

After the successful victory in the 2008 Council elections, there was an overwhelming majority of Council opposed to the BBC Development Plan for the St Kilda Triangle. But this was a legal contract. Council could not simply quash it without paying millions of dollars in damages. UCSK therefore brought a legal challenge at VCAT and participated in an inquiry by the Ombudsman. At the same time Council was attempting to negotiate a commercially sensible termination of the Development Plan. This required the agreement of the developer and the state government.

UCSK submitted this paper to a senior ALP functionary in 2009 hoping to persuade the state government to agree to terminate the Development Plan. The paper threatened to make the Triangle an issue in the 2010 state elections in the seat of Albert Park. In December 2009 the three parties, the Council, the state government and the developer agreed to terminate the Development Plan. This meant that the St Kilda Triangle was not a current issue in the 2010 state elections.

UCSK does not know whether this paper helped persuade the state government to agree to terminate the Development Plan. We do know that in the 2010 elections the ALP was narrowly defeated and the ALP member for Albert Park, Martin Foley, narrowly retained his seat. We are confident that if the BBC Plan for the St Kilda Triangle had still been live at the time of the elections, then the ALP would have lost the seat of Albert Park.

**The
Politics of
the St Kilda Triangle
Or
How the ALP lost the seat of Albert Park
Or
How the ALP retained the seat of Albert Park (and government)**

In the ancient world, the equivalent of the St Kilda Triangle was the island of Sicily, the casus belli of the Second Punic war. In 218 B.C. Quintus Fabius, the Roman envoy, laid his hand on his toga and said to the Carthaginian senate: “Here we bring you peace and war. Take what you will”. (For the information of callow ALP cadres whose knowledge of politics starts with Gough, the Romans beat Hannibal — on preferences).

We do not offer the quite same stakes, merely the ALP winning or losing the state seat of Albert Park.

This is a response to a request from Mehmet Tillem for our position on issues relevant to the seat of Albert Park. It has been prepared by Peter Holland, Secretary of unChain St Kilda Inc and campaign manager for unChain Port Phillip in the November 2008 Council elections.

The St Kilda Triangle: A promise betrayed

In 2001 the Port Phillip Council prepared the St Kilda Foreshore Urban Development Framework (UDF), which identified opportunities for improvement of the foreshore including the St Kilda Triangle. In 2004 this was incorporated into the Port Phillip Planning Scheme.

In May 2007 the Council selected BBC consortium comprising Babcock and Brown and its subsidiary, Citta Property Group, to develop the Triangle. The Council, the State Government and the developer signed a Development Agreement. In August 2008 the Council purported to approve a Development Plan.

In 2001 the UDF had promised the community that the Triangle would be developed as an entertainment and cultural precinct. Despite non-trivial changes to the original proposal, fundamental problems remain with the Development Plan purportedly approved by Council in 2008. For the duration of its 99-year lease the developer will control 47,300 sqm of Gross Lettable Space on Crown Land. This proposed complex is significantly greater than Altona Gate (28,652 sqm, Westfield Geelong (35,866 sqm) or Brimbak Central (39,505 sqm). Major issues include:

- A massive retail complex on the St Kilda foreshore comprising about 160 shops (19,000 sqm), other retail, a gym etc. By comparison there are about 160 shops presently in the whole of Acland St.
- The problems associated with four nightclubs with a capacity of 3000 patrons, a tavern for 900 patrons and numerous licensed venues such as restaurants and bars.
- New buildings will still cover the whole area between Jacka Boulevard and Upper Esplanade, blocking views to the beach and sea from the Upper Esplanade and overwhelming the heritage Palais Theatre

A detailed analysis of the unChain St Kilda concerns can be found in our submissions to the Select Committee and the VCAT application which are on our website, www.unchainstkilda.org

It is important to note that this is not a NIMBY opposition. The position of unChain St Kilda is that the Triangle should be developed primarily for cultural, entertainment, recreational and open space uses as promised in the UDF. There is nothing wrong with a shopping mall – in the appropriate site. The St Kilda Triangle is not the appropriate site, but the St Kilda Junction could be. We could take a lesson from Sydney, which built Bondi's commercial hub at Bondi Junction, not at Bondi Beach. A fundamental redevelopment of the St Kilda Junction could enable transport planners to solve the problems of Melbourne's worst road intersections. unChain St Kilda would support a State Government analysis of the desirability of significant commercial development above and below the St Kilda Junction, in keeping with the

Melbourne 2030 vision for intensifying commercial and residential developments around transport hubs. Five tram routes, two bus routes and two major highways cross the Junction. This area could easily accommodate a shopping complex with a high-rise residential, office or hotel tower. This could also cross-subsidise a cultural and entertainment precinct at the Triangle, especially contributing to the restoration of the Palais.

