

**10.1 PALAIS THEATRE AND LUNA PARK PRECINCT
REVITALISATION - PROPOSED ROAD CLOSURE
SUBMISSIONS**

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1. PURPOSE

- 1.1 To hear and consider feedback from those who have made written submissions on the proposed closure of Lower Esplanade, St Kilda.



2. EXECUTIVE SUMMARY

- 2.1 The Palais Theatre and 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 plaza (refer Attachments 1 and 2). 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 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 proposed Lower Esplanade partial road closure and other alterations are an integral component of the Palais Theatre and Luna Park Precinct Revitalisation project. The formal process to close the part of the road requires community engagement and application to the Department of Transport (DoT).
- 2.4 The formal process to consider partially or fully close roads commenced on 8 December 2021 and involved a statutory community notification process, inviting community members to make a submission to the proposed road closure. The submissions deadline for written submissions was 5 pm on 23 January 2022.
- 2.5 A total of six-written submissions were received between 15 December 2021 and 23 January 2022. Attachment three includes a summary of all submissions received.
- 2.6 The key feedback themes of the submissions included comments on:
- Enforcement of on-street parking spaces
 - Noise and disruption impacts associated with developments
 - Provision of underground parking
 - Full closure of Cavell Street required at the Upper Esplanade
 - Solar powered lighting and shading required
 - Large and very unsightly parking area adjacent to the Palais Theatre needs to be addressed
 - Positive impacts on pedestrian safety.

3. RECOMMENDATION

That Council:

- Notes that on 8 December 2021 in support of the Palais Theatre and Luna Park Revitalisation Project, Council resolved to commence the process for the road closure of Lower Esplanade, St Kilda, and the change in road function of Lower Esplanade, St Kilda, and converting the current one-way roadway to a two-way roadway.
- Receives and considers all written and verbal submissions to the proposed closure of Lower Esplanade to facilitate the creation of the Palais Theatre plaza, as part of the Palais Theatre and Luna Park Precinct Revitalisation project.
- Extends its gratitude to all submitters and to persons presenting at this meeting.
- Notes that officers will bring back a report for consideration for Council at a future meeting on the closure of the Lower Esplanade.



4. KEY POINTS/ISSUES

- 4.1 On 8 December 2021, Council resolved to commence the process for the:
 - a) the road closure of Lower Esplanade, St Kilda in accordance with section 207, schedule 11, clause 9 of the *Local Government Act 1989*.
 - b) change in road function of Lower Esplanade, St Kilda, converting the current one-way roadway to a two-way roadway.
- 4.2 A proposal to close the road, under the *Local Government Act 1989*, 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 close the road.
- 4.3 Subject to the approval and completion of the road closure process, a proposal to discontinue the road and remove the road from the City of Port Phillip Register of Public Roads, which is required to remove the land's legal status as a road, will be required to finalise this project.
- 4.4 Officers will seek further Council endorsement, at a later date, 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 this road in accordance with clause 3 of Schedule 10 of the *Local Government Act 1989*, which process will include a further public notice period.
- 4.5 Council carried out community consultation between 15 December 2021 and 23 January 2022 on the proposed road closure and provided the opportunity for community members to make submissions.
- 4.6 The consultation was designed to ensure that affected property owners and occupiers were aware of the proposal and its potential impacts and provide an opportunity for them to submit feedback for Council's consideration.
- 4.7 The communication and consultation activities carried out between 15 December 2021 and 23 January 2022 are outlined in Section 5 of this report.
- 4.8 A total of six-written submissions were received between 15 December 2021 and 23 January 2022. Attachment three includes a summary of all submissions received.
- 4.9 The key feedback themes of the submissions included comments on:
 - a) Enforcement of on-street parking spaces
 - b) Noise and disruption impacts associated with developments
 - c) Provision of underground parking
 - d) Full closure of Cavell Street required at the Upper Esplanade
 - e) Solar powered lighting and shading required
 - f) Large and very unsightly parking area adjacent to the Palais Theatre needs to be addressed
 - g) Positive impacts on pedestrian safety



5. CONSULTATION AND STAKEHOLDERS

- 5.1 In February 2020, Councillors supported the concept design for the Palais Theatre and 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.
- 5.2 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.
- 5.3 The project webpage and Council's Have Your Say website have been updated with the latest project information prior to commencing the road closure process.
- 5.4 The communications and consultation activities carried out between 15 December 2021 and 23 January 2022 were:
 - a) Letter and fact sheet (Attachment 4) mailed to 311 property owners and occupiers in the area shown in Attachment 5.
 - b) Have Your Say online engagement page with feedback form.
 - c) Advertisement in The Age newspaper on 15 December 2021.
- 5.5 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 and 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 or not approved, this will impact the construction timeline.
- 6.3 A town planning permit is required before construction can start. The town planning application process is underway, with public notification planned to commence in March 2022. In addition to the proposed precinct design, it will consider the outcomes of the road closure process and other changes to road functions.
- 6.4 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 Lower Esplanade.
- 6.6 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 this road in accordance with



clause 3 of Schedule 10 of the *Local Government Act 1989*. This process includes a further public notice period.

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 This project primarily supports the Liveable Port Phillip strategic theme in the Council Plan through providing a safer and high-quality public space in a very popular location. It will also support a Sustainable Port Phillip through improved street planting and canopy cover.

11. IMPLEMENTATION STRATEGY

11.1 TIMELINE

11.1.1 Council receives written submissions and verbal submissions (March 2022)

11.1.2 Council formally considers the road closure process following all submissions being received and heard (late March)

11.1.3 Commence Construction – May 2022 (pending planning permit approval).

11.1.4 Construction is required to be completed by 30 November 2022.

11.2 COMMUNICATION

11.2.1 Following final consideration and resolution, Council's Have Your Say page and web page will be updated with the details of Council's decision and a link to the minutes of the 16 March 2022 Ordinary Meeting of Council.

11.2.2 A project webpage has been created to keep our community updated on project progress, from resolution of road closure until construction is completed. The webpage will include information about how to sign up for updates on the project's progress.



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
3. Summary of submissions recieved
4. Road closure letter and project information
5. Mailout map