Introduction

107-109 Whitehall Street Footscray (OC429674C) is a complex of businesses near the Northern Portal.

I am the Chairperson of the Owners Corporation Committee. The Owners have elected that I represent the Owners Corporation as the first line of contact for the project regarding the acquisition of Common Property.

Work I do on behalf of the Owners Corporation is unpaid.

As a result of the Westgate Tunnel Project, businesses here are subject to full or partial acquisition.

Full Acquisitions
- Lot 4  Tim & Terry Seafood (and car places)
- Lot 5  Ash Brothers Seafood (and car places)
- Lot 6  Sanford Seafood (and car places)

Parking Acquisitions
- Lot 3  Loss of 2 car places
- Lot 14 Loss of 1 car place

Partial Acquisitions
All businesses will be impacted by partial acquisition of common property.

The original submission to the EES was lodged by our Owners Corporation Manager, Propis. It was an unweighted compilation of comments made by various businesses.

All owners and tenants have been urged to also submit individual responses to the EES to address individual concerns to their business.

Since release of the EES the Owners Corporation Committee arranged a meeting between the WDA, Transurban, Acquisition Staff and owners to try and address specific concerns not adequately handled in the EES.

This report is made in light of these discussions and also responds to subsequent comments made to members of the Owners Corporation Committee by businesses at the complex. This document is to be read in conjunction with the original EES Submission (document 389) made by Propis.
Concern # 1 – Loss of Truck Access by Acquisition of Common Property

It is vital that there is no loss of truck access to the property and that it remains at the same level of access.

We currently have 2 way truck accesses via Whitehall Street and three access points to Youell Street, the most easterly one only being suitable for large trucks.

There is a crossover in the median on Whitehall Street at Youell Street that allows easy access and egress of trucks to and from the South and North.

Acquisition blocks truck access at the easterly end of the complex and therefore stops large trucks from accessing the property.

- **CURRENT LEVEL OF TWO WAY TRUCK ACCESS MUST BE RETAINED**
- **CONTINUAL 24/7 TRUCK ACCESS IS REQUIRED BY BUSINESSES FORMING 50% OF THE REMAINING OWNERS CORPORATION.**
- **FREIGHT SUPPLY TO THESE BUSINESSES ARE TIME CRITICAL**

To date, discussions with the WDA have not provided an adequate solution that reinstates the required level of access.

This issue must be resolved urgently and its solution documented prior to project approval as planning has not considered the actual route and may not have identified all needs, including potential additional acquisitions.
Fig 1. Current Vehicle Access

Fig 2. Proposed Project Boundary – No Allowance for Truck Access
Fig 3. Operation Plan – No Truck Access

Fig 4. Urban Design Plan – Two extra buildings & more car parks gone? Access via Youell/Lyons?
Concern # 2 – Loss of Street Parking

There are currently over 200 public car places in the streets directly adjoining our complex (Lyons, Maribyrnong and Youell). These are used by customers and staff from our complex, Egans and the Cotton Mills and are adequate to our current needs.

More than half of these parking spots will be permanently lost to the project under current plans.

Depending on how long term truck access for our property is managed there could be further loss of parking which means we could be left with as few as 16-30 street car places.

Some titled car places are being acquired from companies who will remain. There is no plan to reinstate these places on the complex at this stage so their street parking need will further increase.

The Westgate Tunnel ATCR & Substation is to be located in adjoining Youell Street and Maribyrnong Council has recommended that the proposed Maintenance Building be relocated to Whitehall St / Youell St.

Proposed parkland will attract further people who may wish to utilise the new paths for recreational purposes.

There is also a flow on effect in that reduced street parking will likely have an impact on the amount of improvements for example exemption of onsite parking for additional office space as there is adequate street parking etc. This will have impacts on the long term value that can be added to the properties in the complex.

The WDA has made no provision for a parking lot or additional street parking.

*Figure 5 Current Parking in Lyons Street – Will disappear if needed for trucks*
Concern # 3 – Owners Corporation Changes / Decisions

Decisions regarding common property are require a vote by all owners. Votes are weighted according to lot share.

Depending on the nature of the issue, a mandate requires either a quorum (50%) or unanimous (100%) vote. We have not been advised how these decisions will be made, who will get to vote and the order that title / boundary and rule changes will occur.

No one has been able to explain how decisions will be made in relation to common property issues during acquisition.

We have been told that once a Notice of Acquisition is received the authority own all rights for the property acquired from that point in time.

If this is the case, this could mean that the WDA assumes voting rights for the acquired properties. In this scenario, proposed acquisitions will give the WDA the majority vote which would place remaining owners in a disadvantaged position.

We are concerned about how much (or little) say we may have in the outcome of our complex. It has not been explained to us how land will be compensated for and/or returned to the owners or what our rights will be.

Changes to the title may result in new plan of subdivision which could trigger land tax and planning changes.

Long term, the acquisition will result in significant changes to Lot Share for remaining owners. This has significant long term impact in relation to shared liability and overall increase of some shared costs divided and paid by each owner according to lot share.