Community Outrage at the Broken Promise

There is widespread community opposition to the Development Plan for the St Kilda Triangle.

- More than 6000 submissions were sent to Council opposing the proposed Development Plan in December 2007.
- In addition there was a petition sent to Council in February 2008 signed by more than 15,000 people.
- At the Council meeting in December 2007 over 900 people attended with an overwhelming majority opposed to the proposal.
- More than 2500 people marched from the Palais to the Council meeting in February 2008 to demand that Council reject the proposed Development Plan.
- unChain St Kilda has a data base of over 3500 people who subscribe to our email updates
- In Council elections in November 2008, the Triangle was the major issue and candidates supporting the Triangle plan suffered humiliating results.

What does the community want?

There is a range of views on what should happen with the Triangle. Nobody wants it to remain a wasteland. But few in the community, if any, think that this iconic site is best used as a retail hub and drinking venue. The starting point is that the current plan betrays the promise in the UDF that there would be a cultural and entertainment precinct. An alternative would deliver on this promise.

Unchain St Kilda commissioned a report from Professor Roz Hansen on whether the Development Plan complies with the UDF. Hansen Partnership is a leading planning consultancy, with a particular expertise in St Kilda. Her conclusion is damning. She states: *'In our opinion there has been a 'manipulation' of policy intent by some parties, including the developer for the Triangle site, to justify the substantial retail floorspace component and yet there is very little, if any policy support, especially at the local level, to justify 25,000 sq.m of retail on this strategically significant site. Based on our assessment of the relevant planning policies contained in the Port Phillip Planning Scheme we are of the opinion that there is no substantive support in the existing planning policy framework for an activity centre for retail uses of this scale and nature on the St Kilda Triangle Site'*. Professor Hansen's report is attached.

It is quite possible to have an economically viable project that delivers on the promise of the UDF. There were 15 expressions of interest to the original tender. At least some of the bidders who were not short-listed submitted proposals which complied with the UDF. For example the Palace Entertainment Complex submitted a bid through Jackson Architecture which preserved the grassy slopes, had a modest building

around the Palais and a modest new building at the Western end of the Triangle. It contained a hotel, a carpark-plaza and a restaurant/café with significant open space. The two unsuccessful short listed tenders were St Kilda Creative Hub and R-Corporation with John Van Handel. Both originally proposed \$70-\$80 million entertainment centres with modest retail components. One was specifically told that no supermarket would be permitted. Both original proposals appear to have been in conformity with the UDF. Both were instructed by the SKE committee to present significantly larger proposals which were ultimately rejected as too big!

The Council claims that the commercial and nightclub development is necessary to cross subsidise the restoration of the Palais. This appears false and misleading. We believe that the Council intended not to cross subsidise the entertainment aspects of the Triangle project but other council activities. The Council realized that if it 'maximised the financial and commercial benefits' of the Triangle site, it would be a major beneficiary as it would receive substantially greater rate and rent revenues. A \$300 million commercial development offers greater returns for Council than a \$70 million project. Councillors in other wards would then be able to pursue their own agendas, whether development of the South Melbourne market, a new nursing home in Port Melbourne or additional funding for community housing. While these projects are worthwhile, they do not justify taking 30 pieces of silver for betraying the promises in the UDF for the Triangle to be a cultural and entertainment precinct.

The community would support a new approach that delivered on the promise in the UDF. All agree with the concept of restoration of the Palais, but for most its glory includes its exterior as a stand-alone building. For some the Triangle development may involve modest construction with significant open space. For others it may be a more intensive development, perhaps like the Tivoli Gardens in Copenhagen. For others again it may be a major cultural centre. The key is to identify a satisfactory process that will lead to a realisation of the UDF promise. In our submissions to the Select Committee we outlined such a pathway.

