

SWANSTON STREET ROAD CLOSURE

21 December 2010

Committee Future Melbourne (Connected City Portfolio)

Presenter Cr Louey

Purpose

1. The purpose of this report is to recommend that Council approve the closure of Swanston Street between Franklin Street and A'Beckett Street, Little Bourke Street and Bourke Street, and Collins Street and Flinders Lane to all vehicles excluding trams, bicycles and authorised vehicles as part of Stage Two of the Swanston Street redevelopment.

Consideration at Council

2. Following consideration at the Council meeting on 30 November 2010, this item was deferred with the following resolution:
'That Council defer this report to allow for consultation to take place with the new Victorian Government.'
3. The recommendation from management presented to Committee is below.

Recommendation

4. That Council:
 - 4.1. approve the placing and maintaining of obstructions or barriers in Swanston Street between Franklin Street and A'Beckett Street, Little Bourke Street and Bourke Street, and Collins Street and Flinders Lane to restrict the passage or access of all vehicles excluding trams, bicycles and authorised vehicles on a permanent basis subject to the design for each block affected incorporating a vehicle space on each side of the road to allow off peak (9.30am to 4pm, and 7pm to 7am, Monday to Sunday) access by authorized vehicles, generally in line with the plan attached for the block between Bourke Street and Little Bourke Street;
 - 4.2. note the reasons for the approval are:
 - 4.2.1. to build on existing civic qualities of Swanston Street by creating a high quality public space;
 - 4.2.2. to improve pedestrian access to public transport/trams;
 - 4.2.3. to improve interchange facilities for tram passengers;
 - 4.2.4. to construct tram stops that are fully compliant with the Federal Government's Disability and Discrimination Act requirements; and
 - 4.2.5. to upgrade cycling conditions; and
 - 4.3. note the establishment of a stopping location (generally in line with the attached plan, Attachment 3 of the Management report) for vehicles with an appropriate special permit to service inaccessible properties with extraordinary servicing requirements is in response to the issues raised by submitters; and
 - 4.4. notify all submitters in writing of its decision and the reasons for its decision.

Council Report Attachment:

1. Future Melbourne Committee, Agenda Item 5.5, 9 November 2010

SWANSTON STREET ROAD CLOSURE

9 November 2010

Presenter: Geoff Robinson, Manager Engineering Services

Purpose and background

1. The purpose of this report is to recommend that Council approve the closure of Swanston Street between Franklin Street and A'Beckett Street, Little Bourke Street and Bourke Street and Collins Street and Flinders Lane to all vehicles excluding trams, bicycles and authorised vehicles as part of Stage Two of the Swanston Street redevelopment.
2. The Council resolved at its meeting on 27 October 2009 to endorse the Swanston Street Project Plan for the staged redevelopment of the street. On 23 February 2010, the Council resolved to authorise the administration to commence procedures under the *Local Government Act 1989* ('the Act').
3. On 27 July 2010, Council subsequently approved the placing and maintaining of obstructions or barriers in Swanston Street at its intersection with La Trobe Street and Little Lonsdale Street to restrict the passage or access of vehicles, excluding trams and bicycles, on a permanent basis as part of Stage One of the Swanston Street redevelopment.
4. In accordance with the Act, Stage Two of the Swanston Street redevelopment was advertised in *The Age* newspaper. The Submissions (Section 223) Committee ('Submissions Committee') met on 1 October 2010 to consider the nine submissions received and to hear those wishing to be heard in support of their submissions. Copies of the submissions received are attached.

Key issues

5. Three of the submissions received supported the closure of Swanston Street. The remaining six submissions raised concerns with regard to servicing requirements of abutting properties such as JR Duty Free, Readers Feast, and the City Square Motel. A submission was also received from CitiPower requesting unrestricted access for their vehicles along the closed portions of Swanston Street for servicing, maintenance and emergencies. The issues raised by the submitters are discussed in more detail in Attachment 2. Attachment 8 summarises the specific concerns raised by the submitters together with relevant comments from Council's Submissions Committee.
6. It should be noted that access for emergency maintenance for CitiPower as well as the Police, Ambulance and Fire Brigade will be maintained. Letters have been received from the emergency services advising that they offer no objection to the Swanston Street redevelopment.

Recommendation from management

7. That the Future Melbourne Committee recommend that Council
 - 7.1. approve the placing and maintaining of obstructions or barriers in Swanston Street between Franklin Street and A'Beckett Street, Little Bourke Street and Bourke Street and Collins Street and Flinders Lane to restrict the passage or access of all vehicles excluding trams, bicycles and authorised vehicles on a permanent basis subject to the design for each block affected incorporating a vehicle space on each side of the road to allow off peak (9.30am to 4pm and 7pm to 7am Monday to Sunday) access by authorized vehicles, generally in line with the plan attached for the block between Bourke Street and Little Bourke Street;

- 7.2. note the reasons for the approval are:
 - 7.2.1. to build on existing civic qualities of Swanston Street by creating a high quality public space;
 - 7.2.2. to improve pedestrian access to public transport/trams;
 - 7.2.3. to improve interchange facilities for tram passengers;
 - 7.2.4. to construct tram stops that are fully compliant with the Federal Government's Disability and Discrimination Act requirements; and
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- 7.3. note the establishment of a stopping location (generally in line with the attached plan, Attachment 3) for vehicles with an appropriate special permit to service inaccessible properties with extraordinary servicing requirements is in response to the issues raised by submitters; and
- 7.4. notify all submitters in writing of its decision and the reasons for its decision.

Attachments:

1. Supporting Attachment
2. Key Issues
3. Typical Block Plan
4. Public Notice
5. Letter to stakeholders
6. VicRoads report
7. Map of closures
8. Summary of Submissions
9. Submissions Received

SUPPORTING ATTACHMENT

Legal

1. The proposal to place obstructions or barriers is pursuant to Council's powers in clause 9 of schedule 10 and section 207 of the *Local Government Act 1989* and has been carried out in accordance with the requirements in sections 207A and 223 of the Act.

Finance

2. The cost of the Stage Two works involving the construction of three platform stops at Franklin Street, Bourke Street, Collins Street and other associated works has been estimated at \$17.3 million. These works will be funded from Council's Capital Works Program subject to the annual budget approval process.
3. The removal of four on-street car parking spaces between Franklin Street and A'Beckett Street to facilitate the proposed closures will result in an estimated annual loss of (parking fee) revenue to Council of approximately \$36,000. In addition, if the meter parking spaces on the north side of Bourke Street between Russell Street and Swanston Street are removed to provide additional loading facilities, an additional \$80,000 of revenue may be lost.

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

5. The full detail of the consultation process is shown in Attachment 2.

Relation to Council policy

6. The proposed closure of Swanston Street between Franklin and A'Beckett Streets, Little Bourke and Bourke Streets and Collins Street and Flinders Lane, to all vehicular traffic excluding trams, bicycles and authorised vehicles is in line with Section 3 of Council's moving People and Freight Transport Strategy 2006-2020, which supports improvements to pedestrian amenity and safety and access to public transport.

Environmental sustainability

7. The proposal to permanently close Swanston Street between Franklin Street and A'Beckett Street, Little Bourke Street and Bourke Street and Collins Street and Flinders Lane to all vehicles except trams, bicycles and authorised vehicles will help promote sustainable forms of transport such as walking, cycling and the use public transport, and improve the pedestrian amenity and safety in areas of high pedestrian usage.

KEY ISSUES

Detailed Stakeholder consultation

1. The design concept adopted by Council for the redevelopment of Swanston Street included consultation with key stakeholders. Discussions are ongoing with the Taxi Directorate, Taxi Association, Nightrider bus operators, Horse Drawn Vehicles Association, Legacy House, RMIT University, St Paul's Cathedral, the Shrine of Remembrance, and Returned and Services League and Metropolitan Fire and Emergency Services Board. Consultation has also been undertaken within the Inter-Agency Steering Committee, which comprises key bodies and associations including General Property Trust, Yarra Trams, VicRoads, Bicycle Victoria, Victoria Police, Transport Workers Union, Australian Retail Association Victoria and the Department of Transport. City Design staff have also consulted adjoining Swanston Street property occupiers regarding their access and servicing requirements.
2. Section 207A of the Act provides for submissions under Section 223 of the Act in regard to the exercise of Council powers to block or restrict the passage or access of vehicles on a road by placing and maintaining any permanent barrier or other obstruction on the road.
3. In accordance with the Act, a public notice outlining the proposal was advertised in The Age newspaper on Wednesday 25 August 2010. A copy of this advertisement is annexed to this report as Attachment 4.
4. A letter outlining the proposed permanent closure of Swanston Street between Franklin and A'Beckett Streets, Little Bourke and Bourke Streets and Collins Street and Flinders Lane to all vehicles except trams, bicycles and authorised vehicles was also forwarded to owners and occupiers of properties deemed to be affected by the proposal. A copy of this letter is annexed to this report as Attachment 5.
5. As required by the Local Government Act 1989 ("the Act"), the Council has received a VicRoads' report on this proposal. VicRoads advises that no objection is offered to the permanent road closure of Swanston Street between Franklin Street and A'Beckett Streets, Little Bourke and Bourke Streets and Collins Street and Flinders Lane to all vehicles except trams bicycles and authorised vehicles (refer Attachment 6).

Detailed Background

6. Swanston Street is the most highly pedestrianised street in Melbourne. Many thousands of people enter and exit Flinders Street Railway Station via Swanston Street. The northern end of the street is heavily populated by students from RMIT and Melbourne Universities as well as large numbers of commuters entering and exiting Melbourne Central Railway Station. The centre of Swanston Street is well known for its linkages to the retail heart of Melbourne especially at its intersections with Bourke and Collins Street.
7. In March 1992, Council resolved to close the section of Swanston Street between Flinders and La Trobe Streets to private vehicles. The main objectives of the closure were to give priority to pedestrians, improve the environmental quality of the City by reducing through traffic and increasing tree planting, improve vehicle circulation within and around the City's centre and reinforce Swanston Street as a significant civic spine.
8. In October 1997, Council reviewed the status of the closed portion of Swanston Street, resolving to retain most traffic arrangements in place at the time. Changes that did occur included the removal of turn restrictions for taxis, additional taxi ranks and improvements in the level of street illumination. The Report noted that since the closure to traffic, pedestrian numbers had risen and tram travel times had reduced.

