration centres around concerns for the MCB building and operations. The potential impacts from the proposed excavation and tunnelling works, and resultant noise and vibration issues is of concern from both a building and operations viewpoint, with the main pool skin and “chimney” structure at MCB both freestanding.

The potential impact of underground vibration/noise and ground borne noise on underwater activities (swimming) at MCB during early works, construction phase and ongoing requires further investigation. The potential impacts of construction works and vibration on MCB due to significant in/underground plant and equipment and age of heritage building also warrants further consideration. It is our strong view that preventative action to mitigate risks is preferable to rectifying damage caused by the project along the way, with this approach offering potential to be cheaper in the long run and less disruptive on services.

Reference is made in the ESS to noise sensitive areas, due to the nature of service delivery and operations and it is my view that the project needs to consider MCB to be noise sensitive during operating hours. Table 13-2 in the ESS outlines EPA guidelines for noise levels (residential). MCB operates 7 days a week; 6am to 10pm weekdays, 8am to 6pm weekends. The EES report indicates 'noise emissions must be controlled during the day-time to ensure they are not unreasonable.' There is a need to be clear about what unreasonable means, i.e. noise may be deemed as not unreasonable, but this may still have a negative impact on users of the programs and services at MCB. This may lead to a reduction in use and therefore revenue.

9.2 Issues

It is understood that CoM has engaged a heritage architect (Mr John Briggs) to produce a report outlining a range of heritage and structural issues that require further consideration as a result of the potential project impact on the heritage and structure of the MCB building. The key to this work will be to avoid remediation works and impacts to the building by addressing issues and securing the integrity of the structure and its elements prior to the project commencing. Note that the existing chimney structure shows signs of cracking in recent years and has had superficial repairs carried out, whilst the building at the east end of the site currently show evidence of structural cracking.

Detailed facility condition reports should be completed regularly throughout the project to identify any issues and consider remediation options as early as possible.

10. Declaration

I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Inquiry and Advisory Committee.



4/8/16.

28 July 2016

Graham Porteous
Manager Libraries and Recreation
c/- City of Melbourne
90-120 Swanston Street
Melbourne VIC 3000

Our ref: TXR1/NXS
Matter no: 9613710

By email: Graham.Porteous@melbourne.vic.gov.au

Dear Mr Porteous

**Melbourne Metro Rail Project
Environment Effects Statement Inquiry
Instructions for expert evidence**

We are assisting the City of Melbourne (**CoM**) finalise its submission to the Inquiry on the Environment Effects Statement (**EES**) and the Advisory Committee for the Planning Scheme Amendment (**PSA**), both in respect of the Melbourne Metro Rail Project.

Thank you for agreeing to prepare and present expert evidence at the joint Inquiry and Advisory Committee for CoM.

What is your evidence about?

CoM requires that you prepare and present expert evidence in relation to consideration of social and community impacts associated with:

- sites of significance and parks such as City Square, JJ Holland Park, sections of Alexandra Gardens, Queen Victoria Gardens and Kings Domain Gardens; and
- City of Melbourne services such as Melbourne City Baths; and
- Loss of informal and passive recreation.

Timeline

The public hearing of the Inquiry will commence on 22 August 2016, running for approximately six weeks. You will be advised of the venue and the time that you will be required to attend the hearing in order to present your evidence, as soon as CoM receive the indicative timetable.

Any expert evidence to be presented at the Inquiry requires the submission of a detailed written report by **12 August 2016**.

CoM currently expects to call approximately 12 experts in 10 different fields (with 9 CoM employees giving evidence). With the tight timeframes for preparation and submission of the evidence, this process requires considerable internal coordination to ensure that the legal team has sufficient time to review and comment on all evidence reports before finalisation and submission.

To assist in this process of finalising the evidence reports, we ask you to have your draft evidence report ready for review by 5pm 8 August 2016 and to be available in the following days to finalise your report. Smaller reports are required to be ready first as the larger reports will require more time to prepare.

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Your draft report should be emailed in Word format to Karen Snyders Karen.Snyders@melbourne.vic.gov.au and Nick Sissons nsissons@huntvic.com.au as soon as it is ready for review.

Please be assured that you have the support from the CoM Directors and Managers for you to dedicate your time to this process without delay so that a unified approach is presented from the CoM by having all expert evidence reports ready on time.