The VCAT Challenge

unChain St Kilda brought its legal challenge against the Council decision to approve the Development Plan. We were not able to mount a 'normal' challenge to the Council's decision because of the special planning rules that applied to this site. We sought a declaration that the Council's approval of the Triangle Development Plan was invalid under section 149B of the *Planning and Environment Act*. This requires us to show that the Council's decision was legally invalid. This involves application of the principles of administrative law, not an analysis of whether the Council made the right decision on the merits. We face a 'high hurdle' in proving our case. We argued that there were five different grounds on which the Plan was legally invalid:

- (1) Invalid Approval: Public Participation obligations
- (2) Unlawful Approval: Delegation to Mr Borg
- (3) Denial of Natural Justice
- (4) Irrelevant/Relevant Considerations
- (5) The approval of the Plan was unreasonable

It may be that we will not succeed with our administrative law challenge. This will not mean that the Council made the right decision on the merits. The battle will continue. Let us assume that, despite Babcock and Brown's financial haemorrhaging, the Developer wants to continue. The Developer's submission to VCAT was made by Mr Wright, an eminent QC. He said 'the approval of a development plan does not authorise actual development of the land. In most cases (including this case) a planning permit will still be required before any development can be carried out, and depending upon the zone controls a land use permit may also be required. For example, in this case a land use permit is required to use any part of the land for retail purposes, so any debate as to whether that use is appropriate, or as to the amount of retail floor space that should be permitted, is premature. Those questions will be considered if and when a planning permit is applied for'. So even if the VCAT action is lost, there is still a long gauntlet of approvals to run. The Council and the community will attempt to improve the Triangle project through the subsequent planning permit process, the Heritage permit system and the Liquor licensing requirements. This will produce plenty of controversial coverage in the newspapers. The VCAT decision, even if we lose, is clearly not the end of the matter.

Select Committee and the Ombudsman's Inquiry

The final report of the Select Committee on Public Land Development, released in 2008 expressed significant concern with the process and outcomes of the proposed St Kilda Triangle development. It recommended that the Victorian Ombudsman investigate the probity of the development processes that were followed. Subsequently the Legislative Council has asked the Ombudsman to investigate the St Kilda Triangle development.

The Ombudsman has three other inquiries into issues at the former Port Phillip Council. It is expected that these reports will be released soon. The report into the Triangle processes will not be able to be dismissed as a partisan political inquiry as could the report of the Select Committee. unChain St Kilda will be making a submission to the Ombudsman. If the report is damning and the state government is seen as involved, then there could be significant impacts on the reputation of the local ALP parliamentarians.

The Politics of the Triangle: Council Election November 2008

The Triangle was the major issue in the November 2008 council elections. These elections had different wards from the 2004 elections so the comparisons are approximate.

Of the six councillors who supported the Triangle plan, only one was re-elected. Two decided not to contest the elections, three were defeated and one was narrowly returned. The ALP did not endorse any candidates. Nevertheless it made a significant effort to get candidates it supported elected. It is ominous for the ALP that this effort was so unsuccessful.

Albert Park Ward

Judith Klepner, a sitting councillor, was re-elected unopposed. Judith had strongly opposed the Triangle plan. Judith is an ALP member.

Emerald Ward

In Emerald Ward, based on South Melbourne, the sitting councillor Peter Logan had voted in favour of the Triangle plan. This upset many of his former supporters. He was challenged by Ann Birrell of the Greens and Frank O'Connor from Community Alliance Port Phillip. Both had opposed the Triangle plan. There was also an ALP member, Sue Humphries, who ran as an independent. She received no support from the ALP, indeed the ALP Head Office actively attempted to undermine her campaign. Sue also opposed the Triangle plan.

It is difficult to successfully challenge an incumbent councillor. Frank O'Connor received 52.4% of the votes, defeating Peter Logan who gained only 47.6%.

