

## Report of the Select Committee on Public Land Development

The Council approved the BBC Triangle in August 2008 (In February 2008 it had approved the plan subject to changes). In September 2008 unChain brought a challenge to VCAT.

While this was going on, there was an Inquiry by a Committee of the Legislative Council into Public Lands. unChain made three detailed written submissions: in September 2007, 25 January 2008 and 5 March 2008. We also made an oral presentation to the committee. Council CEO Spokes and Steve McMillan also made oral submissions. unChain's submissions to the Select Committee detailed our concerns with the processes involved in the Triangle decision-making.

Our submission drew the attention of the Committee to a section of the Ombudsman Act that has never been used – section 16 gives the Committee or the Legislative Council the power to refer a matter to the Ombudsman.

The Select Committee reported in September 2008. It accepted the substance of our submissions. The Committee reported to the Legislative Council and the Council referred the matter to the Ombudsman in December 2008. The Committee recommended that the Victorian Ombudsman investigate the probity of the St Kilda Triangle development processes that were followed by the State Government and the Port Phillip Council.

For the Full report see [Committee's Report](#)

### **EXTRACT FROM THE REPORT OF THE SELECT COMMITTEE**

These were the findings of the Select Committee

#### **FINDING 5.10**

There is significant concern around the process and outcomes of the proposed St Kilda Triangle development. The Committee finds that there is considerable basis for community concerns with respect to inappropriate use of valuable public land.

#### **FINDING 5.11**

Evidence put to the Committee strongly suggests that the proposal should be renegotiated by the Government, the Port Phillip Council and developer in consultation with the community with a view to:

- reducing the size and nature of the development and its impact on the local community and amenity; and
- complying with the Urban Design Framework.

#### **FINDING 5.12**

Evidence put to the Committee indicates that the development plan as submitted by Citta Property Group does not conform with the St Kilda Urban Design Framework, and as such the Port Phillip Council may have erred in approving the development.

### **FINDING 5.13**

The St Kilda Triangle development process establishes a dangerous precedent for the development of public land in any suburb or regional town in Victoria in a number of ways because of the combination of:

- the social and heritage significance of the site;
- the unique process involving the passing of the *St Kilda Triangle Act*, which confers virtually all responsibility for the site from the State Government to the Port Phillip Council;
- the multiple, conflicting roles of the Council as proponent, planning authority and committee of management;
- the lack of transparency in the tender process;
- the removal of third party appeal rights; and
- the commercialisation of public land.

### **RECOMMENDATION 5.5**

The Committee strongly encourages the Victorian Government to work more closely with the Port Phillip Council, Citta Property Group and the local community within the existing legislative and contractual arrangements, to reach an outcome to the St Kilda Triangle development proposal that best meets community expectations.

### **RECOMMENDATION 5.6**

The Committee recommends that the State Government allocate sufficient public funds to restore and refurbish the heritage Palais Theatre, to decontaminate the site, and to ensure that any development on the St. Kilda Triangle site is primarily for cultural, entertainment, recreation and public open space as promised to the community.

### **RECOMMENDATION 5.7**

The Committee recommends that the Victorian Ombudsman investigate the probity of the St Kilda Triangle development processes that were followed by the State Government and the Port Phillip Council.