What is required?

We understand that this may be first time that you are being required to present expert evidence to an Inquiry or Advisory Committee. To assist you in preparing your evidence report we suggest that you review the Planning Panel Victoria's Guide to Expert Evidence (http://www.dtpli.vic.gov.au/_data/assets/word_doc/0017/231263/G2-Guide-to-Expert-Evidence-April-2015.DOCX). This guide provides useful information to assist in preparing evidence reports. Other useful guides from Planning Panels Victoria about the general process are also available online (<http://www.dtpli.vic.gov.au/planning/panels-and-committees/planning-panel-guides>).

Please note that whilst you are employed by the CoM, you are being asked to present expert evidence as a professional with suitable experience and qualifications in your field. This means that you must present your professional opinion on the matters that have been advanced by the CoM in its submission on the EES and PSA. You must also ensure that you comment only on matters that are within your field of expertise and matters that are within the EES and PSA. You can reference any existing publicly available material, reports, studies or policy as support or justification for your opinions but you must not reference any confidential information of the CoM.

The joint Inquiry and Advisory Committee requires that CoM provide it with copies of any referenced materials in any expert evidence statements. Accordingly, please provide a copy or external web link to any reports, studies or policy that you have referenced so that we can compile a complete list of reference materials for submission to the joint Inquiry and Advisory Committee.

We also understand that you may have been involved in other aspects of this project whilst performing your role at CoM and you may have previously worked directly with the 'CoM and Melbourne Metro Rail Authority' working group. As part of your evidence that you are being asked to prepare, you are not required to comment on any information, designs or other discussions that are not specifically included within the EES or PSA and CoM submission. Of course, when discussing alternative options or deficiencies, it may be a matter of professional opinion if you believe that the EES or PSA has left out other relevant considerations that should be raised for consideration.

Generally, you have a duty to the joint Inquiry and Advisory Committee to ensure that your report complies with the content and form requirements of Planning Panel Victoria's Guide to Expert Evidence.

Consistency of format for CoM staff expert evidence reports

You should have regard to the CoM submission on the EES and PSA. We ask that you structure your expert evidence in a manner that uses or aligns with the following precincts or subject areas where possible:

1. Fawkner Park and the Domain.
2. Tunnel Alignment and Emergency Access.

3. Western Portal (Kensington).
4. Arden Station Precinct.
5. Parkville Station Precinct.
6. CBD North Station Precinct.
7. CBD South Station Precinct.
8. Domain Station Precinct.
9. Noise and Vibration.
10. Planning Scheme Amendment.

Within any given precinct, we ask you to provide an opinion on any relevant options, issues or deficiencies that have been raised in the CoM submission. If you intend to stray from the substance of the CoM submission, please only do so after confirming this with Karen or myself.

There may also be an obligation on witnesses to attend a conclave of like-minded experts in order to help draft a statement setting out where the respective witnesses agree and disagree. We will provide you with further information about this as it comes to hand.

This approach will ensure consistency in the CoM evidence and enable Council's legal advocates to focus on a precinct by precinct basis in presentation of the CoM submissions during the Inquiry. It will also assist Council's legal advisors determining if aspects of your evidence has been addressed by other submitters.

We have provided you with an example word template document that can be used to assist you in drafting your expert evidence if you require. However, this is not intended as a one size fits all and you should structure your statement in any manner that assists in providing a clear and concise opinion on the points raised in the CoM Submission.

Presentation to joint Inquiry and Advisory Committee

Generally it should be assumed that the joint Inquiry and Advisory Committee members and all other participants have read your statement.

CoM will be strictly limited in its time allocated to present its submission to the joint Inquiry and Advisory Committee.

Accordingly, we ask that you prepare a short 20 minute presentation of the key issues in your statement. If you believe that you need more than this time please see us as soon possible so that we can discuss requirements with you directly. You may wish to use an example to highlight any particular concerns. You will also be asked questions, so please keep your presentation short and concise.

If you intend to use PowerPoint to present your key points at the hearing, please discuss this with us. Any PowerPoint presentation you wish to use must be finalised at the same time as your draft statement of evidence as it will need to be submitted with your statement of evidence.

You should attend the hearing with your statement and all copies of any reference material that you have referenced. All documents will need to be tendered electronically in advance of the hearing.