- Peter Logan, independent 38.2% of first preferences
- Frank O'Connor, CAPP 26.5%
- Ann Birrell, Greens 16.3%
- Sue Humphries, independent ALP 8.6%
- 1 other 10.3%

Sandridge Ward

The other councillor re-elected was Janet Bolitho in Sandridge ward. Janet is a member of the ALP, a former mayor and the only councillor on the present Council who supports the Triangle proposal.

In the 2004 election Bolitho obtained 69.3% of the first preferences against one other candidate. In the 2008 election her first preference vote fell to 43%. After distribution of preferences, Bolitho defeated Richard Roberts of unChain by just 282 votes. Sufficient Green votes had leaked to Bolitho to enable her to pip Roberts on the post. The result dispelled the myth that Port Melbourne had a rusted-on ALP vote. As Roberts did not live in the ward and had only lived in the municipality for 12 months, this was a humbling result for the incumbent.

- Bolitho, ALP 43% of the first preferences
- Roberts, unChain 18.5%
- Plowright, Greens 10.9%
- 4 others 27.6%

Junction Ward

In a new ward, ALP member and former mayor Dick Gross stood for re-election. In the 2004 election he had been elected unopposed in Blessington ward. Dick Gross was a strong supporter of the Triangle plan. The ward was won by John Middleton of the Greens. After distribution of preferences the Greens had received 63.6% of the vote and the ALP councillor only 36.4%. This was a stunning defeat for the incumbent.

- Gross ALP 20.5% of the first preferences
- Middleton, Greens 19.8%
- Rosenblatt, CAPP 18.6%
- Griffiths, unChain 18.2%
- 4 others 22.9%

Carlisle Ward (previously Alma)

The sitting councillor, Darren Ray, did not stand for re-election. He was a former mayor, a member of the ALP and a supporter of the Triangle project. Had he stood for re-election, I am confident he would have been defeated, like Councillor Gross in Junction Ward. In the 2004 election Darren Ray (ALP) obtained 67.9% of the first preference votes and defeated two other candidates.

The ward was won by Rachel Powning, an ALP member who opposed the Triangle plan. Rachel is also a member of unChain but unChain decided to support its own candidate, David Carter. After distribution of preferences, Rachel defeated Cameron Pidgeon of the Greens by just 14 votes. Ironically it was the preferences of the Liberals that got her over the line. There was a fall in the ALP first preferences from 67.9% to 30.7%.

- Rachel Powning ALP 30.7% of the first preferences
- Cameron Pidgeon Greens 22.5%
- David Carter unChain 21.2%
- 5 Others totalled 25.7%

Point Ormond Ward

The sitting councillor, Janet Cribbes, was not a member of the ALP but was heavily supported by the ALP. For example John Thwaites and his wife, former mayor, Melanie Eagle, handed out for Cribbes. Janet Cribbes was also the mayor and had been a prominent supporter of the Triangle plan.

In the 2004 election Cribbes had comfortably defeated Sue Pennicuik of the Greens and another candidate. Cribbes received 60% of the first preferences compared to 36.5% for the Greens. There was a stunning reversal in the 2008 elections.

In the 2008 election, Jane Touzeau of unChain secured more first preferences than Cribbes. After distribution of preferences, Touzeau received 57.6% of the votes and Cribbes only 42.4%.

- Janet Cribbes, ALP supported 33.1% of the first preferences
- Jane Touzeau, unChain 34.6%
- Meni Christokakis, Greens 24%
- 1 other 8.3%

Catani Ward

Catani ward is the ward in which the St Kilda Triangle is located. The incumbent councillor, Karen Sait, was seen as a supporter of the Triangle plan even though she voted against approval at the Council meeting in February. In the 2004 elections she defeated Leigh Johns of the ALP. Karen Sait had intended to stand again in 2008 but saw the writing on the wall and decided not to contest the ward when the strength of community opposition became clear.

The contest in Catani ward in the 2008 elections was between Sean O’Donohue and Serge Thomann of unChain. Sean O’Donohue had allowed his membership of the ALP to lapse. This was seen as a tactic to enable him to claim he was independent. He ran as a Community Alliance of Port Phillip candidate but he received significant support from the ALP. This included a leaflet authorised by the President of the St Kilda branch with endorsements from MartinFoley and John Thwaites. The ALP’s candidate was thrashed by Serge Thomann of unChain. After distribution of preferences, Thomann received 60.1% of the vote and O’Donoghue only 39.9%.

