

# Business Support Guidelines for Construction

Prepared pursuant to clause 4.7.2 of the “Melbourne Metro Rail Project - Incorporated Document” (Incorporated Document) that has been incorporated into the Melbourne, Stonnington, Port Phillip and Maribyrnong planning schemes.

This document is the framework document referred to in Environmental Performance Requirement B2 (g) for the Melbourne Metro Rail Project (referred to in this document as “Metro Tunnel”).

## 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, 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 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 some construction work to be undertaken outside Normal Working Hours, in accordance with the approved Environmental Performance Requirements, residual (post on-site mitigation) impacts on businesses may occur.

## 2. Purpose

The purpose of these Business Support Guidelines (the Guidelines) 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, and support the approved Environmental Performance Requirements for the Metro Tunnel Project.

The Guidelines outline the proactive measures and support services that MMRA and the appointed construction contractors (including the Early Works Managing Contractor) may deliver to support businesses that experience disruption during and only as a result of construction of the Metro Tunnel.

The Guidelines will be in effect for the duration of the Metro Tunnel Project construction, commencing with early works in 2017 and concluding with completion of the construction of the Metro Tunnel infrastructure.

The Guidelines do not:

- contemplate or provide for direct monetary support for individual businesses in the form of financial compensation; nor do they
- create (nor should be interpreted as creating) expectations or entitlements for any particular type of support specified in these Guidelines to be provided to any individual business.

## 2.1. Scope

The Guidelines apply to businesses which may be adversely impacted due to the Metro Tunnel Construction works.

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

Nothing in these Guidelines precludes the provision of additional tailored support to businesses, of any kind, on a case by case basis.

## 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 electronically or in hard copy).
- (b) **Individual briefings** – used to inform businesses directly about the predicted impacts and the mitigation measures being implemented.
- (c) **Phone calls** – used to inform businesses directly about the predicted impacts and the mitigation measures being implemented.
- (d) **Case management** – to provide an additional level of support for businesses that are significantly impacted over an extended period, 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 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 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/s 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** – opportunities for businesses to participate in educational programs run by organisations including Small Business Victoria and local councils. These programs support businesses through skills development, such as online and digital commerce, business mentoring, succession planning and marketing.
- (e) **Business Plans** – opportunities for businesses to develop a Business Plan, where implementation of the other support measures has been exhausted. This opportunity is provided to improve understanding of a business and to assist in ensuring that the appropriate type and level of business support measures are provided. Where appropriate, support in preparing a financial baseline may form part of the Business Plan development process. The process for developing business plans will be through a case management approach allowing it to be tailored to different types of businesses.

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

### **3. Eligibility**

#### **3.1. Criteria**

One or more of the business support measures described in Section 2.3 will be offered to businesses if they are identified by the appointed contractors (including the Managing Contractor) as being located in areas where construction is likely to result in disruption to business activity based on the criteria described below:

- (a) **In the designated Project Area.**
  - i. Directly impacted businesses **within the designated Project Area** in close proximity to construction sites where construction activities will or do have an impact on visibility, amenity, access and customers.
  - ii. **Other businesses located within the designated Project Area** but not in close proximity to construction activity, that nevertheless will be impacted by Metro Tunnel construction activities.
- (b) **In the Eligibility Zone.** The eligibility zone will be determined by the lead contractor based on the contractor's analysis of the proposed construction works and methodology, program and timing of works and the likely impacts on businesses outside the designated Project Area.
- (c) **Businesses that are outside the designated Project Area and the Eligibility Zone.** Businesses that request business support measures and are able to provide persuasive and probative evidence that Metro Tunnel construction activities have impacted the business

### **4. Implementation**

Metro Tunnel contractors are responsible for implementing the support measures in accordance with the criteria set out in these Guidelines and in line with the Business Disruption Plan required by Environmental Performance Requirement B2.

Contractors will be required to develop and implement plans to manage impacts to businesses and proactively engage with businesses within the Project Area and Eligibility Zone throughout construction of the project. For other businesses, the steps described below will only be applied to businesses which satisfy the criteria in Section 3.1 (c).

#### **4.1. Connecting and communicating with businesses**

##### **4.1.1. Approach**

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 the following communication channels through which it will continue to use to engage with businesses:

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

In addition, the appointed contractors will be required to:

- (f) provide case management support to work with businesses likely to be significantly impacted by construction of Metro Tunnel
- (g) provide advanced notice of upcoming works to businesses within set timeframes
- (h) provide on the ground personnel to engage with businesses on construction progress and likely impacts
- (i) establish relationships with local councils and other relevant organisations to deliver initiatives to support businesses during construction, and
- (j) leverage existing communications channels to effectively engage with businesses and their customers during construction.

#### **4.1.2. Prior to construction**

MMRA and/or the contractor will engage with businesses to better understand their individual circumstance, identify opportunities to reduce impacts and identify support measures that best suit their business needs.

The contractor will engage with businesses in the vicinity of proposed 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 the 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.

#### **4.1.3. During construction**

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

Businesses that have not received support measures prior to the relevant work commencing but that believe their business is adversely impacted by 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.

## **4.2. Process for communicating Guidelines to businesses**

A range of communication channels will be used to ensure the Guidelines and eligibility are communicated to businesses. These channels include:

- (a) direct mail / targeted letterbox drops and face to face visits to businesses
- (b) email and phone calls to specific businesses
- (c) development and distribution of specific print and digital collateral outlining business support initiatives and contact information
- (d) the [www.metrotunnel.vic.gov.au](http://www.metrotunnel.vic.gov.au) website
- (e) the Metro Tunnel newsletter (available in hard copy and via the Metro Tunnel website)
- (f) 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.

## 5. 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, businesses have options available to resolve the matter.

The key means of seeking a resolution is 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.

### 5.1. MMRA enquiry and complaints handling

MMRA is committed to an effective and accessible system that enables enquiries and complaints to be addressed in an efficient, fair and timely manner, and has drawn 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) the 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](http://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).

### 5.2. Victorian Small Business Commissioner dispute resolution

Under the *Small Business Commissioner Act 2003* (Vic), the Office of the Victorian Small Business Commissioner (VSBC) provides an effective and independent commercial dispute resolution service. The VSBC can assist businesses come to pragmatic resolution of commercial disputes that both parties can agree to.

The main way the VSBC resolves commercial disputes is through its mediation service. Mediation is a process conducted by an independent, third party, mediator appointed by the VSBC. Mediation provides a timely, convenient and confidential way for parties to resolve disputes. Mediation avoids the uncertainty and cost often associated with court and tribunal proceedings.

If a business is not satisfied with an outcome under these Guidelines, the business may refer the matter to the VSBC who will, where appropriate, facilitate dispute resolution between the business and MMRA and/or the relevant contractor by making its mediation service available to the parties to resolve the dispute.

To assist businesses in this process:

- (a) MMRA has agreed to cover the cost of the VSBC appointing a mediator; and
- (b) the VSBC will assign a Senior Officer to assist in the resolution of each dispute through its mediation service.