



**10.3 PALAIS THEATRE & LUNA PARK PRECINCT
REVITALISATION - APPROVAL TO COMMENCE STATUTORY
ROAD CLOSURE PROCESS**

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1. PURPOSE

1.1 The purpose of this report is to:

- a) Commence the road closure process for Lower Esplanade, St Kilda, in accordance with the Local Government Act 1989, Section 207 (Power of Council over traffic), Schedule 11, Clause 9 (Power to place obstructions or barriers on a road permanently); and
- b) Subject to Council's decision, inform the local community of the road closure process and provide an opportunity for community members to make submissions, between 15 December 2021 and 23 January 2022, for Council's consideration.

2. EXECUTIVE SUMMARY

- 2.1 The Palais Theatre & Luna Park Precinct Revitalisation project will incorporate Hostile Vehicle Mitigation (HVM) with significant amenity upgrades to improve the public realm surrounding the Palais Theatre and Luna Park.
- 2.2 In March 2020, this project received \$1.3M in funding from the Department of Environment Land Water and Planning (DELWP) as part of the Local Parks Program for construction of the Palais Theatre forecourt. Council has committed a further \$2.5m to the project, bringing the project total to \$3.8m for design and construction in the 2021/22 and 2022/23 financial years.
- 2.3 The creation of the Palais Theatre forecourt (plaza) will require a change of road function for a section of Lower Esplanade, partially closing the road and changing the current one-way road to a two-way road. Changes to the existing parking arrangements will also be required. The formal process to close the part of the road requires community engagement and application to the Department of Transport (DoT).

3. RECOMMENDATION

That Council:

- 3.1 Proceeds with the statutory process for a
 - a) permanent partial road closure of Lower Esplanade, St Kilda, between Jacka Boulevard and Cavell Street, and;
 - b) change in road function of Lower Esplanade, St Kilda, converting the current one-way roadway to a two-way roadway



- in accordance section 207, schedule 11, clause 9 of the Local Government Act 1989.
- 3.2 Gives public notice to affected stakeholders of the proposal for the road closures of the following roads:
- c) permanent partial road closure of Lower Esplanade, St Kilda, between Jacka Boulevard and Cavell Street, and;
 - d) change in road function of Lower Esplanade, St Kilda, converting the current one-way roadway to a two-way roadway
- and invites submissions in accordance with Section 223 of the Local Government Act 1989.
- 3.3 Resolves to hear and consider any submissions received pursuant to Section 223 of the Local Government Act 1989 at a Council meeting to be held on 16 February 2022.

4. KEY POINTS/ISSUES

- 4.1 The Palais Theatre & Luna Park Precinct Revitalisation project will deliver a public space outcome that mitigates the threat of vehicles used as weapons (VAW) and provides a holistic design approach that enhances the iconic status of the Palais Theatre and Luna Park precinct.
- 4.2 During the initial stages of design development, several public space shortcomings were identified at the precinct. This included the area in front of the Palais Theatre, which currently functions as a road (the Lower Esplanade). For some events managed by the Palais Theatre, the road is temporarily closed to cater for the thousands of patrons that attend the theatre. Whilst providing a visual cue and some level of protection from potential VAW, the barriers used on event days do not provide the level of protection that rated HVM barriers and objects do, which must perform to a standard. Other public realm shortcomings include inadequate public lighting, a lack of shade and areas to sit, and inadequate road crossing facilities on Cavell Street to meet demand during the tourist season.
- 4.3 The proposed Lower Esplanade partial road closure and alterations are an integral component of the Palais Theatre & Luna Park precinct revitalisation project. In February 2020, Councillors supported the concept design for the Palais Theatre & Luna Park Precinct revitalisation project, which represented the precinct design in its current form (refer to Attachment 1), but also included other proposed design elements, notably the southern section of Cavell Street (palm tree planting). Following a review of the project scope and budget in early 2021, a change of scope was supported by Councillors at the May 26 Councillor briefing, which provided additional funding to deliver the project in the 2021/22 and 2022/23 financial years.
- 4.4 A proposal to discontinue or close the roads, under the Local Government Act, requires Council by virtue of section 207A of the Act, to comply with the provisions of Section 223 (Right to make a submission) of the Act. This requires Council to undertake a formal public consultation process which is specific to the proposal to discontinue or close the roads.
- 4.5 Subject to Council's decision and as part of road closure process, Council will notify all properties abutting the roads affected by the proposed road closure.



- 4.6 Council will publish a Notice of Intent to close the roads in The Age newspaper on 15 December 2021. Information about the road closures, including background information and maps, will be published on Council's Have Your Say website 15 December 2021.
- 4.7 Community members may make a submission regarding the road closures, which should be received by Council no later than 5pm on January 23 December 2022. Instructions for how to make a submission will be available in The Age advertisement and on Council's website.
- 4.8 Council will consider submissions received at the Ordinary Meeting of Council on 23 January 2022. Any person who makes a submission is entitled to appear in person (or in persons acting on their behalf) at this Council Meeting.
- 4.9 Council will make a decision on whether to close the roads at the Ordinary Meeting of Council on 16 February 2022.
- 4.10 Subject to the approval and completion of the road closure process, further Council endorsement will be sought to remove the road from the City of Port Phillip Register of Public Roads pursuant to section 17(4) of the Road Management Act 2004 and to undertake the statutory procedures required to discontinue these roads in accordance with clause 3 of Schedule 10 of the Local Government Act 1989.