- Sean O’Donohue, ALP supported 23.7% of the first prefs
- Serge Thomann, unChain 43.6%
- Dinesh Mathew, Greens 19.3%
- 2 others 13.4%

A Port Phillip Overview

It is too crude to simply see the election as a contest between the ALP and a coalition of opponents. ALP members, Bolitho and Gross and ALP-supported Cribbes were incumbent councillors. All were prominent councillors. All had been mayor. All supported the Triangle. All were thrown out by the electorate. Two ALP candidates, Powning and O’Donoghue, opposed the Triangle plan. Nevertheless community concern about possible state government backing for the Triangle saw Powning only narrowly win and O’Donoghue resoundingly defeated despite significant support from Martin Foley.

	ALP/ALP supported	Votes	Opponent		Total
Sandridge	Bolitho	2947	Roberts	2665	5612
Junction	Gross	1526	Middleton	2669	4195
Carlisle	Powning	2786	Pidgeon	2772	5558
Point Ormond	Cribbes	2564	Touzeau	3489	6053
Catani	O’Donoghue	1926	Thomann	2903	4829
Total votes		11749		14498	26247
Percentage		44.80%		55.20%	100%

Votes in the 2008 Port Phillip elections after distribution of preferences

The table above demonstrates that the ALP may have considerable difficulties retaining the seat of Albert Park if it is seen as supporting the current Triangle proposal. The table eliminates Albert Park ward where there was no contest and Emerald ward where there was no ALP- supported candidate. It shows that the ALP

received only 44.8% of the two party preferred vote in the 2008 Council elections. It shows that the ALP cannot assume that it has a safe seat in the Albert Park electorate for the next state elections.

The Politics of the Triangle: State Election

Albert Park has traditionally been a strong ALP electorate.

- In 2002 John Thwaites polled 48.16% of the first preferences and beat Virginia Browne (Lib) with a two party preferred vote of 62.62% to 37.38%.
- In 2007 his vote fell to 41.05% of the first preferences and he beat Clive Smith (Libs) 59.69% to 40.31% in the two party preferred vote.
- In both elections there was a non-trivial Green vote of 17.32% and 19.07%, most of which preferred John Thwaites.
- In the 2007 by-election the Liberals did not contest. The Green vote rose to 28.52% and after distribution of preferences, Martin Foley defeated John Middleton of the Greens 57.07% to 42.93%.

However the future may see Albert Park become a marginal seat for the ALP. Indeed if (say) the fallout from the bushfires sees a strong protest vote against the government in regional Victoria, Albert Park may be the seat the ALP has to win in order to retain government. Some factors in a possible fall in the ALP vote include:

- Any general swing against the incumbent government
- The loss of John Thwaites' personal following
- Demographic change in Albert Park such as the Beacon Cove estate
- Albert Park-specific issues, especially the St Kilda Triangle.

Many unChain St Kilda supporters would previously have voted for the ALP. If the current Triangle plan is still alive at the next state election, many may change their vote were the state government seen as supporting it. In particular if there were an exchange of preferences between a strong Liberal candidate, a strong Green candidate and a strong community-unChain St Kilda candidate, the sitting ALP member, Martin Foley may be swept aside like the pro-Triangle councillors in the municipal elections. Foley is seen as a supporter of the current plan.

Let us assume that the state government goes into the next election and is seen as supporting the current Triangle proposal. The recent Council election campaign has given unChain a rapid education in fundraising and in electioneering. Off the top of my head I suggest that a community-unChain St Kilda candidate in a state election could mount a powerful campaign on the theme of 'cranes, cronies and crumbs'. The aim would be to attract voters who would normally have voted ALP.

