

The nature of policy

Policy is a tricky business, and it can go wrong at many stages: conceptualisation, implementation and in its aftermath.

It can easily be compromised by the logical fallacy of ‘wishful thinking’, where one unintentionally plays up the hypothetical positives and plays down the hypothetical negatives in an unrealistic fashion, and exaggerates the value of positive evidence and dismisses the warnings inherent in the negative evidence. The sorry result is to be dramatically surprised when eventually little or nothing works out as originally envisaged.

Get major policy right, and the community prospers; get it wrong and the authorities would have done a terrible thing.

My concerns about public Transport Victoria articulated in this submission substantially emanate from its following of the policy framework *Plan Melbourne* (2013), which your Task Force is currently revising.

The situation

Public Transport Victoria is pushing to transform our tram system into a light rail system, which seeks tram domination of many of our main roads rather than the sharing of our main roads with many other forms of transport vital to maintaining productivity and the quality of life in Melbourne, especially cars.

Consequently, Public Transport Victoria is the main driver behind the push for radical changes to Acland and other streets that have tram stops or tram a terminus.

Unfortunately, Public Transport Victoria has got policy horribly wrong too often, including in Fitzroy Street St Kilda. The street is ailing terribly.

Its recent significant decline has many reasons, but it has strikingly been evident since Public Transport Victoria cut off access roads, raised the tram tracks to sever the street from West St Kilda, Middle Park and Albert Park, removed many parking spaces, and put in too many enormous traffic-jamming super tram stops. As I have recognised, other factors have harmed this street as well, but Public Transport Victoria is the main culprit. Is Fitzroy Street mortally wounded? Perhaps. I hope not. But it will need expensive policy reversal to be saved.

While I am generally concerned about the plans of Public Transport Victoria for Route 96 and Melbourne's tram service in general, I am specifically concerned about the past and current proposals for the transformation of Acland Street into a dual tram terminus by Public Transport Victoria, plans which have recently also involved the City of Port Phillip.

I believe that the proposal for Acland Street has the potential for apparently unforeseen, inadvertent, negative consequences emanating from plans that are improperly thought through and likely to harm many whom they are intended to help.

My concerns:

Parking and access roads

Part of Public Transport Victoria's plans for redeveloping Melbourne's tram system into a light rail system involves the removal of many on-street parking places and blocking may connecting access road to certain destinations.

In the light of this, I believe that the plan for Acland Street removes vital infrastructure from the street, and immediate surrounds, that is essential for the amenity the residents and visitors and the viability of the businesses that have made Acland Street a much loved place for locals, other Melbournians and tourists.

Importantly, Public Transport Victoria's super tram stop terminus plan removes vital car parking places, vehicle access and road connectivity. Just look at what happened in Fitzroy Street St Kilda and also in Bridge Road Richmond. Many businesses adjacent to the super tram stops, where the parking spaces were removed, went under and shops remain vacant years later.

This is a warning that Public Transport Victoria's plans have not been working out as envisaged. More thought is required, necessitating the scrutiny of the existing policy framework and judicious practical revision.

A fundamental problem with many of the super tram stop development proposals is that they appear to have been primarily conceptualised for potential customers commuting via public transport to and from the city, a paradigm that would work very well for residential suburbs.

But the transport needs of an inner-urban entertainment and mixed business precinct, like Acland Street, are different, being much more varied. These areas rely on a viable transport mix, where the existing level of accessibility for cars and the optimal use of already limited parking spaces are vital for business viability.

Furthermore, if you reduce the connectivity of the roads accessing Acland Street and remove most traffic from Acland Street, as Public Transport Victoria plans to do, it will compromise accessibility for all those who drive to this destination. As well as make it difficult for deliveries to shops and for staff to commute.

The current plan for redirecting the access roads is complex, confusing and messy rather than simple and clear. This is, to me, is a serious warning sign of future problems. My concern is that nearby Shakespeare Grove will clog with the Luna Park traffic forced into one mostly one-way street. Plus, access to Acland Street would be blocked from the Barkly Street end, which is prohibitive to visitors commuting from the South East. The likely result: traffic chaos that will deter those who travel by car to Acland Street and other St Kilda attractions.

More car spaces are needed for Acland Street, not less, and access roads need to be maintained, not decreased. I believe that this is what the Task Force should be considering.

The problems on the horizon for Acland Street, should its redevelopment go though, could be repeated in many other high activity streets that are much-loved destinations, loved by locals, other Melbournians and tourists.

Moreover, Acland Street is already adequately served by trams. Changing the size or shape of the tram stop terminus is unlikely to bring in any additional customers, but taking away the most convenient parking and restricting vehicle traffic in Acland Street and the intersecting access roads will create the frustration that will drive customers away.

A viable entertainment and shopping precinct must have access roads and parking. It has to be convenient. If not, people go elsewhere.