9. In April 1999, Council resolved to open Swanston Street between Flinders and La Trobe Street to evening traffic between the hours of 7.00 pm and 7.00 am, subject to certain entry/ exit conditions. This arrangement was established at a cost of approximately \$750,000 and required considerable negotiations with Work Cover, VicRoads, Victoria Police and public transport agencies, particularly the public transport trams service operator at the time, M<Trams
10. Following a significant Community Engagement Program (conducted between April and May 2009) around the redevelopment of Swanston Street, the Council resolved at its meeting on 27 October 2009 to endorse the Swanston Street Project Plan for the staged redevelopment of the street. On 23 February 2010 the Council also resolved to authorise the administration to commence procedures under the Local Government Act 1989 (“the Act”) in relation to the proposed closure of Swanston Street between La Trobe and Little Lonsdale Street.

Detailed Key Issues

11. Council on 27 July 2010 approved the placing and maintaining of obstructions or barriers in Swanston Street at its intersection with La Trobe Street and Little Lonsdale Street to restrict the passage or access of all vehicles, excluding trams and bicycles, on a permanent basis. This closure is required to facilitate the city block improvements at the State Library forecourt including platform tram stops as part of the Stage One works for the Swanston Street redevelopment endorsed by Council on 27 October 2009.
12. In line with Council’s resolution of 27 October 2009 it is now necessary to undertake the necessary legal procedures under the Local Government Act 1989 to facilitate Stage Two of the Swanston Street redevelopment plan which comprises the permanent closure of Swanston Street between:

- Franklin Street and A’Beckett Street,
- Little Bourke Street and Bourke Street, and
- Collins Street and Flinders Lane

to all vehicles excluding trams, bicycles and authorised vehicles (as shown in Attachment 7).

Impact of closures on access and parking

13. Swanston Street between Franklin Street and A’Beckett Street
Properties abutting this section of Swanston Street comprise the RMIT University on the east side and a combination of commercial/retail properties and RMIT buildings on the west side of the street. Parking on the east side of this section of Swanston Street is prohibited following Council works in the early 1990’s to widen the footpath between La Trobe Street and Franklin Street.
14. While parking on the west side of Swanston Street between Franklin and A’Beckett Streets currently comprises four short term metered parking spaces, there are an additional nine short term and three disabled parking spaces between A’Beckett and La Trobe Streets. Consequently the proposed closure of Swanston Street, between Franklin and A’Beckett Streets will have minimal impact on loading activities in the area as there are no designated loading zones that will have to be relocated. The existing parking restrictions in A’Beckett Street, immediately west of Swanston Street or on Swanston Street, west side between La Trobe and A’Beckett Streets could be altered to provide loading zones should such a need arise in the future. In addition, as part of the design of the platform tram stops and the condition that authorised vehicles will be able to enter these areas, each platform will provide a stopping location for vehicles with an appropriate special permit to service an inaccessible property. The proposed new tram stop will result in the loss of four short term metered spaces between Franklin Street and A’Beckett Street.
15. No submissions were received regarding the closure of this section of Swanston Street and the provision of a platform tram stop.

16. Swanston Street between Bourke Street and Little Bourke Street
Land use on both sides of this section of Swanston Street comprises commercial/retail premises. The existing kerbside area provides approximately 17 parking spaces for loading activities. The construction of a platform tram stop in this block will require the removal of all these parking spaces which will result in the displacement of loading activities to the adjacent Swanston Street blocks, between Little Bourke Street and Lonsdale Street and between Little Collins Street and Bourke Street. Loading will also be able to be undertaken in Little Bourke Street and Bourke Street, east of Swanston Street. Parking surveys in these areas indicate that there is capacity to cater for this displaced parking demand. However, with the removal of the existing tram stops and taxi parking areas in the blocks between Lonsdale Street and Little Bourke Street and Bourke Street to Collins Street, it will be possible to provide an additional 3 and 14 loading zone spaces in these blocks, respectively. In addition, it is proposed to use the Bourke Street Mall for deliveries (west of Swanston Street) as well as convert the meter parking on the north side of Bourke Street just east of Russell Street to loading zones to further supplement loading requirements. Furthermore, when the building works in Little Bourke Street relating to the Myer and David Jones redevelopment are completed, the loading facilities in this area will be returned to their full capacity and therefore improve accessibility for any displaced loading activities.
17. It should also be noted that as part of the design of the platform tram stops and the condition that authorised vehicles will be able to enter these areas, each platform will provide a stopping location for vehicles with an appropriate special permit to service an inaccessible property.
18. The closure of Swanston Street between Little Bourke and Bourke Streets will prevent unauthorised vehicular access to Turners Alley. Currently, this laneway provides access for servicing as well as the storage and collection of waste. The construction of the stopping location on each platform will therefore be able to be utilised for these loading/servicing requirements.
19. There were three submissions received from properties in this block. Two submissions were received from properties abutting Turners Alley (JR Duty Free and a resident of 280-282 Bourke Street) and one submission was received from the Readers Feast Bookstore. It is considered that the concerns raised in these submissions can be addressed with the increase in the provision of loading zone areas as detailed above and the provision of the stopping areas in proximity to the properties of these submitters and the allocation of a special permit to authorise access. The resident of 280-282 Bourke Street will also be able to access his parking area at the end of Turners Alley with the provision of the special permit.
20. Swanston Street between Collins Street and Flinders Lane
Land use on the west side of Swanston Street between Collins Street and Flinders Lane comprises of commercial/retail properties with the City Square on the east side of the street. Both sides of this section of Swanston Street are predominantly designated as loading zones during the day, with the Night Rider bus operating in the evenings. Two parking spaces for Police vehicles (24 hours) are provided on the west side of Swanston Street immediately north of Flinders lane. The City Square has periodic access requirements from Swanston Street for vehicles associated with events in the Square. As part of the design, suitable truck access for delivery and removal of displays etc, will be provided into the City Square.
21. The construction of the platform tram stop at this location will require the removal of all parking facilities and the displacement of loading activities to adjacent Swanston Street blocks as well as along Flinders Lane and Collins Street. Parking surveys in these areas indicate that there is capacity to cater for this displaced parking demand particularly with the creation of additional parking areas in Swanston Street, north of Collins Street due to the removal of the tram stop adjacent to the Town Hall. As indicated above, each platform will also be provided with a stopping location for vehicles with an appropriate special permit to service an inaccessible property.
22. The construction of the platform tram stop will also require the relocation of the NightRider bus stops and Police parking. The Department of Transport, in conjunction with the administration is investigating suitable alternative locations for these bus stops which are expected to include the section of Swanston Street between Flinders Street and Flinders Lane adjacent to St Paul's Cathedral.

23. One submission was received from the City Square Motel, a property in this block, indicating concern for the loss of loading and pick up/set down requirements.
24. It is considered that the concerns raised can be partially addressed with the increase in the provision of loading zone areas as stated above as well as the provision of the stopping areas in proximity to the property of this submitter and the allocation of a special permit to authorise access. However it will not be possible to provide pick up/set down facilities at the frontage of their premises. Such facilities will need to be located in adjacent east west streets.
25. In summary, Council has received nine submissions on Stage Two of the proposed permanent closure of Swanston Street. These submissions are summarised and commented on in the tabulation annexed to this report as Attachment 8. While three of the submissions support the closure of Swanston Street, the remaining six submissions have raised concerns with regard to servicing requirements of abutting properties such as JR Duty Free, Readers Feast, and the City Square Motel. In addition, a submission has also been received from CitiPower requesting unrestricted access for their vehicles along the closed portion of Swanston Street for servicing, maintenance and emergencies. A copy of all submissions is annexed to this report as Attachment 9.
26. It should be noted that access for emergency maintenance for CitiPower as well as the Police, Ambulance and Fire Brigade will be maintained. Letters have been received from the emergency services advising that they offer no objection to the Swanston Street redevelopment.

Notice under the Local Government Act 1989

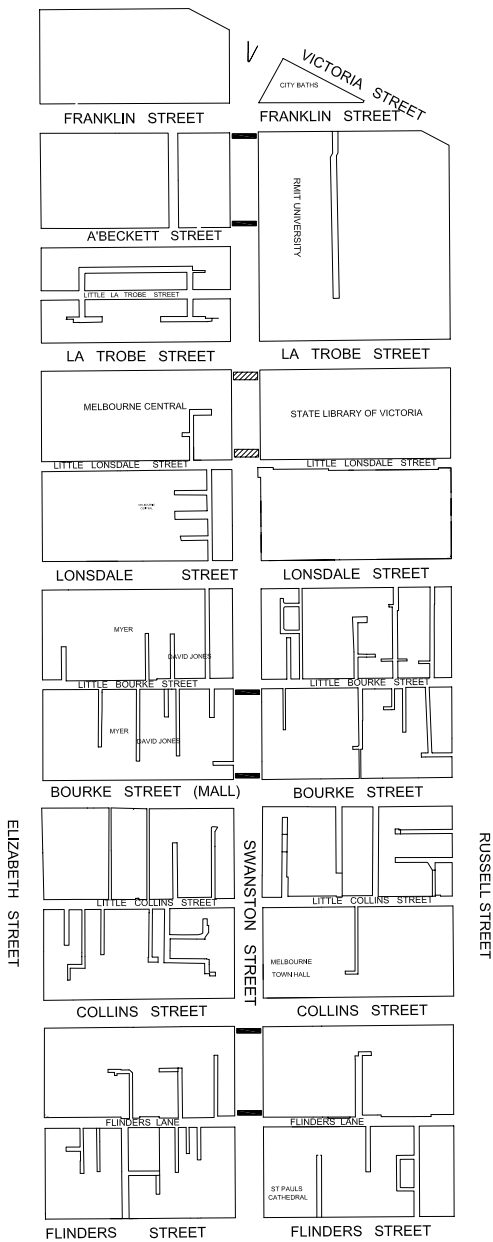
Proposed permanent road closure of Swanston Street, Melbourne between Franklin Street and A'Beckett Street, Little Bourke Street and Bourke Street and Collins Street and Flinders Lane to all vehicles excluding trams, bicycles and authorised vehicles



Notice is given pursuant to Clause 9 of Schedule 11 and sections 207 and 223 of the *Local Government Act 1989* that the Melbourne City Council ("Council") proposes to restrict the passage or access of all vehicles excluding trams, bicycles and authorised vehicles along Swanston Street, Melbourne on a permanent basis, by placing and maintaining obstructions or barriers at its intersections with Franklin Street and A'Beckett Street, Little Bourke Street and Bourke Street and Collins Street and Flinders Lane, as shown on the adjoining plan ("Proposal"). The Proposal is intended to facilitate the construction of city block improvements and platform tram stops which will improve the amenity and safety of the area for pedestrians and improve bicycle conditions. Further information about the Proposal can be found at www.melbourne.vic.gov.au/swanstonstreet or call 9658 9658.

