



**10.1 PALAIS THEATRE AND LUNA PARK PRECINCT -
COMPLETION OF STATUTORY ROAD CLOSURE PROCESS**

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1. PURPOSE

- 1.1 The purpose of this report is to complete the formal process in accordance with the Local Government Act 1989 to:
- 1.1.1 Close part of the Road known as Lower Esplanade, at the Cavell Street entry, across the Palais Theatre frontage, in St Kilda; and
 - 1.1.2 Change the function of part of the Road known as Lower Esplanade, from the Jacka Boulevard exit, in St Kilda, converting the current one-way roadway to a two-way roadway.

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 \$1.3 million 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. Council has committed further funding, bringing the project total to \$4,536,061.45 (Inc. GST).
- 2.3 The creation of the Palais Theatre plaza requires:
- 2.3.1 Closure of part of the Road known as Lower Esplanade, outlined in orange in Attachment 1; and
 - 2.3.2 Change of function of part of the current one-way Road, as outlined in pink in Attachment 1, to a two-way road.
- 2.4 The formal process to close part of the Road known as Lower Esplanade, across the Palais Theatre frontage, commenced on 8 December 2021. It involved an application to the Department of Transport (DoT) and a statutory community notification process that invited community members to make a submission to the proposed road closure. A total of six-written submissions were received between 15 December 2021 and 23 January 2022. Council formally received and considered these submissions at its meeting on 16 March 2022.
- 2.5 The DoT, on 9 May 2022, advised the City of Port Phillip that it endorses the closure of Lower Esplanade across the Palais Theatre frontage.
- 2.6 Council commenced initial construction works in mid-2022 on the creation of the new plaza and the associated pedestrian safety works in front of Luna Park. During initial



stages of construction, additional stormwater drainage works were identified. A revised delivery schedule is currently being prepared that will ensure minimal impact on stakeholders and users of these spaces. Construction is likely to be concluded during 2023. The delays to the construction of the project have no impact on the road closure process.

3. RECOMMENDATION

That Council:

- 3.1 Notes that on 8 December 2021, Council resolved to commence the process under section 207, schedule 11, clause 9 of the Local Government Act 1989 for the permanent closure of part of the Road known as Lower Esplanade, at the Cavell Street entry, across the Palais Theatre frontage, in St Kilda and the change in function of part of the Road known as Lower Esplanade, from the Jacka Boulevard exit, in St Kilda, converting the current one-way roadway to a two-way roadway **(the Proposal)**.
- 3.1 Notes that on 16 March 2022, Council received and considered all written and verbal submissions to the Proposal.
- 3.2 Notes that on 6 April 2022, Council resolved to pursue the Proposal.
- 3.3 Notes that on 9 May 2022, Department of Transport advised Council that it endorses the Proposal.
- 3.4 Having considered all submissions and the Department of Transport report, resolves to formally complete the closure process for the permanent closure of part of the Road known as Lower Esplanade, at the Cavell Street entry, across the Palais Theatre frontage, in St Kilda and the change in function of part of the Road known as Lower Esplanade, from the Jacka Boulevard exit, in St Kilda, converting the current one-way roadway to a two-way roadway.
- 3.5 Directs that the Chief Executive Officer or delegate to notify, in writing, every person who has lodged a separate submission of the decision and reason/s for the decision.

4. KEY POINTS/ISSUES

- 4.1 On 8 December 2021, Council resolved to commence the process for the:
 - 4.1.1 the road closure of Lower Esplanade, St Kilda in accordance with section 207, schedule 11, clause 9 of the Local Government Act 1989.
 - 4.1.2 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, 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 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. The submissions deadline was 5 pm on 23 January 2022.
- 4.4 A total of 6 written submissions were received.



- 4.5 Council, at its meeting on 16 March 2022, heard and received submissions in accordance with the Local Government Act 1989 on the proposed road closure of Lower Esplanade in St Kilda. Many of the submissions contained recommendations, suggestions and considerations for the broader project and were not specific to the road closure process. Where possible, officers have been able to incorporate feedback and input into the finalisation of the design. Officer responses to each of the matters raised in the submissions were considered and endorsed by Council at the meeting.
- 4.6 Council, at its meeting on 6 April 2022, having given consideration to the submissions from the community, officer responses and the final project design and construction program, resolved to complete the closure of Lower Esplanade, St Kilda, upon receipt and consideration of a DoT report on the matter and to change the road function of the Lower Esplanade, converting it from a one-way configuration to a two-way roadway.
- 4.7 Subject to the approval and completion of the road closure process, a proposal to discontinue the affected road section and remove a section of the road from the City of Port Phillip Register of Public Roads, may be required.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 In February 2020, Councillors supported the concept design for the Palais Theatre and Luna Park Precinct revitalisation project. Following a review of the project scope and budget in early 2021, a change of scope was supported by Councillors, 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 information pertaining to the road closure process.
- 5.4 Specific engagement has been undertaken throughout the project with the foreshore traders and the operators of the Palais Theatre, Luna Park and the Esplanade Market

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Council officers are currently working with the project's funding partner, DELWP, to adjust the project grant funding timelines. To help mitigate any risks associated with this, a number of processes have been run in parallel to expedite the project, this includes the construction contract award, the formal closure of the road and a statutory planning process.
- 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. The closure requires both Council's approval and the DoT's consideration. Council's decision to finalise the necessary road closure process, under the Local Government Act, and change its function, as per this report, enables formal enactment of the closure. Should the road closure process be delayed or not approved, this will impact the construction timeline.
- 6.3 Statutory planning approval has been granted for the project.
- 6.4 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 Council, at its meeting on 6 April 2022, noted the revised total project budget of \$4,536,061.45 (Inclusive of GST) and awarded the contract for the construction of the Palais Theatre & Luna Park Revitalisation to Connell Design & Construction Pty Ltd for \$3,708,570.97 (Inclusive of GST).
- 7.2 The project budget includes funding of \$1.3M from the DELWP Pocket Parks Program. The grant funding is to be fully expended by 30 November 2022.
- 7.3 There is no financial impact to the project in approving the road closure.

8. ENVIRONMENTAL IMPACT

- 8.1 The construction of the project will deliver improved environmental outcomes in the local area. The project involves the removal of hard asphalt pavements and the replacement, in part, with garden beds, grassed areas and trees.
- 8.2 The nature of the works will reduce the urban heat island effect in this exposed area and help to provide some shade and green space.

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 The project will create additional open space for informal and formal use whilst at the same time mitigating any potential risks through the installation of hostile vehicle mitigation measures.
- 10.2 The project will additionally improve safety for pedestrians and vulnerable road users in the area.
- 10.3 The project contributes to the broader value of the local economy and cultural institutions.
- 10.4 The delivery of the Palais Theatre and Luna Park Revitalisation project is most aligned to Council's commitments under Liveable Port Phillip and Sustainable Port Phillip.
- 10.5 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.

10.6 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 completes processes to close the Lower Esplanade under the Local Government Act – October 2022.

11.2 COMMUNICATION

- 11.2.1 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 this Council Meeting.
- 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.

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. Attachment 1: Road Plan