The 'cranes' issue would emphasise the pro-development stance of the state government at the expense of the local community. For example the proposal for a cluster of nightclubs and drinking venues in the Triangle plan has produced passionate community objections. Does the government care? On the issue of the problems of a nightclub precinct, the Spiller Gibbons Swan report for council in 2008 states: *The Triangle site development could possibly generate additional crime due to the concentration of bars and nightclubs ...In the lower end estimate it could be assumed that the presence of these additional 3,100 patrons in St Kilda will not*

generate any additional crime relative to the base rate. That is, any additional crime in St Kilda associated with the Triangle site development will be 'transferred' from another part of Melbourne. So there is no net cost to the Victorian community. Thank you very much: if the state government supports the Triangle plan it means it is happy to turn Port Phillip into a party zone: Port Phillip residents will suffer but stuff them. What a vote-winning strategy this is for the ALP candidate in Albert Park!

The 'cronies' issue would emphasise that the ALP has received significant funding from the developers. unChain St Kilda knows how this accusation can hurt a campaign. It also has now learnt how it could use this sort of denunciation.

In the recent Council campaign, unChain St Kilda experienced massive adverse publicity, being accused of accepting money from developers. The accusation was completely distorted, but effective nonetheless. What happened was that St Kilda resident, Chris McMillan, Director of KahDo, an advertising and car lease firm, lent five Smart cars for the campaign period for unChain to use as a publicity device. Unknown to unChain, Lindsay Fox was a minority shareholder in this company. When alerted to this, unChain returned the cars. The three-day use represented an in-kind contribution of \$857 or \$171 per candidate. The Fox connection was discovered by some smart political apparatchik, perhaps in another community group but probably in the Martin Foley's office. Our political opponents fulminated about our taking money from developers, with significant press and letterboxing. This had a non-trivial impact on election day. Lesson learned!

What fun an unChain campaigner in a state election could have with the more substantive accusations about the ALP and the local member accepting funding from developers in general and from Babcock & Brown in particular. How much has the successful tenderer for the Triangle paid to the ALP and when did it pay it? For a start, the 2007/8 financial returns with the AEC show that Babcock & Brown donated \$117,600 to the ALP with \$10,800 to the Victorian office. Beats a Smart car for three days' campaigning!

The 'crumbs' issue would emphasise that the state government often imposes added responsibilities on Port Phillip municipality without adequate funding. This under-funding is often the case with human services, and Port Phillip has higher human services needs than suburban councils. But the under-funding is also relevant in the Triangle context. Is the state government trying to avoid its responsibilities for our public land? In particular the state government has refused to consider subsidizing the restoration of the Palais. In contrast, the Australian Grand Prix Corporation's 2008 Annual Financial Report disclosed a government subsidy of \$40.17 million in 2008, up 219.6% from the 2004 figure of \$12.56 million (The estimate for 2009 is \$ 48 million). Why is the government prepared to give the cake to the motorheads but only crumbs to the Albert Park voters who were promised a cultural and entertainment precinct at the Triangle?

Conclusion: if the state government goes to the next election appearing to support the St Kilda Triangle plan, its candidate could suffer the same fate that befell the pro-Triangle candidates in the recent Council campaign.

What is to be done?

1. The State government should use its powers to terminate the current proposal. We understand that not only has the investment bank Babcock and Brown failed, but also the developer has not signed up a single tenant and the mezzanine finance it had arranged may have terminated. The developer may want to sell the Babcock and Brown interest to a new player or to simply delay any decisions to proceed with the project. Whether the developer can do this depends on what is in the contract between the developer, the Council and the State Government. For this reason we have mounted a vigorous Freedom of Information application to force public disclosure of the contract. One thing is clear, that is not in the public interest to allow the developer to sit on this land for a decade waiting for the global financial crisis to end and for the financing of the project to be resolved.

2. The State government should ensure that there is a new process to deliver on the promises in the UDF that the Triangle would be developed as an entertainment and cultural precinct.

3 We submit that the Port Phillip Council continue to be the body responsible for the implementation of the UDF and the development of the St Kilda Triangle. An unlikely but theoretical possibility is that the State Government may decide to ‘call in’ the Triangle project. The State Government may try to argue that it is necessary for it to take over the approval of the Triangle project in order to kick-start projects to get over the current economic crisis. We would first mount a strong political argument. Whatever goes onto this iconic site will carry a 99-year lease. We should not condemn the next four generations to a sub-standard development just to assist in our temporary economic hard times. Further the St Kilda Triangle Act provides that the Port Phillip Council is the committee of management and that it is the body that grants leases for the approved development of the Triangle. Our legal argument would be that the State Government can only take over the project if it changes the St Kilda Triangle Act. This would require the consent of the Legislative Council. unChain St Kilda in 2008 successfully campaigned to stop the government changing the Local Government Act to curtail the free speech of councillors and Council candidates. We would mount a similar campaign to stop the government trampling on the rights of the local community by taking over the Triangle project. Remember that the Liberals and the Greens have control of the Upper House so we would have a realistic opportunity to stop this government changing the Triangle Act if it attempted to do so.