Any person may make a submission on the Proposal to the Council. All submissions received by the Council on or before 22 September 2010 will be considered in accordance with Section 223(1) of the *Local Government Act 1989*, by the Council's Submissions (Section 223) Committee ("Committee").

If a person wishes to be heard in support of their submission, they must include the request to be heard in the written submission and this will entitle them to appear in person, or by a person acting on their behalf, before a meeting of the Committee, scheduled to be held on 1 October 2010, commencing at 3pm, in the Melbourne Town Hall Administration Building, 90 Swanston Street, Melbourne.

Written submissions should be marked "Proposed permanent road closure of Swanston Street, Melbourne between Franklin Street and A'Beckett Street, Little Bourke Street and Bourke Street and Collins Street and Flinders Lane" and addressed to the Manager Governance Services, Melbourne City Council, Town Hall, 90 Swanston Street, Melbourne 3000 or GPO Box 1603, Melbourne 3001.



-  APPROVED PERMANENT CLOSURE
TRAMS AND BICYCLES EXCEPTED
-  PROPOSED PERMANENT CLOSURE
TRAMS, BICYCLES AND AUTHORISED
VEHICLES EXCEPTED



24 August 2010

0000001

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Melbourne VIC 3001

Phone 61 3 9658 9658
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www.melbourne.vic.gov.au

DX210487
ABN 55 370 219 287

Dear Sir/Madam

Proposed permanent road closure of Swanston Street

The City of Melbourne writes to advise that it is commencing legal procedures pursuant to the *Local Government Act 1989*, ('the Act') for the permanent road closure of Swanston Street between Franklin and A'Beckett Streets, Little Bourke and Bourke Streets and Collins Street and Flinders Lane to all vehicles excluding trams and bicycles and authorised vehicles.

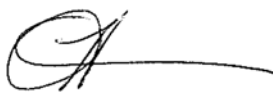
Please find enclosed a copy of the public notice and plan 8P2207 advertised in The Age newspaper on Wednesday 25 August 2010. **The closing date for written submissions is Wednesday 22 September 2010.**

Council's Submissions Committee will meet at 3pm on Friday 1 October 2010 in the Melbourne Town Hall, 90 Swanston Street, Melbourne. The Committee will hear those persons wishing to be heard in support of their written submission.

Please send your written submissions to:
Manager Governance Services
City of Melbourne
GPO Box 1603
Melbourne Victoria 3001.

If you have any further queries regarding this matter, please contact Mr Dimitrios Kasapidis on telephone number 9658 8562. For further information about the proposal visit our website www.melbourne.vic.gov.au/swanstonstreet.

Yours sincerely



Haig Poulson

Principal Engineer Traffic Engineering

CoM Ref: Doc#5981947, SR 1207585

Encl: Public Notice & Plan No. 8P2207



24 August 2010



022 0000002

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Phone 61 3 9658 9658
Fax 61 3 9654 4854
www.melbourne.vic.gov.au

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Yours sincerely

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Haig Poulson

Principal Engineer Traffic Engineering

CoM Ref: Doc#5981947, SR 1207585

Encl: Public Notice & Plan No. 8P2207



24 August 2010



022 0000003

The Occupier
Building 13 Emily McPherson Building
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Phone 61 3 9658 9658
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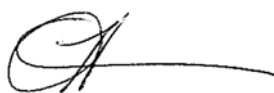
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Haig Poulson
Principal Engineer Traffic Engineering
CoM Ref: Doc#5981947, SR 1207585
Encl: Public Notice & Plan No. 8P2207

MELBOURNE CITY COUNCIL

Notice under the Local Government Act 1989

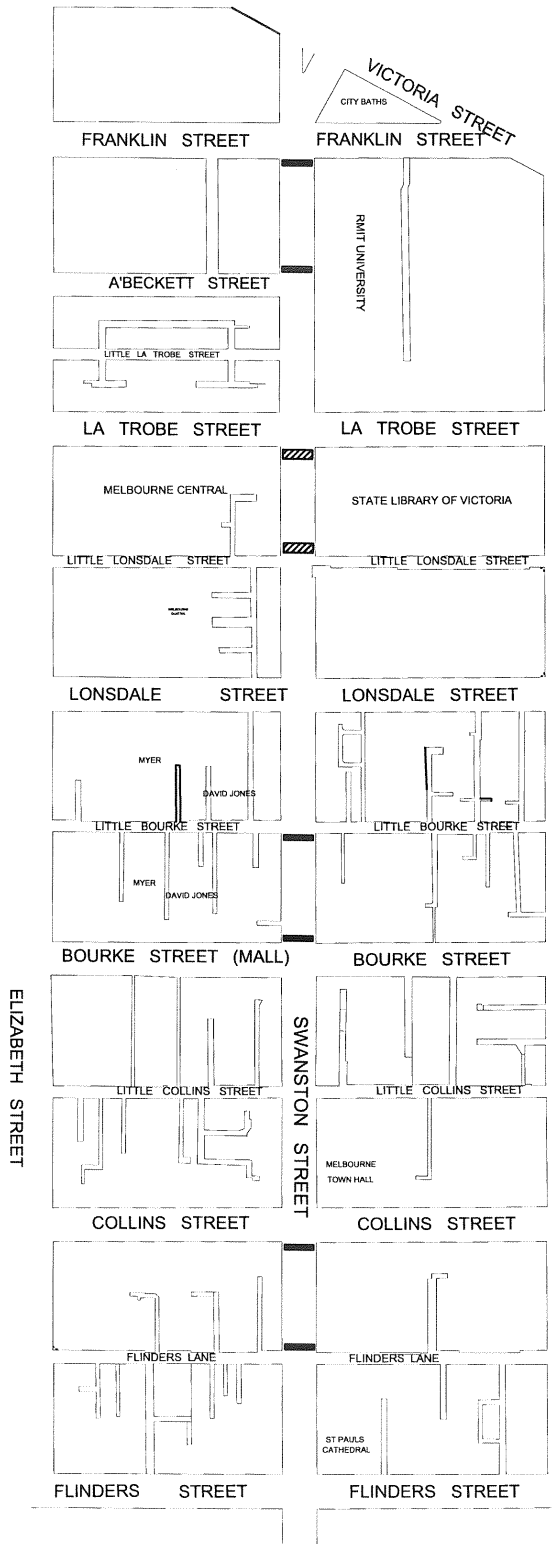
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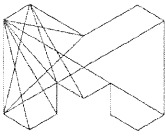
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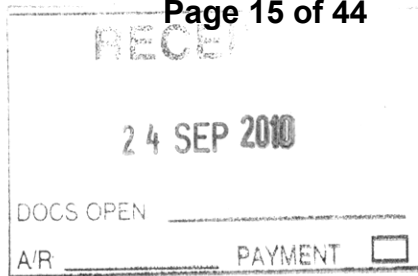
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 APPROVED PERMANENT CLOSURE
TRAMS AND BICYCLES EXCEPTED

 PROPOSED PERMANENT CLOSURE
TRAMS, BICYCLES AND AUTHORISED
VEHICLES EXCEPTED

PROJECT NO.	SR1207585	DESIGNED BY		SURVEY REF.		LIS COORDS.		
DOCS NUMBER		CONCEPT PLAN		DATUM		SCALE	NTS	
 CITY OF MELBOURNE	STATUS			ENGINEERING SERVICES				
	JOB LOCATION			APPROVED BY		DRAWING NUMBER		8P2207
	SWANSTON STREET MELBOURNE BETWEEN FRANKLIN ST & A'BECKETT ST, LT BOURKE ST & BOURKE ST AND COLLINS ST TO FLINDERS LANE PROPOSED PERMANENT CLOSURE			Principal Engineer	Group Manager	NUMBER OF SHEETS	REVISION	
				Date	Date	FORMER DRG. NO.		



Attachment 6
Agenda Item 5.5
Future Melbourne Committee
9 November 2010

Metropolitan North West Region
499 Ballarat Road
Sunshine Victoria 3020
Private Bag 4000 Sunshine Victoria 3020

Telephone (03) 9313 1333
Fax (03) 9313 1198

vicroads.vic.gov.au

Mr Haig Poulson
Principal Engineer – Traffic Engineering
City of Melbourne
PO Box 1603
MELBOURNE VIC 3001

Attention : Mr Dimitrios Kasapidis

23 September 2010

Contact: Kalyan Shrestha
Telephone: (03) 9313 1187
Our Ref: T0442405
File No: TM/015/MBN/000

Dear Mr Poulson,

**SWANSTON STREET, MELBOURNE
PROPOSED PERMANENT CLOSURE BETWEEN FRANKLIN STREETT AND
A'BECKETT STREET, LITTLE BOURKE STREET AND BOURKE STREET AND
COLLINS STREET AND FLINDERS LANE**

I refer to your letter dated 26 August 2010, seeking a report from VicRoads under Section 207 of the Local Government Act 1989, concerning the closure of Swanston Street between Franklin Street and A'Beckett Street, Little Bourke Street and Bourke Street and Collins Street and Flinders Lane, Melbourne.

VicRoads has considered the matter and a report is enclosed.