With adequate infrastructure, businesses can grow and flourish, or new businesses can be started. And amenity for residents and visitors can be maintained or improved. The enhancements to the quality of life for our community that follow are enormous. The consequences of removing vital infrastructure can be horrendous. The Task Force should consider this.

The federal disability legislation

Much of the debate around the redevelopment of our tram system and the installation of enormous super tram stops has involved references to compliance with the federal disability legislation. However, if there is no tram stop in Acland Street, no compliance is required. Compliance is compulsory only for new stops, not existing stops which can remain until 2022 or 2032, and even longer if they qualify for special consideration.

The *Disability Discrimination Act* (1992) requires that public places should be made accessible to people of disability. But Acland Street is already very accessible. There is a fully compliant super tram stop that is adjacent to Acland Street at Luna Park from which all the Acland Street shops are accessible.

In the *Disability Discrimination Act* (1992), Section 31 states that the relevant federal minister (the Attorney-General) can formulate the standards for compliance with the Act for public transport.

In 2002, the then Attorney-General released these guidelines: *Disability Guidelines for Accessible Public Transport* (2002). In the Section 33.7 several very reasonable exemption clauses are listed, for which Acland Street likely qualifies.

These opportunities for compromise centre on the notion of ‘unjustifiable hardship on any person or organisation’. This unjustifiable hardship can include: ‘loss of revenue’, ‘detriment reasonably likely to be suffered by an operator, provider, passenger, or other person or organisation concerned, including in relation to equality of amenity’, ‘loss of heritage values’, and issues regarding ‘any exceptional operational, technical or geographic factors’, to name a few. And also note: the *Disability Discrimination Act* (1992) does not require the full compliance of existing infrastructure until December 2032.

After a change of federal government, these guidelines were amended in 2010. They became tougher, since potential exemptions are to be assessed by a Commission that must consult the Accessible Public Transport Jurisdictional Committee and any other body or person the Commission seeks fit to consult. Plus, the exemptions are only granted for 5 years and then they have to be reviewed.

But once an exemption is established for Acland Street and it is seen to work well for all its diverse clientele, including the disabled, then the potential for the renewal of the exemption is promising.

Plus, I believe that the current proposals for Acland Street are detrimental to the disabled. Taking away one hundred per cent of the street parking in Acland Street removes the very parking spaces that are indispensable for transporting those disabled people, who rely on cars, to arrive close to the destination they love. I, and many others, have used these parking spaces in this manner to assist disabled friends and relatives. I am also concerned that the recent design of a trench for the super tram stop only creates a huge obstacle for the disabled in crossing the street, which is unfair. Moreover, I worry that proposals threaten to damage or destroy the very entertainment precinct that the disabled people seek to enjoy along with all of us.

Furthermore, the *Disability Discrimination Act* is comprehensive, and it includes regulating the design of streetscapes. The current proposal, with its enormous trench and the removal of close-by parking used by the disabled, may put the authorities responsible for street scapes in breach of the Act, which

requires compliance 'to the fullest extent possible'. No-one has considered this. This point alone sufficiently justifies a close scrutiny and revision of policy.

In addition, there appears to be reluctance in Public Transport Victoria to explore more discrete options for assisting the disabled, such as retractable ramps on trams like in Europe, which will preserve Acland Street and other threatened shopping strips as they are, and maximise the happiness of all of us. The Task Force should consider this.

The proposed 'mall'

Regarding the promise of a mall for Acland Street. The proposed 'plaza' at the end of the street is almost the same size as the proposed sunken super tram stop, and, I suspect, it merely serves as a convenient excuse to block the street to cars and give priority to tram movements, which is what Public Transport Victoria wants. This was evident in the earlier plan: 'Acland Street - Concept 4', and it remains in the revised plan: 'Acland Street Renewal: Draft Streetscape and Framework Plan'.

Some transformations of streets into malls work and others do not. I have concerns that Acland Street is unsuitable to be transformed into a semi-mall. It needs vehicle access. It works well as it is.

In addition, the benefits of a mall as public space are already available in the use made of the adjacent O'Donnell gardens next to Luna Park. Furthermore, the potential expansion of public space by future developments to the beachside Triangle site, near the Palais theatre and Luna Park, would also make a semi-mall in Acland Street even more unnecessary. A permanent truncated mall in Acland Street, which has serious risks of not working as hoped, appears unattractive and excessive in the light of the removal of vital infrastructure and road connectivity and the with the availability of ample public space nearby.

However, the option of making Acland Street a temporary mall only on special festive days appears attractive and should be explored.

Regrettably, in my opinion, from the beginning the mall has been used by Public Transport Victoria as a political tactic to get their way, and it has been a very clever one, beguiling many people. This mall was mentioned by them

because they know that most of us love the idea of a mall. The very word has connotations of leisurely, pedestrian-friendly public spaces.