Further information

You will find links to the documents of the EES and PSA as follows:

EES - <http://metrotunnel.vic.gov.au/ees>

PSA - <http://metrotunnel.vic.gov.au/ees/planning-scheme-amendment>

Please do not hesitate to contact Karen Snyders Karen.Snyders@melbourne.vic.gov.au or Nick Sissons nsissons@huntvic.com.au if you require any further information about this process.

Yours faithfully
Hunt & Hunt



Nick Sissons
Associate

Contact:
Nick Sissons
D +61 3 8602 9357
E nsissons@huntvic.com.au

3 August 2016

Graham Porteous
Manager Libraries and Recreation
City of Melbourne

Our ref: TXR1/NXS
Matter no: 9613710

By email: Graham.Porteous@melbourne.vic.gov.au

Dear Mr Porteous

**Melbourne Metro Rail Project
Environment Effects Statement Inquiry
Expert Evidence – Supplementary Instructions**

We confirm our request for you to provide expert evidence to the forthcoming Inquiry and Advisory Committee (**IAC**) in relation to the matters addressed in the City of Melbourne Submission to the Environment Effects Statement (**Submission, EES**).

Scope of your evidence

In the preparation of your evidence, please carefully consider the Terms of Reference for the IAC (http://www.dtpli.vic.gov.au/_data/assets/pdf_file/0008/297107/Melb-Metro-ToR.pdf).

Your expert evidence should also have regard to the Environmental Performance Requirements (**EPRs**). The EPRs are located within each section of the EES (<http://metrotunnel.vic.gov.au/ees/documents>). Your expertise may relate to one or more of the sections of the EES and any number of EPRs. Please consider whether any of the matters addressed in the Submission will be adequately dealt with by the proposed EPRs, making recommendations for changes, where appropriate.

Please note that the MMRA has also started to provide "Technical Documents" to the IAC (<http://www.dtpli.vic.gov.au/planning/panels-and-committees/current-panels-and-committees/melbourne-metropolitan-rail-inquiry>). These might be said to vary the EES so it is important you read them carefully and comment on them as appropriate.

However, as the status of these Technical Documents is unclear, please do not assume that matters addressed in the Technical Documents necessarily resolve matters raised in the Submission.

Circulation of Evidence

We have now been advised that we must print and deliver 20 printed copies of your statement to Planning Panels Victoria Office by 10:00am on 12 August 2016, we will not be able to extend timeframes for circulation of your evidence. **This means that we will need your completed report by COB on 8 August to enable us sufficient time for review, print and circulate your report.**

Please provide your statement in Microsoft Word format for us to convert PDF format for circulation, including an electronic signature.

Hearing dates

The City of Melbourne has been allocated the following dates to present its case:

236041256v1NXS

1. 5 September 2016 (10:15 am – 1:00pm and 2:00pm – 4:30pm);
2. 6 September 2016 (10:15 am – 1:00pm and 2:00pm – 4:30pm); and
3. 22 September 2016 (10:15am – 12:30pm).

We will provide you with further information as to when you may be required to attend the hearing to present evidence, but **to the extent that is possible to do so, please keep these dates clear in your diary**. If you have any constraints please contact us immediately.

The hearing will be conducted in the conference room at the Mercure Treasury Gardens, 13 Spring Street, Melbourne.

Expert conclaves

You may also be required to attend a conclave of experts, to be held sometime between **15 August 2016** and before **22 August 2016**.

At a conclave, you may be asked to prepare a statement of matters where you agree or disagree with other expert witnesses. Such statements must be tabled at the hearing on the earlier of: 22 August 2016; or one clear business day prior a relevant witness being called.

Please indicate your availability to attend such a meeting in the week commencing 15 August 2016.

These meetings should be arranged by MMRA's experts, however, we will confirm with you if we are advised of any proposed meeting date and time.

Directions relating to expert reports

The Chair of the IAC has directed that expert witness reports should not refer to individual submitters by name, but by submission number. Please follow this direction if you are making reference to any submitter other than the City of Melbourne.

Please note that expert reports will be available to the public via publication on the Melbourne Metro Rail Project website.

Please do not hesitate to contact Karen Snyders Karen.Snyders@melbourne.vic.gov.au or Nick Sissons nsissons@huntvic.com.au if you require any further information.

Yours faithfully

Hunt & Hunt



Nick Sissons

Associate

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