Yours sincerely

**JASON STAKIC
TEAM LEADER - TRAFFIC OPERATIONS (CENTRAL)**



REPORT ON CITY OF MELBOURNE'S PROPOSAL TO PERMANENTLY CLOSE SWANSTON STREET BETWEEN FRANKLIN STREET AND A'BECKETT STREET, LITTLE BOURKE STREET AND BOURKE STREET AND COLLINS STREET AND FLINDERS LANE

1. PROPOSAL

This report concerns a proposal to permanently close Swanston Street between Franklin Street and A'Beckett Street, Little Bourke Street and Bourke Street and Collins Street and Flinders Lane, Melbourne for all vehicles except trams, bicycles and authorised vehicles.

The purpose of this closure is to:

- Expand a connected bike and pedestrian network, and prioritise safe and easy pedestrian access, to promote cycling and walking in the city
- Provide an effective, safe and engaging environment for all pedestrians in the City of Melbourne.
- Facilitate the construction of platform tram stops to improve access and tram services for commuters

2. EXISTING CONDITIONS AND TRAFFIC PATTERNS

Swanston Street, between Franklin Street and A'Beckett Street, is approximately a 20 metre wide sealed local road and between Little Bourke Street and Bourke Street and Collins Street and Flinders Lane is approximately a 13.5 metre wide sealed local road under the responsibility of Council and have exclusive tram lanes running in the centre.

Access to Swanston Street, between Latrobe Street and Flinders Street, is currently open to all vehicles between 7pm - 7am. 'G - Classified' vehicles are allowed access between 7 - 10am. Taxis and bicycles are allowed to access the street at all times. Authorised vehicles are allowed access during the times stipulated on the relevant permit.

3. EFFECT OF THE CLOSURE

The proposed closure is not expected to have a detrimental impact on traffic in the area as private vehicles are currently not allowed to enter Swanston Street, between Latrobe Street and Flinders Street, between 7am to 7pm.

Access for local businesses will be maintained via Franklin Street, A'Beckett Street, Little Bourke Street, Collins Street and Flinders Lane. The loading and taxi zones that are currently provided in these blocks will be relocated to other nearby local roads.

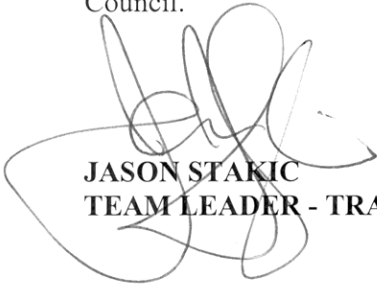
4. IMPACT ON PUBLIC TRANSPORT AND TRUCK MOVEMENTS

The tram services on Swanston Street will not be affected by this proposal. Night Rider bus services, taxis and horse drawn carriage services will be relocated to other nearby local roads. Deliveries to the local business will be maintained via the other local roads.

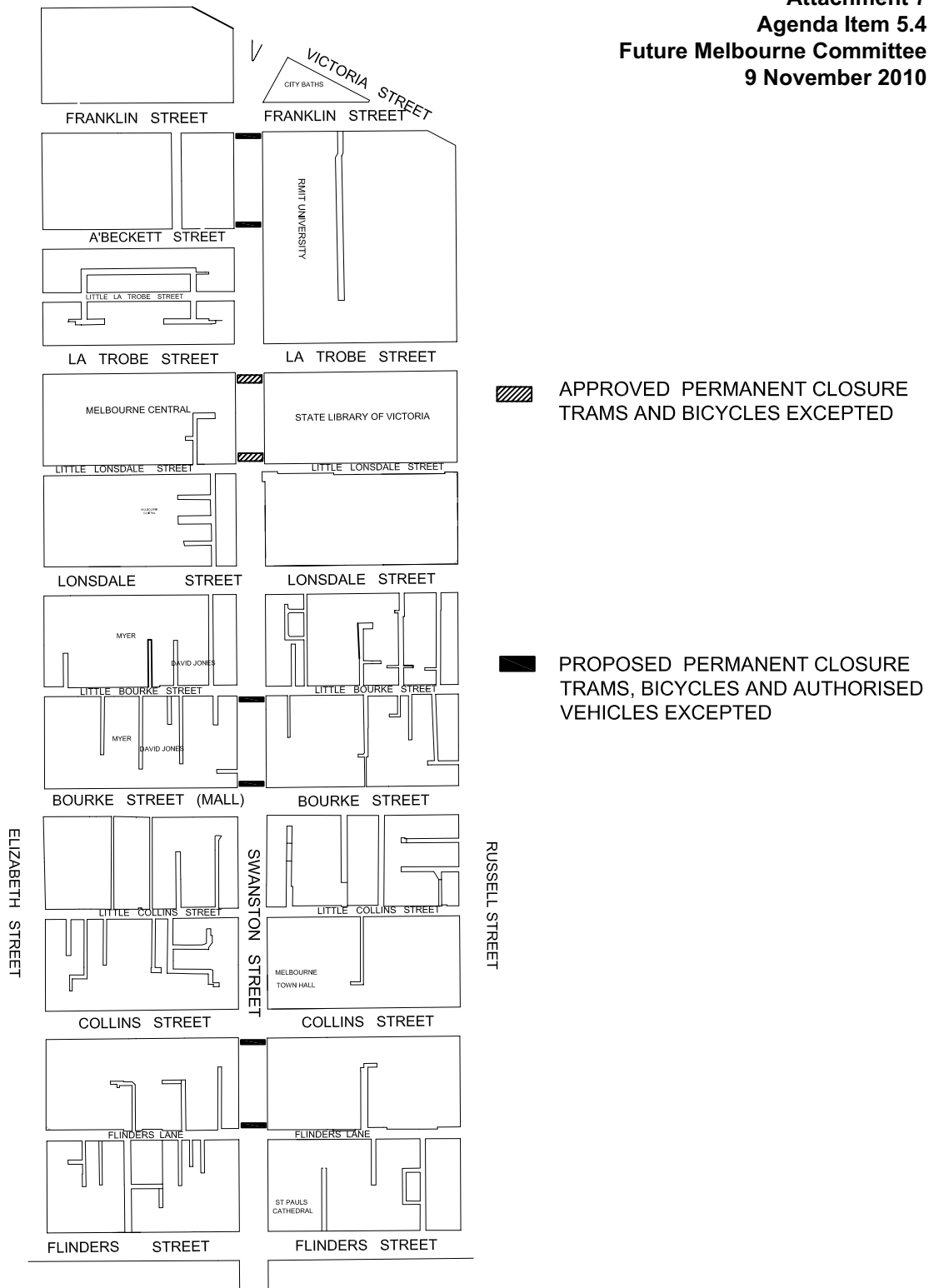
City of Melbourne will need to notify all emergency service authorities of the road closure.


5. CONCLUSION

VicRoads has no objection to the closure of Swanston Street between Franklin Street and A'Beckett Street, Little Bourke Street and Bourke Street and Collins Street and Flinders Lane as proposed by Council.



**JASON STAKIC
TEAM LEADER - TRAFFIC OPERATIONS (CENTRAL)**



PROJECT NO.	SR1207585	DESIGNED BY		SURVEY REF.		LIS COORDS.		
DOCS NUMBER		CONCEPT PLAN		DATUM		SCALE	NTS	
	STATUS			ENGINEERING SERVICES				
	JOB LOCATION			APPROVED BY		DRAWING NUMBER		8P2207
	SWANSTON STREET MELBOURNE BETWEEN FRANKLIN ST & A'BECKETT ST, LT BOURKE ST & BOURKE ST AND COLLINS ST TO FLINDERS LANE PROPOSED PERMANENT CLOSURE			Principal Engineer	Group Manager	NUMBER OF SHEETS	REVISION	
				Date	Date	FORMER DRG. NO.		

**PROPOSED PERMANENT CLOSURE OF SWANSTON STREET,
MELBOURNE BETWEEN FRANKLIN STREET AND A'BECKETT STREET,
LITTLE BOURKE STREET AND BOURKE STREET AND COLLINS STREET AND FLINDERS LANE
TO ALL VEHICLES EXCLUDING TRAMS, BICYCLES AND AUTHORISED VEHICLES**

	NAME	BUSINESS NAME/ORGANISATION	NATURE OF SUBMISSION	COMMENTS
1.	Jeremy Burge	JB Interactive Pty Ltd 222 La Trobe Street, Melbourne Vic 3000	<p>No objection to proposal</p> <p>The submitter is writing to Council in support of the proposed permanent road closure of Swanston Street. As a business operating in this local vicinity, the submitter advises that he encourages active use of public transport for commuting to and from their office. They also enjoy recreational use of the State Library lawn area, as well as the bike hire facilities recently installed.</p> <p>The closure of Swanston Street to regular traffic will make the area more pedestrian friendly and also speed up the busy tram routes in the area. He believes that there are adequate alternate routes for driving in the Melbourne CBD and encourages Council's proposal.</p>	Noted
2.	Nicholas Dow	6/165 Flinders Lane Melbourne 3000	<p>No objection to proposal</p> <p>The submitter supports the proposed closures of Swanston Street.</p> <p>The original vision of Swanston St Walk was to pedestrianise Swanston Street to produce a civic spine free of the noise and danger of motor vehicles. Finally this Council is moving to realise this vision properly and create some car-free spaces in the middle of the City. He notes and supports that the proposal includes provision for dedicated space for bicycle lanes along the length of Swanston Street. As cycling grows in importance in providing means of transport this will</p>	Noted

	NAME	BUSINESS NAME/ORGANISATION	NATURE OF SUBMISSION	COMMENTS
			<p>be seen in future to have been a wise decision.</p> <p>The submitter believes this will add to the amenity (liveability) of the City, that it will enhance Melbourne as a place to live, work and visit, and that it will be a positive contribution to commerce and the economy of the City. The submitter commends the Council's vision and offer his full support.</p>	
3	Brendan Dwyer	Rm 307, 37 Swanston Street, Melbourne 3000	<p>No objection to proposal</p> <p>As a business situated on the corner of Swanston Street and Flinders Lane, the submitter supports the closure of Swanston Street with pedestrian, tram and bicycle access throughout. He believes it will add to the amenity of, and vision of Melbourne as a city.</p>	Noted
4	Lito Caparas Subdivision Officer	CitiPower Pty 35 Rooney Street Burnley Postal Address Locked Bag 14031 Melbourne Vic 8001	<p>Further details are requested on the proposal</p> <p>CitiPower generally requires unrestricted vehicular access to roadways to enable it to fulfil the requirements of its distribution licence and to provide a reliable electricity supply. The purposes for which access is required include but are not limited to:</p> <ul style="list-style-type: none"> • Installation and maintenance of underground high voltage and low voltage cables • Installation and maintenance of overhead conductors • Installation and maintenance of public lighting • Servicing customer premises • Establishment, operation and maintenance 	No Entry signage (trams, bicycles and authorised vehicles excepted) will be erected at the start of each platform tram stop. However, CitiPower will still be able to enter each block that will have a platform tram stop under emergency conditions without notifying the City of Melbourne. In addition, under road rule 310 of Road Rules – Victoria there is an exemption for road workers from complying with the road rules when undertaking installation or maintenance work above or below a road. As a result, there will not be a requirement to issue permits to CitiPower vehicles to undertake works within the closed sections of Swanston Street. Discussions will however be undertaken with CitiPower