However, this proposal cannot become a true mall. This is a narrow street that will have an enormous sunken super tram stop terminus in it, and the frequent 2 to 4 minute tram movements will probably destroy the amenity of the environment. I suspect that no carefree leisure will be found here. What they call a 'mall' will in actuality be a giant transport terminus with a few nearby shops crammed close by, if these businesses survive the changes. They may not.

A true mall would need to be tram free. Malls are an attractive idea, but their locations have to be suitable and Acland Street is not suitable in my opinion.

The Luna Park or Elwood tram stop options

removed



A major tram stop or terminus in front of Luna Park could be an asset to the St Kilda community providing public transport access to many of St Kilda's attractive features: Luna Park, the Palais Theatre, the beach and foreshore, the Sunday street market stalls on the upper Esplanade, the Esplanade Hotel music venue, and the Acland Village, without threatening to damage or destroy any of them.


Public Transport Victoria also claims that they must have a tram stop in Acland Street to service the Elwood residents, whom they claim would be unwilling to walk either about 100 or 200 metres further to catch the tram at Luna Park. This is an interesting unintended confession by Public Transport Victoria, which is that inconvenience to customers may harm their business interests. The creation of inconvenience (to those using their cars) is exactly the threat to the Acland Street traders and their businesses. The major inconveniences to the traders' customers likely to result from the proposed changes to Acland Street could be detrimental, at best, and destructive at worst.

Again, let me make this perfectly clear: Public Transport Victoria recognises the potential for reduced business by inconveniencing customers, which is why it refuses to accept the Luna Park tram stop option and declares, in their usual uncompromising fashion, that removing the tram stop from Acland street is ‘not negotiable’. If the inconveniencing of customers who use the tram is an issue, then the inconveniencing of customers who visit by car, and who need parking and accessible roads, must also be considered an issue of importance to government and to the Task Force.

Furthermore, if inconvenience to Elwood commuters is an issue, then why doesn’t Public Transport Victoria explore the option of extending the tram service into Elwood? This would be a positive development for our city and for public transport advocates. But Public Transport Victoria refuses to explore that option, suggesting to me that they are only funded for super tram stop construction and they are more interested in protecting their generous funding allocation than servicing the community they are supposed to serve. Extending the tram service to Elwood fits with policies for the extension of tram lines in both *Melbourne 2030* (2002) and *Plan Melbourne* (2013), and it should be explored by the Task Force.

Summary of my recommendations:

- I believe that the plans to transform Melbourne’s tram system into a light rail system contain the potential for many apparently unforeseen negative consequences. Much of this will involve damage to, or the destruction of, many much-valued and much-loved iconic shopping strips along tram lines. The potential negative impact on Acland Street, if it is redeveloped as planned, will be a sad and sorry example of one of these apparently unforeseen, inadvertent, negative consequences. Revision is therefore required by the Task Force of the key policy framework to help prevent these kinds of outcomes.
- More car spaces are needed for Acland Street, not less, and access roads need to be maintained, not decreased. I believe that all forms of transport, including cars, are important to Melbourne and to the viability of entertainment and mixed business precincts.

- In regards to the federal disability legislation, if there is no tram stop in Acland Street, no compliance is required. Compliance is compulsory only for new stops, not existing stops which can remain until 2022 or 2032, and even longer if they qualify for special consideration. Disability access is very important, and can be explored and implemented without necessarily following the plans of Public Transport Victoria or its timetable for the redevelopment of Route 96, which includes Acland Street.
- The *Disability Discrimination Act* is comprehensive, and it includes regulating the design of streetscapes. The current proposal, with its enormous trench and the removal of close-by parking used by the disabled, may put the authorities responsible for street scapes in breach of the Act.
- The government and Task Force should explore more discrete options for assisting the disabled, such as retractable ramps on trams like in Europe, which will preserve Acland Street and other threatened shopping strips as they are, and maximise the happiness of all of us.
- The option of making Acland Street a temporary mall only on special festive days appears attractive and should be explored. Malls can be wonderful for communities and for tourism but only if they are well located. Acland Street is unsuited to become a permanent mall.
- removed 
- If the inconveniencing of customers who use the tram is an issue, as Public Transport Victoria claims, then the inconveniencing of customers

and visitors to Acland Street who visit by car, and who need parking and accessible roads, must also be considered an issue of importance to the government and the Task Force. All forms of transport are important, and the viability of all of them needs to be considered in a revised policy framework.

- I expect the Task Force to focus largely on visionary principles and a broad policy framework, which, in policy application terms, starts with the principle and then seeks to apply it. However, I recommend that the Task Force qualify this approach as much as possible with a pragmatic approach, which starts with a specific problem and seeks a specific solution. This is particularly important regarding the provision of adequate infrastructure. With adequate infrastructure, businesses can grow and flourish, or new businesses can be started. Meanwhile, the local amenity for residents and visitors can be maintained or improved. The enhancements to the quality of life for our community that follow are enormous. The consequences of removing vital infrastructure can be horrendous. The Task Force should consider this, where relevant or practicable, on a case by case basis.