5. CONSULTATION AND STAKEHOLDERS.

- 5.1 The community has been engaged through an 'inform' approach for the project, which commenced in April 2020. Information on the concept design, including an animated video and renders, was provided on Council's website and social media platforms.
- 5.2 The project webpage and Council's Have Your Say website will be updated with the latest project information prior to commencing the road closure process.
- 5.3 A Memorandum of Authorisation (MOA) is currently in progress for Cavell Street, which relies on approval from DoT. The MOA will enable Cavell Street to function as a shared zone.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 A risk to the successful delivery of this project is the condition of the DELWP grant funding, as construction must be completed by 30 November 2022. If this timeline is not achieved, Council runs the risk of having the grant withdrawn.
- 6.2 The Palais Theatre & Luna Park Precinct Revitalisation project is reliant upon the closure of Lower Esplanade as it is a key project component. Should the road closure process be delayed, this may impact the construction timeline.
- 6.3 A town planning application needs to be submitted and approved before construction can commence. The road closure approval (and other changes to road functions) will need to be considered as part of the town planning application process.
- 6.4 The town planning application is yet to be submitted, and the town planning and road closure processes may run concurrently or consecutively. Project information provided to the community will refer to these processes where possible to provide consistent messaging.
- 6.5 By complying with legislation, policy and creating reasonable provision for service authorities, there is no legal risk associated with changing the function of these roads



7. FINANCIAL IMPACT

- 7.1 The project cost for final design and construction, including contingency, is \$3.8m and is made up of \$2.5m in Council funding and \$1.3M in funding from the DELWP Pocket Parks Program. The grant funding is to be fully expended by 30 November 2022.

8. ENVIRONMENTAL IMPACT

- 8.1 The project will provide increased canopy cover and decrease the urban heat island effect through new garden beds, lawn areas and canopy tree planting.

9. COMMUNITY IMPACT

- 9.1 The project will provide significant improvements to the precinct through the creation of new public space, notably by converting a part of Lower Esplanade to a public plaza.
- 9.2 The inclusion of HVM measures will mitigate the hostile vehicle risk to crowds gathering at the precinct during events and peak holiday and tourist periods.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

10.1 Council Plan – Liveable Port Phillip

- Strategic Objective – Port Phillip is a great place to live, where our community has access to high quality public spaces, development and growth are well managed, and it is safer and easy to connect and travel within.
- What we will work towards (our four-year strategies) – Port Phillip is safer with liveable streets and public spaces for people of all ages and abilities to enjoy.
- We will provide – Access to upgraded, expanded and well-maintained public and outdoor spaces for people of all ages and abilities to visit, in line with our 10-year Public Space Strategy (once adopted by Council), prioritised within available budgets each year
- We will facilitate and advocate for – The best possible public space outcomes that support community health and wellbeing, through infrastructure projects undertaken in our City by other levels of government and stakeholders.

10.2 Council Plan – Sustainable Port Phillip

- Strategic Objective – Port Phillip has a sustainable future, where our environmentally aware and active community benefits from living in a bayside city that is greener, cooler, cleaner and climate resilient. The importance of action in this area is emphasised by Council declaring a Climate Emergency in 2019.
- What we will work towards (our four-year strategies) – Port Phillip has cleaner streets, parks, foreshore areas and waterways where biodiversity flourishes.
- We will provide – Urban forests to increase tree canopy, vegetation, greening and biodiversity and reduce urban heat, in line with Council's Greening Port Phillip and Act and Adapt Strategies prioritised within available budgets each year.
- We will provide – Increased permeability of ground surfaces across public streets and in our public spaces as well as examining ways to support greater permeability on private property.



11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

- 11.1.1 Council reports for road closure approval, including formal community / stakeholder notification under the Local Government Act – December 2021 to February 2022.
- 11.1.2 Final designs – November 2021.
- 11.1.3 Commence Construction – May 2022.
- 11.1.4 Construction is required to be completed by 30 November 2022.


11.2 COMMUNICATION

- 11.2.1 The road closure process, which includes formal community / stakeholder notification, will commence following Council's endorsement to proceed with this process at its 8 December 2021 Ordinary meeting. A project webpage will be created to keep our community updated on project progress from commencement of road closure through until construction is completed.
- 11.2.2 Information about this project will be available on Council's website, along with information about how to sign up for updates on the project's progress.
- 11.2.3 Additionally, a project consultation page will be created on Council's Have Your Say website, to access information and to support our community to make a submission as part of the road closure process.

12. OFFICER DIRECT OR INDIRECT INTEREST

- 12.1 No officers involved in the preparation of this report have any material or general interest in the matter.

ATTACHMENTS

1. Palais Theatre & Luna Park Precinct Revitalisation - Visual Renders 
2. Lower Esplanade Road Changes 