	NAME	BUSINESS NAME/ORGANISATION	NATURE OF SUBMISSION	COMMENTS
			<p>of substations.</p> <p>In this particular instance further detail is required on the operations of the road closure to ensure CitiPower's ongoing access. Further detail is also required on any road closure structures to determine the impact on pits, cables or other assets in the vicinity.</p>	<p>management to ensure that non emergency works are scheduled either out of hours or in off peak periods.</p> <p>Other than signage there will not be any barriers that will prevent vehicles to access the platform tram stops.</p>
5	Graeme McCrabb	242 Swanston Street, Melbourne Vic 3000	<p>Request for Access to premises</p> <p>The submitter operates a restaurant seven days/week at 242 Swanston Street Melbourne. Their group of companies owns the freehold of 242 Swanston Street, Melbourne.</p> <p>They do have access to the rear of their property through Globe Alley, however the entrance door is a standard 900 mm wide door through the cobblestone lane. This access is not suitable for large items that periodically need to be exchanged in their premises (ie equipment and furniture), and not suitable for some of their food and drink suppliers.</p> <p>Under the present circumstances they typically arrange these front entrance deliveries during the early hours of the morning between 7 am and 10 am.</p> <p>Please be advised that at times they will continue to require vehicle access to the front of 242 Swanston Street. They would not be able to continue their business if vehicle access to the front of their premises was prohibited.</p>	<p>242 Swanston Street is located between Little Bourke Street and Lonsdale Street. This section will not have a platform tram stop and the existing loading facilities will be retained. As a result, there should not be any impact to this property as access to the frontage of the property will be available via a left turn from Lonsdale Street into Swanston Street.</p>

	NAME	BUSINESS NAME/ORGANISATION	NATURE OF SUBMISSION	COMMENTS
6.	Gerald L. Snowden	PO Box 8305 Armadale	<p>Request for Access to premises</p> <p>The submitter is one of the proprietors of 280-282 Bourke Street Melbourne.</p> <p>This property has a defined vehicle parking area under the building with the sole access being via Turners Alley. This parking spot is also required to allow access for servicing, emergency ingress/egress, removal of waste and the pick up and delivery of goods.</p> <p>The submitter proposes that Council leave sufficient space to allow for large vehicular access to Turner Alley.</p>	<p>Access to Turners Alley by unauthorised vehicles will be prohibited as a result of the closure of Swanston Street between Bourke Street and Little Bourke Street.</p> <p>A permit however can be given to this applicant to be authorised to drive along the platform and to turn into Turners Alley to access the allocated parking area.</p> <p>In addition, as part of the design of the platform tram stops, each platform will be provided with a stopping location for vehicles with an appropriate special permit to service an inaccessible property. As a result, the provision of this stopping area will be able to service the applicants loading requirements as well as any waste management issues.</p>

	NAME	BUSINESS NAME/ORGANISATION	NATURE OF SUBMISSION	COMMENTS
7	Mary Dalmau	Readers Feast Bookstore Cnr Bourke & Swanston Sts, Melbourne Vic 3000	<p>Raise concern with the proposed road closure</p> <p>The Readers Feast Bookstore is located at the corner of Bourke and Swanston Street, having traded at this location for the past nineteen years.</p> <p>The areas of concern with the proposed road closure are as follows:</p> <p>Access for disabled and mobility impaired people is an issue, given that taxis are to be banned and the new tram stops mean people can only alight in the middle of a block and so have a distance to walk to their corner destinations.</p> <p>As the submitter understands it, access for delivery vehicles will be further restricted because of the nature of the tram stop and the times of access. Given that Bourke Street has been taken out of the delivery equation because of the tram stop changes there and that Little Bourke Street is already over used, the submitter has serious concerns about the impact on their essential deliveries being able to be conducted in a timely and efficient manner. This is a matter of potential financial hardship for them.</p> <p>Bike lane priority. As the submitter understands it, the bike lane will be between the tram and the kerb, and given the incidences they know occur where bikers (just as drivers) do not obey road rules, the submitter believes the question of safe passage will be an issue and will be off-putting to many potential customers to their business.</p> <p>Related issues. The submitter would like to be advised of the plans for related issues for the precinct of the adverse impact on their business of</p>	<p>Taxis will not be permitted to use Swanston Street, therefore any disabled visitors to the Readers Feast Bookstore that use a taxi will have to travel slightly further. Taxis are still able to drop off passengers in Bourke Street just east of the platform stop (east of Swanston Street) which is approximately 90 metres from the bookstore.</p> <p>Disabled visitors using trams will be able to alight from the tram near the corner of Swanston Street and Bourke Street which is directly opposite Readers Feast. In addition, the construction of the platform tram stop will provide greater access for disabled as disabled passengers currently have to climb up and down trams at this location and are not on the same level as the tram doors.</p> <p>The construction of the platform tram stop between Bourke and Little Bourke Streets will require the removal of all loading zones in this block (with the exception of one designated stopping area in each platform) which will result in the displacement of loading activities to adjacent Swanston Street blocks, between Little Bourke Street and Lonsdale Street and between Little Collins Street and Bourke Street. Loading will also be able to be undertaken in Little Bourke Street and Bourke Street, east of Swanston Street. Parking surveys in these areas indicate that there is capacity to cater for this displaced parking demand. However, with the removal of the existing tram stops and taxi parking areas in the blocks between Lonsdale Street and Little Bourke Street and Bourke Street to Collins Street, it will be possible to provide an additional</p>

	NAME	BUSINESS NAME/ORGANISATION	NATURE OF SUBMISSION	COMMENTS
			<p>buskers, and the nature and quality of street businesses.</p> <p>The submitter requests that they be given a detailed response on the duration, nature and timing of any disruption to their business (noise and access) of the works involved in this proposal.</p>	<p>3 and 14 loading zone spaces respectively which will increase opportunities. It is also proposed to use the Bourke Street Mall for deliveries (west of Swanston Street) and convert six meter parking spaces on the north side of Bourke Street just west of Russell Street to loading zones. Furthermore, when the building works in Little Bourke Street relating to the Myer and David Jones redevelopment are completed, the loading facilities in this area will be returned to their full capacity and therefore improve accessibility for any displaced loading activities.</p> <p>Although there will be a greater distance for couriers/delivery drivers etc to travel, observations have indicated that delivery drivers already travel up to one city block as they make deliveries from one location rather than move their vehicle.</p> <p>In addition, as part of the design of the platform tram stops, each platform will be provided with a stopping location for vehicles with an appropriate special permit to service an inaccessible property.</p> <p>As a result, there are alternative loading areas to service the applicants loading requirements as well as any waste management issues.</p> <p>The bike lane will be located on the new tram platform between the footpath and the tram lines. Appropriate signage and other measures will be provided to clearly designate the area where pedestrians are to stand while waiting for trams and for cyclists to stop for trams when picking up/setting down passengers. Some education and enforcement may also be required to ensure</p>

	NAME	BUSINESS NAME/ORGANISATION	NATURE OF SUBMISSION	COMMENTS
				adherence to regulations similar to other forms of enforcement by police for speeding, drink driving etc.
8	Director Jarford Pty Ltd	City Square Motel 67 Swanston Street, Melbourne Vic 3000	<p>Object to the Closure of Swanston Street</p> <p>We object to the closure of Swanston Street as it will be detrimental to our business. We would like to know how we are going to operate for the following reasons.</p> <p>Unable to get our deliveries, eg laundry deliveries and food supplies</p> <p>Unable to get repair men and their equipment to our venue eg Lift services Fire Services etc.</p> <p>Unable to get our rubbish collected</p> <p>Unable to have our customers dropped at the door by taxis especially the disabled and the elderly</p> <p>The only access to the property is Swanston Street.</p> <p>There is a laneway at the rear – Monaghan Lane, but this is used by the police and is always blocked by a police vehicle, the only way into the lane is drive in and reverse out, not an ideal situation for anyone.</p>	<p>Although the platform tram stop will prevent parking adjacent to the applicants' frontage, loading facilities will be available in the adjacent blocks (between Flinders Street and Flinders Lane and Collins Street and Little Collins Street) as well as in the designated stopping area that will be constructed along each platform. From surveys undertaken in the area there is capacity to meet these demands in the alternate locations as well as in Flinders Lane. There will however be a greater distance for couriers/delivery drivers etc to travel, although observations have indicated that delivery drivers already travel up to one city block as they make deliveries from one location rather than move their vehicle.</p> <p>The construction of the platform tram stop adjacent to the City Square Motel will not enable patrons of the motel to be set down at the frontage. Patrons will need to be set down at other locations in nearby east west streets or in Swanston Street south of Flinders Lane.</p> <p>It is unclear where the waste is being collected at the moment, however with the construction of a stopping area on each platform tram stop, this stopping area can be used for such purposes.</p>