The implications of the changes seem to be poorly understood by the WDA staff as they have not been able to adequately explain changes and implications to us.

We have been advised we cannot seek compensation for legal advice until we receive the Acquisition Notice. This leaves us in a vulnerable and uninformed position as some owners do not have the means to share legal costs and therefore had to vote against seeking earlier legal counsel.

The WDA should not have any right to make decisions regarding the changes to the complex as there is a clear conflict of interest, in that they can vote in favour of project requirements rather than in the best interest of owners.

Concern # 4 – EES Methodology

The sheer volume of documents and lack of legal know-how makes it very difficult to prepare a thorough submission.

This and all submissions made by the Owners Corporation are to be treated as an open document and are subject to the addition of further material and/or change.

We highlight that the Maps and comments in the EES document do not agree with each other and treatment of the land to the East particularly is confusing and ill conceived. Attached maps from the EES Map Book demonstrate a lack of consistency in treatment at rear of property. Urban design concepts and landscape plans significantly differ from the construction and operation plans.

This raises questions as to which information other submitters have relied upon to comment on the EES document and whether or not all the issues have been duly considered by them.

Our site has been grouped with the Port and Citylink connections. Geographically we are surrounded by the Tunnels area. This doesn’t make sense and has led to cross over of discussion in the EES over several project areas and lack of direction in the management of our site.

The project boundary has been developed without a workable design plan for the reinstatement of truck access to our property. This needs to be urgently reviewed.
Concern # 5 – Demolition Impacts

As discussed earlier, several properties at the east end of the complex are to be demolished to make way for the road.

Services and two way truck access must stay open and available at all times for use by remaining businesses on the site.

This process should not inconvenience remaining owners and must not cause any damage to surrounding common property or buildings.

Properties must be demolished soon after vacancy to prevent occupation by squatters and illegal raves as has already been the case at the Ports site in Youell Street.

We have already been repeatedly tagged and vandalised as a consequence of illegal raves held at the vacant Port Authority. Empty buildings attract illegal raves and are an attractive target to taggers.

Remaining buildings and common property will need to be accessed during demolition of acquired property and entered for subsequent make good works. This activity must not be detrimental to owners.

Figure 6 – Vacant Site in Youell Street awaiting demolition, vandalised during illegal rave parties
Concern # 6 – Air Monitoring / Quality

We are located directly at the Northern Portal. Current suggested monitoring locations are nowhere near us and fine particulate matter will have greatly dispersed by the time they reach the monitoring station and would most likely read much lower than at our location.

Monitoring is required to protect our health. A recent study in the New England Journal of Medicine showed that long term exposure of airborne fine particulate matter increased the risk of premature death.

Monitoring should happen where the problem is likely to be at its worst.

Short and long term monitoring should happen near the mouth of the northern portal, nearer our location.

Concern # 7 – Traffic Management / Safety / Security

Adequate lighting, traffic management and other safety measures must be taken to protect pedestrians, vehicles, cyclists and property at all times during and after the project.

We require full reinstatement of fencing at the east end of the complex with buffer land to the boundary walls to minimise tagging and vandalism.

EPR’s must be reviewed and additional business specific EPR’s created.

Concern # 8 - Noise

Noise levels must stay within Worksafe levels during and after the project. These should be monitored and tracked by the relevant authority near our site.

EPR’s must be reviewed and additional business specific EPR’s created.

Concern # 9 - Dust, Contaminants, Vibration

Due to the proximity of the dive structure and major spoil removal facility to our complex, dust levels, contamination of air, vibration, traffic management, temporary occupation etc. have the potential to damage common property and buildings and also have adverse impact to the enjoyment of the property and business activity by some owners and tenants.

EPR’s must be reviewed and additional business specific EPR’s created.

Conclusion

Whoever is left on this site should not be placed in a worse position as a result of the project.

Current proposed acquisitions and EPR’s are not adequate.

1. There may be the need to acquire additional property to safely reinstate efficient truck access to our property and allow for adequate street parking.

2. Businesses need specific EPR’s. Under the proposed EPR’s in the EES, many of the concerns raised by business will revert to SP1 or SP2 as a guide. Business needs are very different to community needs. We are in the middle of the project, will be significantly impacted by construction and long term. We have been grouped with and will be treated in the same way as the general community. This is not good enough.
Requests to the Planning Panel & WDA

We request that the Planning Panel and WDA take notice, respond to and provide satisfactory actions prior to works approval to facilitate and implement the following:

- Provide final detail design plan for long term reinstatement of truck access.
- Provide a final detail design plan to provide additional, similar level of street parking.
- WDA must identify and plan for any additional acquisitions (if any) required to facilitate truck access reinstatement / parking plan.
- WDA must create and implement specific Business EPR’s to address our concerns.
- We request review of proposed location of Air Quality Monitoring and consider moving closer to the Northern Portal mouth to produce a more useful reading to determine if the tunnel has the potential to cause adverse impacts to human health.
- The WDA must not have any voting rights for our Owners Corporation as a result of the acquisition of property. That would not be fair to the real owners who will have to live with the consequences.