	NAME	BUSINESS NAME/ORGANISATION	NATURE OF SUBMISSION	COMMENTS
9	James Richardson Pty Ltd and Memart Nominees Pty Ltd	185 Swanston Street Melbourne 3000	<p>Object to the Closure of Swanston Street</p> <p>The Stage One road closure would seriously impair JR/Memart's commercial interests</p> <p>The design proposal for the redevelopment and the attendant road closure would preclude access for delivery vehicles on the Swanston Street block on which the JR premises are located – both during the construction phase and once the new tram platform is operational. JR/Memart therefore has a strong interest in the outcome of decisions relating to the design of the tram platform and regarding the arrangements made for delivery vehicle access during the construction phase and once the new tram platform is operational.</p> <p>If the road closure and the redevelopment as currently proposed proceed, they would irrevocably affect the ability of JR to operate its business both from a practical and commercial point of view. The business currently takes up to 10 stock deliveries per day at various times, including regularly throughout business hours. The frequency of deliveries can double during the Christmas period. Deliveries are currently made to the front of the JR premises on Swanston Street, between Bourke Street and Little Bourke Street.</p> <p>If the relevant portion of Swanston Street cannot be accessed due to road closure, deliveries would have to be made from a more distant location and trolleys would need to be wheeled considerable distances. Due to the high value of stock contained on security pallets, and/or the fact that</p>	<p>As part of the design of the platform tram stops and the condition that authorised vehicles will be able to enter these areas, each platform will provide a stopping location for vehicles with an appropriate special permit to service an inaccessible property.</p> <p>It is expected that this stopping area will be provided in proximity to JR Duty Free. Therefore, a special permit can be given to JR Duty Free to maintain delivery of goods and other service requirements.</p> <p>In addition, there will be capacity in adjacent Swanston Street blocks for the applicants' loading/or servicing requirements that do not have security concerns.</p> <p>As indicated above, loading will also be able to be undertaken in Little Bourke Street and Bourke Street, east of Swanston Street with the removal of six meter parking spaces and conversion to loading zones. In addition, the removal of the existing tram stops and taxi parking areas in the blocks between Lonsdale Street and Little Bourke Street and Bourke Street to Collins Street, will provide an additional 3 and 14 loading zone spaces respectively which will further increase opportunities. It is also proposed to use the Bourke Street Mall for deliveries (west of</p>

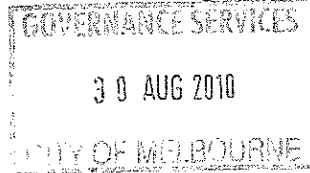
	NAME	BUSINESS NAME/ORGANISATION	NATURE OF SUBMISSION	COMMENTS
			<p>the nature of the product is easily disposable in the 'stolen goods market', wheeling trolleys long distances would pose an unacceptable security risk to the business and its employees. The wheeling of large trolleys down nearby streets would also pose unsatisfactory public safety risks. If the Council proceeds with its current proposals, increased operational costs would prohibit JR from conducting business from this location as it would be placed at an unacceptable competitive disadvantage.</p> <p>Current Council proposals to allow restricted or 'after hours' access for delivery vehicles on Swanston Street blocks without tram platforms would fail to rectify the problem of road closures applicable to blocks with tram platforms and would in any case fail to address the legitimate commercial interests of JR/Memart that would be affected by the redevelopment. By its nature, the duty free business requires regular deliveries. The majority of customers are travellers and therefore cannot return at a later date. Furthermore, many deliveries are made by suppliers direct into store and these suppliers cannot and will not deliver 'after hours' or from a distance.</p> <p>Each of the above factors would also substantially devalue the property, reducing its resale value and compromising the ability of Memart to attract competitive rents from future tenants of the premises.</p>	<p>Swanston Street). Furthermore, when the building works in Little Bourke Street relating to the Myer and David Jones redevelopment are completed, the loading facilities in this area will be returned to their full capacity and therefore improve accessibility for any displaced loading activities.</p>

	NAME	BUSINESS NAME/ORGANISATION	NATURE OF SUBMISSION	COMMENTS
			<p>The Council's consultation and decision-making processes have been tainted by legal and administrative errors</p> <p>Neither JR nor Memart – nor any of its employees at store level or head office level – were approached, informed, consulted or otherwise included in the decision-making processes pertaining to the redevelopment at any stage since the Council commenced planing for the redevelopment in 2008 up until the submission/hearing process regarding the Stage One road closure, at which point it was given notice of that process. JR/Memart learned of the redevelopment by coincidence.</p> <p>The failure of the Council to inform and consult JR during the early stages of the redevelopment process precluded JR from influencing early decisions regarding the concept and design of the redevelopment and vehicle access for delivery vehicles on Swanston Street. For example, the following decisions have been made without adequate consultation with JR/Memart:</p> <ul style="list-style-type: none"> • The selection of the overarching design concept (Option 6) for 'decreased motor vehicle access', • The endorsement of a Project Plan for the redevelopment that contemplated tram platform design options that reduced or precluded vehicle access to proposed tram platform areas of Swanston Street; • The approval of the 'Option C' tram platform design for Stage One/the entire redevelopment; • The implementation of road closures and 	<p>Public consultation on the Swanston Street project was one of the most exhaustive community engagement process ever undertaken by the City of Melbourne and went far beyond any legal requirements of the Council.</p> <p>Key dates:</p> <ul style="list-style-type: none"> • 31 March 2009: the Council endorsed seven options for the street and consulted extensively; • 30 June 2009: Council selected Option 6 and consulted further; • 27 October 2009: Council endorsed the project plan and consulted further again; and • 2 February 2010: Council approved the plan for Stage One of the project, including the Option C tram platform, and consultation continues. <p>Officially, as with any other decision of the Council, the organisation was required to make available the Council reports on this subject prior to making a decision in a public forum and to publish the minutes of its meetings.</p> <p>However, in addition to this, consultation prior to selecting Option 6 included saturation print, radio and television media coverage, widely available information kits, information boards along Swanston St, a dedicated hotline, a website, cyclists with promotion boards handing out fliers, advertisements, information handouts on Swanston St and targeted information sessions</p>

	NAME	BUSINESS NAME/ORGANISATION	NATURE OF SUBMISSION	COMMENTS
			<p>possible exemptions for service and delivery vehicles.</p> <p>The failure to consult JR/Memart until after critical decisions were made have produced the following legal consequences:</p> <ul style="list-style-type: none"> • The Council's consultation process relating to the redevelopment has been tainted by administrative errors pertaining to the provision of sufficient opportunity to be heard to parties such as JR/Memart whose rights, interests and legitimate expectations have been infringed by decisions made by the Council to date; • As a result of administrative deficiencies in the consultation process, decisions made by the Council to date relating to the redevelopment have manifestly failed to take account of relevant considerations, including the impact of the decisions on the operations and interests of retailers that require regular access to delivery vehicles during business hours for the efficient and competitive operation of their businesses; • As a result of administrative deficiencies in the consultation process, decisions made by the Council to date have gravely affected the rights and interests of JR/Memart. <p>Finally, the proposed hearing of the Council's Submissions (section 223) Committee and associated Public Notice seeking submissions on the road closure are invalid because, to our knowledge, the Council has not formally moved to convene the Committee, and seek submissions, for this purpose. As a result of this procedural error, any decision the Council could take to effect the road closure would be beyond the Council's power</p>	<p>Further to this, the following direct consultation occurred with JR Duty Free:</p> <ul style="list-style-type: none"> • 12-20 April 2009: A City of Melbourne information postcard about the Swanston St options was delivered to JR Duty Free. In total 8000 postcards were delivered to businesses and residents in the Swanston St area between Flinders and Victoria streets. • 3 September 2009: A senior interviewer from City of Melbourne contractor Nexus Research interviewed a JR Duty Free representative about plans for the street and their potential impact on the business. • 13 November 2009: City of Melbourne officers attended a meeting with senior representatives from JR Duty Free to discuss plans for Swanston Street <p>All businesses and property owners were written to in relation to the proposed closure at the State Library.</p>

	NAME	BUSINESS NAME/ORGANISATION	NATURE OF SUBMISSION	COMMENTS
			<p>(ultra vires), rendering the decision legally invalid.</p> <p>Requests and reservation of rights</p> <p>In light of the above submissions , both JR and Memart respectfully requests that:</p> <ul style="list-style-type: none"> • the council endorse a new design concept for the tram platform to be located between Bourke Street and Little Bourke Street which enables delivery vehicle access at all times to premises located in tram platform blocks, including to the JR premises; • to the extent that the Council effects any road closure of Swanston Street, that either: <ul style="list-style-type: none"> • delivery vehicles be exempt from that road closure and permitted to access all parts of Swanston Street, or at least the blocks between Bourke Street and Lonsdale Street, at all times (i.e. including during business hours); or • a special exemption be made to allow delivery vehicles supplying the JR premises to access Swanston Street between Bourke Street and Lonsdale Street at all times (i.e. including during business hours), and that all measures necessary to give lawful and practical effect to that exemption be taken (including issuing appropriate permits, establishing a mechanism for ensuring that permitted delivery vehicles are allowed undisturbed access, and appropriate design of the tram platform to enable physical delivery to occur outside the JR premises); and • the Council consults with JR and Memart in 	

	NAME	BUSINESS NAME/ORGANISATION	NATURE OF SUBMISSION	COMMENTS
			<p>relation to all further aspects of its planning, decision –making and consultation processes regarding aspects of the redevelopment that affect their interests.</p> <p>Should the Council refuse to take the above action, JR and Memart reserve their rights to lodge a complaint with the Victorian Ombudsman and to challenge the actions of the Council and its employees through legal and administrative proceedings in the Supreme Court of Victoria.</p>	



**Attachment 9
Agenda Item 5.5
Future Melbourne Committee
9 November 2010**

Re: Proposed permanent road closure of Swanston Street

Date: 27/08/2010

Fax: 03 86100107

info@jbinteractive.com.au

A.B.N. 12 111 837 702

A.C.N. 111 837 702

**Manager Governance Services
City of Melbourne
GPO Box 1603
Melbourne Victoria 3001**

To whom it may concern,

I am writing to you in support of the proposed permanent road closure of Swanston Street. As business operating in this local vicinity, we encourage active use of public transport for commuting to and from our office. We also enjoy recreational use of the State Library lawn area, as well as the bike hire facilities recently put in place.

The closure of Swanston Street to regular traffic will make the area more pedestrian-friendly, and also speed up the busy tram routes in the area.

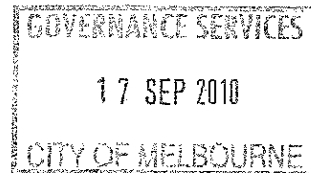
I believe that there are adequate alternate routes for driving in the Melbourne CBD, and encourage your proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeremy Burge". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jeremy Burge
Managing Director
JB Interactive Pty Ltd

The Manager Governance Services
Melbourne City Council
Town Hall
90 Swanston Street
Melbourne 3000



Proposed permanent road closure of Swanston Street, Melbourne between Franklin Street and A'Beckett Street, Little Bourke Street and Bourke Street and Collins Street and Flinders Lane

I support the proposed closures of Swanston St.

The original vision of Swanston St Walk was to pedestrianise Swanson Street to produce a civic spine free of the noise and danger of motor vehicles. Finally this Council is moving to realise this vision properly and create some car-free spaces in the middle of the City. I note, and support that the proposal includes provision for dedicated space for bicycle lanes along the length of Swanston Street. As cycling grows in importance in providing means of transport this will be seen in future to have been a wise decision.

I believe this will add to the amenity (liveability) of the City, that it will enhance Melbourne as a place to live, work and visit, and that it will be a positive contribution to commerce and the economy of the City.

I commend the Council's vision and offer my full support.

Nicholas Dow
6/165 Flinders Lane
Melbourne
3000
15/9/2010

GOVERNANCE SERVICES
21 SEP 2010
CITY OF MELBOURNE

B DWYER
RM 307 37 SWANSTON
MELBOURNE 3000
0411 676572

THE MANAGER GOVERNANCE SERVICES
MELBOURNE CITY COUNCIL
TOWN HALL
90 SWANSTON ST
MELB 3000.

PROPOSED ROAD CLOSURE SWANSTON ST
BETWEEN FRANKLIN AND FLINDERS LANE

- I SUPPORT THE CLOSURE OF SWANSTON ST.

AS A BUSINESS SITUATED ON THE CORNER
SWANSTON ST AND FLINDERS LANE I
SUPPORT THE CLOSURE OF SWANSTON ST
WITH PEDESTRIAN TRAM AND BICYCLE
ACCESS THROUGHOUT. I BELIEVE IT
WILL ADD TO THE AMENITY OF OUR
URBAN MELBOURNE AS A CITY.



BRENDAN DWYER



CitiPower Reference: 163175
Council Reference: Doc#5981947,SR1207585

13 September 2010

Manager Governance Services
Attn: Craig Poulson
City of Melbourne
GPO Box 1603
Melbourne VIC 3001

Dear Mr Poulson,

PROPOSED PERMANENT ROAD CLOSURE: Swanston St, Melbourne

I refer to your letter dated 24 August 2010 and advise that further details on the proposed closure are required to determine the impact on CitiPower's assets and customers.

CitiPower generally requires unrestricted vehicular access to roadways to enable it to fulfil the requirements of its distribution licence and to provide a reliable electricity supply. The purposes for which access is required include but are not limited to:

- Installation and maintenance of underground high voltage and low voltage cables.
- Installation and maintenance of overhead conductors.
- Installation & maintenance of public lighting.
- Servicing customer premises.
- Establishment, operation & maintenance of substations.

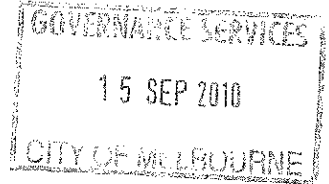
In this particular instance further detail is required on the operations of the road closure to ensure CitiPower's ongoing access. Further detail is also required any proposed road closure structures to determine the impact on pits, cables or other assets in the vicinity.

Please call me on 9297 6516 or facsimile 9297 6609 if you have any further queries.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Lito Caparas', is written over a faint circular stamp.

Lito Caparas
Subdivision Officer



Ghin Khao Swanston Pty Ltd

ABN 48 834 076 281
242 Swanston st
Melbourne
Victoria 3000

12 Sep 2010

Manager Governance Services
City of Melbourne
GPO Box 1603
Melbourne Vic 3001

Dear Melbourne City Council

**RE: Permanent road closure of Swanston St, between
Lonsdale St & Little Bourke Streets.**

Please note that we operate a 7 days per week restaurant at 242 Swanston St, Melbourne, and that our group of companies owns the freehold of 242 Swanston St, Melbourne.

We do have access to the rear of our property through Globe Alley, however the entrance door is a standard 900 mm wide door through the cobblestone lane. This access is not suitable for large items that periodically need to be exchanged in our premises (i.e. equipment and furniture), and not suitable for some of our food and drink suppliers.

At times in the future we will continue to require vehicle access through the front of our premises at 242 Swanston St, and at these times we will require vehicle access to the front of the property in Swanston St.

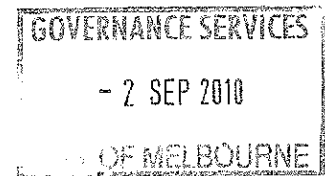
Under the present circumstances we typically arrange these front entrance deliveries during the early hours of the morning, between 7 am and 10 am.

Please be advised that at times we will continue to require vehicle access to the front of 242 Swanston St. We would not be able to continue our business if vehicle access to the front of our premises was prohibited.

Yours sincerely

A handwritten signature in black ink, appearing to read "G. McCrabb".

Graeme McCrabb
Tel 0413 912 408



WILLIAMSON PLACE PTY LTD

Box 8305 Armadale Post Office

1006 High St

Armadale Vic 3143

Ph: (03) 9822 1915

Mob: 0418 145 947

Email: gandpsnowden@gmail.com

31/08/2010

MANAGER GOVERNANCE SERVICES

City of Melbourne

GPO Box 1603

Melbourne

Vic 3001

RE 8P2207 – PROPOSED PERMANENT ROAD CLOSURE –SWANSTON ST MELBOURNE.

DEAR SIR/MADAM,

Thank you for your notification of the proposed changes to Swanston St.

Please note that we are the proprietors of 280-282 Bourke St Melbourne.

We have a defined vehicle parking area under our building with the sole access being via Turner Alley.

This parking spot is also required to allow access for servicing, emergency ingress/egress, Removal of waste plus pick up & delivery of goods.

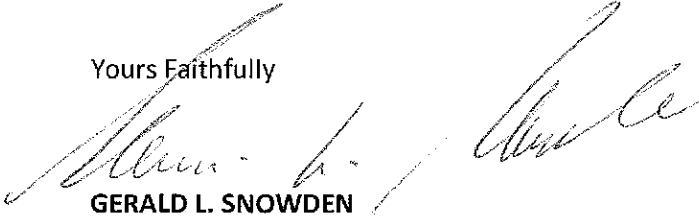
We propose that the Council leave sufficient space to allow for large vehicular access to Turner Alley.

We point out that a plan was not included in the mail that you sent us. Had we not rang we would not have realised the extent of your proposal. May we suggest that this omission be pointed out to the appropriate personnel.

Kindly acknowledge, via written communication, your receipt of this letter.

Thanking You

Yours Faithfully

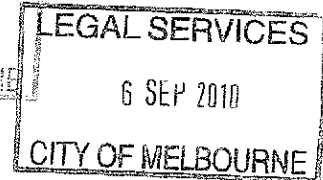
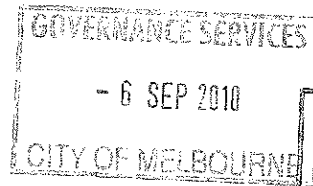


GERALD L. SNOWDEN

31st August, 2010

Manager Governance Services
City of Melbourne
GPO Box 1603
Melbourne Victoria 3000

Reference: Proposed Permanent Road Closure of Swanston Street.



Dear Sir/Madam,

I wish to attend the Council's Submissions Committee meeting at 3pm on Friday 1 October, 2010 and be heard on this submission. I am the General Manager of Reader's Feast Bookstore on the corner of Bourke & Swanston Streets where we have traded for the past nineteen years.

The particular areas of concern with the proposed road closure are as follows:

1. Access for disabled and mobility impaired people is an issue, given that taxis are to be banned and the new tram stops mean people can only alight in the middle of a block and so have a distance to walk to their corner destinations.


2 Access for delivery vehicles will be further restricted, as I understand it, because of the nature of the tram stop and the times of access. Given that Bourke Street has been taken out of the delivery equation because of the tram stop changes there, and that Little Bourke Street is already over used, we have serious concerns about the impact on our essential deliveries being able to be conducted in a timely and efficient manner; this is a matter of potential financial hardship for us.

3. Bike lane priority. If I am correct that the bike lane will be between the tram and the curb, and given the incidences we know occur where bikers (just as drivers) do not obey road rules, we believe the question of safe passage will be an issue and will be off-putting to many potential customers to our business.

4. Related issues. We would like to be advised of the plans for related issues for the precinct of the adverse impact on our business of buskers, and the nature and quality of street businesses.

5. We request that we be given a detailed response on the duration, nature, and timing of any disruption to our business (noise and access) of the works involved in this proposal.

Thank you,

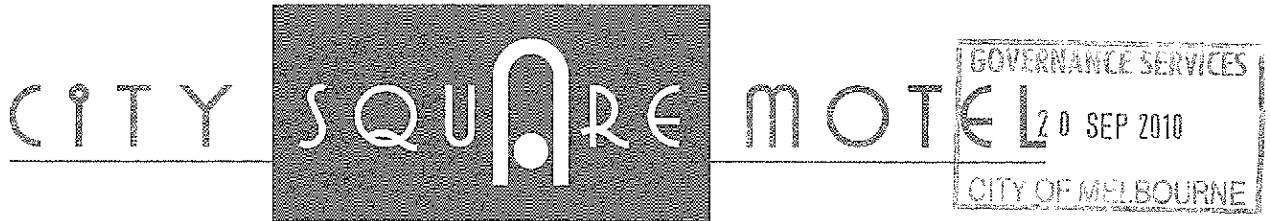

Mary Dalmau
General Manager
Reader's Feast Bookstore
email: maryd@readersfeast.com.au
phone: 0413 138 150 / 9662 4699

Cnr Bourke & Swanston Sts, Melbourne, VIC, 3000

Ph (03) 9662 4699 Fax (03) 9663 3726

Email: readers@readersfeast.com.au - www.readersfeast.com.au

www.facebook.com/readersfeastbooksellers - www.twitter.com/readersfeastbks



Manager Governance Services,
Melbourne City Council, Town Hall,
90 Swanston Street
Melbourne. Vic 3000

16.9.2010

Proposed permanent road closure of Swanston Street, Melbourne between Franklin Street and A"Beckett, Little Bourke Street and Collins Street and Flinders Lane

We are the owners of the City Square Motel @ 67 Swanston Street Melbourne.


We object to the closure of Swanston Street as it will detrimental to our business. We would like to know how we are going to operate for the following reasons.

1. Unable to get our deliveries
e.g. Laundry deliveries and food supplies
2. Unable to get repair men and their equipment to our venue
e.g. Lift services Fire Services etc.
3. Unable to get our rubbish collected
4. Unable to have our customers dropped at the door by taxis
(e.g. especially the disabled and the elderly)

The only access to the property is Swanston Street.

There is a lane way at the rear - Monaghan Lane, but this is used by the police and is always blocked by a police vehicle, the only way into the lane is drive in and reverse out not an ideal situation for anyone.

Yours truly,

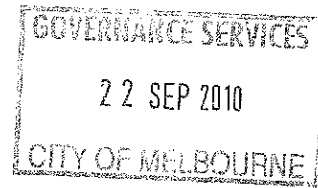

Director
Jarford Pty Ltd

67 Swanston Street Melbourne VIC 3000 Australia

Phone: (03) 9654 7011 Fax: (03) 9650 7107

Email: citysquaremotel@bigpond.com Website: www.citysquaremotel.com.au

The Manager, Governance Services
Melbourne City Council
Town Hall
90 Swanston Street
Melbourne 3000



Dear Sir/Madam

Proposed permanent road closure of Swanston Street, Melbourne between Franklin Street and A'Beckett Street, Little Bourke Street and Bourke Street and Collins Street and Flinders Lane

This letter contains submissions in the above matter filed on behalf of James Richardson Pty Ltd (*JR*) and Memart Nominees Pty Ltd (*Memart*) pursuant to the Local Government Act 1989 (Vic).

1. Background and request to be heard

- 1.1 JR is the occupier of retail premises at 185 Swanston Street, Melbourne (located on the Western side of Swanston Street between Bourke Street and Little Bourke Street) (the *JR premises*) and proprietor of the JR Duty Free business (the *business*) operated at the JR premises. As occupier of the JR premises and proprietor of the business, JR has a critical interest in the design and construction of the redevelopment of Swanston Street by Melbourne City Council (the *Council*) and in the attendant road closure of the Swanston Street block between Bourke Street and Little Bourke Street (the *road closure*). Memart is the owner and lessor of the JR premises and holds an equally critical interest in this matter.
- 1.2 JR and Memart made a joint written submission in relation to the Stage 1 road closure (between Little Lonsdale and La Trobe Streets) and appeared through counsel at the related meeting of the Council's Submissions (Section 223) Committee on 1 June 2010. We note that, despite our submissions, the council approved the Stage 1 road closure. We also note that a recommendation by Council management that the Future Melbourne Committee recommend to the Council that it 'note that a review of the design of the proposed tram stop location at the intersection of Swanston and Bourke Streets has commenced and will consider the impact to businesses in that area' was not adopted by the Future Melbourne Committee and therefore was not considered by Council at its 27 July Meeting or any other Meeting.¹ JR/Memart are unaware of the existence or status of any such review.
- 1.3 Since that time, Prof. Rob Adams has been liaising with representatives of JR/Memart and has assured them that all issues relating to the circumstances of JR/Memart will be worked through in detail and workable solutions reached. Prof. Adams has proposed that JR/Memart will be issued with special permits to allow vehicles to park outside their store once the redevelopment has been completed (though, we note, arrangements for vehicle access during the construction phase of the road closure have not been discussed).

¹ Report from Council Management to Future Melbourne Committee Meeting, Agenda Item 5.1, 13 July 2010, clause 5.2

Discussions regarding this issue are continuing but, from the perspective of JR/Memart, it has not been satisfactorily resolved.

- 1.4 Both JR and Memart wish to appear jointly and severally at the meeting of the Council's Submissions (Section 223) Committee scheduled for 3pm on Friday 1 October 2010 and they reserve the right to be represented by counsel at that meeting.

Submissions

- 2. The Stage One road closure would seriously impair JR/Memart's commercial interests**
- 2.1 The design proposal for the redevelopment and the attendant road closure would preclude access for delivery vehicles on the Swanston Street block on which the JR premises are located – both during the construction phase and once the new tram platform is operational. JR/Memart therefore has a strong interest in the outcome of decisions relating to the design of the tram platform and regarding the arrangements made for delivery vehicle access during the construction phase and once the new tram platform is operational.
- 2.2 If the road closure and the redevelopment as currently proposed proceed, they would irrevocably affect the ability of JR to operate its business both from a practical and commercial point of view. The business currently takes up to 10 stock deliveries per day at various times, including regularly throughout business hours. The frequency of deliveries can double during the Christmas period. Deliveries are currently made to the front of the JR premises on Swanston Street, between Bourke Street and Little Bourke Street.
- 2.3 If the relevant portion of Swanston Street cannot be accessed due to road closure, deliveries would have to be made from a more distant location and trolleys would need to be wheeled considerable distances. Due to the high value of stock contained on security pallets, and/or the fact that the nature of the product is easily disposable in the 'stolen goods market', wheeling trolleys long distances would pose an unacceptable security risk to the business and its employees. The wheeling of large trolleys down nearby streets would also pose unsatisfactory public safety risks. If the Council proceeds with its current proposals, increased operational costs would prohibit JR from conducting business from this location as it would be placed at an unacceptable competitive disadvantage.
- 2.4 Current Council proposals to allow restricted or 'after hours' access for delivery vehicles on Swanston Street blocks without tram platforms would fail to rectify the problem of road closures applicable to blocks *with* tram platforms and would in any case fail to address the legitimate commercial interests of JR/Memart that would be affected by the redevelopment. By its nature, the duty free business requires regular deliveries. The majority of customers are travellers and therefore cannot return at a later date. Furthermore, many deliveries are made by suppliers direct into store and these suppliers cannot and will not deliver 'after hours' or from a distance.
- 2.5 Each of the above factors would also substantially devalue the property, reducing its resale value and compromising the ability of Memart to attract competitive rents from future tenants of the premises.

3. The Council's consultation and decision-making processes have been tainted by legal and administrative errors

3.1 Neither JR nor Memart – nor any of its employees at store level or head office level – were approached, informed, consulted or otherwise included in the decision-making processes pertaining to the redevelopment at any stage since the Council commenced planning for the redevelopment in 2008 up until the submission/hearing process regarding the Stage One road closure, at which point it was given notice of that process. JR/Memart learned of the redevelopment by coincidence.

3.2 The failure of the Council to inform and consult JR during the early stages of the redevelopment process precluded JR from influencing early decisions regarding the concept and design of the redevelopment and vehicle access for delivery vehicles on Swanston Street. For example, the following decisions have been made without adequate consultation with JR/Memart:

- The selection of the overarching design concept (Option 6) for 'decreased motor vehicle access';
- The endorsement of a Project Plan for the redevelopment that contemplated tram platform design options that reduced or precluded vehicle access to proposed tram platform areas of Swanston Street;
- The approval of the 'Option C' tram platform design for Stage One / the entire redevelopment;
- the implementation of road closures and possible exemptions for service and delivery vehicles.

3.3 The failure to consult JR/Memart until after critical decisions were made have produced the following legal consequences:

- the Council's consultation process relating to the redevelopment has been tainted by administrative errors pertaining to the provision of sufficient opportunity to be heard to parties such as JR/Memart whose rights, interests and legitimate expectations have been infringed by decisions made by the Council to date;
- as a result of administrative deficiencies in the consultation process, decisions made by the Council to date relating to the redevelopment have manifestly failed to take account of relevant considerations, including the impact of the decisions on the operations and interests of retailers that require regular access to delivery vehicles during business hours for the efficient and competitive operation of their businesses;
- as a result of administrative deficiencies in the consultation process, decisions made by the Council to date have gravely affected the rights and interests of JR/Memart.

3.4 Finally, the proposed hearing of the Council's Submissions (section 223) Committee and associated Public Notice seeking submissions on the road closure are invalid because, to our knowledge, the Council has not formally moved to convene the Committee, and seek

submissions, for this purpose.² As a result of this procedural error, any decision the Council could take to effect the road closure would be beyond the Council's power (*ultra vires*), rendering the decision legally invalid.

4. Requests and reservation of rights

4.1 In light of the above submissions, both JR and Memart respectfully request that:

- the Council endorse a new design concept for the tram platform to be located between Bourke Street and Little Bourke Street which enables delivery vehicle access at all times to premises located in tram platform blocks, including to the JR premises;
- to the extent that the Council effects any road closure of Swanston Street, that either:
 - delivery vehicles be exempt from that road closure and permitted to access all parts of Swanston Street, or at least the blocks between Bourke Street and Lonsdale Street, at all times (i.e. including during business hours); or
 - a special exemption be made to allow delivery vehicles supplying the JR premises to access Swanston Street between Bourke Street and Lonsdale Street at all times (i.e. including during business hours), and that all measures necessary to give lawful and practical effect to that exemption be taken (including issuing appropriate permits, establishing a mechanism for ensuring that permitted delivery vehicles are allowed undisturbed access, and appropriate design of the tram platform to enable physical delivery to occur outside the JR premises); and
- the Council consults with JR and Memart in relation to all further aspects of its planning, decision-making and consultation processes regarding aspects of the redevelopment that affect their interests.

4.2 Should the Council refuse to take the above action, JR and Memart reserve their rights to lodge a complaint with the Victorian Ombudsman and to challenge the actions of the Council and its employees through legal and administrative proceedings in the Supreme Court of Victoria.

Allens Arthur Robinson

22 September 2010

² This can be compared with the process in relation to the Stage 1 road closure of Swanston Street (between Little Bourke and Lonsdale Streets), where Council moved to require notification of the road closure and to appoint the Submissions (section 223) Committee to hear submissions on those issues: see item 5.4 in the [Minutes of Council's 23 February meeting](#) (paragraphs 1.2-1.3 of the motion).