4. The State government should consider contributing to the cost of the restoration of the Palais. This would be in keeping with the recommendation of the Select Committee 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”. Times are tough, of course.

5. We recognise that the developer has expended considerable resources in developing the proposal. There are other development opportunities for commercial centres in Port Phillip. The developer could be preferred for these. One discussed above is the redevelopment of the St Kilda Junction. Another would be

redevelopment of the existing Safeway supermarket in Acland Street with residential accommodation above.

6. ALP Candidate

The ALP does not have to go into the next election with a policy supporting the development of the St Kilda Triangle as a massive commercial centre and drinking zone. Two of the existing ALP Councillors, Judith Klepner and Rachel Powning, oppose the current Triangle development. The other Janet Bolitho, is the only councillor who supports it.

The sitting member is, of course, Martin Foley. Martin has done some excellent work in the community such as helping the only government secondary school in the electorate, Elwood College. He has, however, been significantly less prepared than federal member, Michael Danby, to take account of community concerns about the Triangle proposal. There are some in the community who believe that Martin is more interested in a career in the industrial rather than the political wing of Labor. If so, there are undoubtedly other ALP members who would make attractive candidates at the next election. Indeed many unChain activists who would otherwise work for a Green or community candidate in the next election may prefer to campaign for the election of a good Labor candidate, whether Martin or another, who wanted to develop the St Kilda Triangle as a cultural and entertainment precinct.

Conclusion:

Perhaps the most important question for the government is “what is the best use of the St Kilda Triangle in the long term public interest? An important insight can be gained from the report of the Competition and Efficiency Commission on Victoria’s Liveability. (A State of Liveability: An Inquiry into Enhancing Victoria’s Liveability, April 2009).

The Report stated that: *“Liveability is a primary concern for all Victorians and is arguably at the centre of most government decisions. Victoria is already one of the most liveable locations in the world, with international surveys ranking Melbourne as among the world’s most liveable cities”*

What is the role of the St Kilda Triangle in this? One could compare the Triangle opportunity to that of Fed Square. The Competition and Efficiency Commission’s report observed: *“Fed Square Pty Ltd asserts that Federation Square is part of Melbourne’s ‘civic, community and cultural heart’ and this ‘exciting public space’ contributes to the Victorian economy by:*

- *increasing expenditure by interstate and international visitors — an estimated additional \$88 million per annum to GSP*
- *generating 756 (gross) full-time equivalent employment positions (sub. 11).*

Consideration of the benefits of good urban design serves also to highlight the lost opportunities, threats and costs associated with poor urban design. For example, Fed Square Pty Ltd (sub. 11) noted Federation Square, through its design features, had helped in:

- *building creative activity*

- *expanding educational and lifelong learning opportunities*
- *adding to the canvas of cultural and recreational opportunities*
- *improving the quality of community interaction and improving the quality of life in the city*
- *building the opportunity for community, educational, creative and business partnerships”.*

unChain St Kilda believes that using a significant part of the Triangle opportunity for a commercial shopping centre and drinking venue would not boost Victoria’s liveability. In particular, Melbourne already has a growing threat to its reputation as a liveable city with its alcohol-fuelled violence. Developing the Triangle, and therefore St Kilda and Albert Park generally, as a nightclub cluster and party-zone would further degrade our liveability. The Triangle should be seen as a once-in-a-generation opportunity, like Fed Square was. Like Fed Square developing the Triangle as an entertainment and cultural precinct would significantly improve Victoria’s liveability. The state government should seize this opportunity, in co-operation with the local community and the local council.

Post Script: Vae Victus

We started with some Livy, so let’s finish on the same note. In 387 BC the Gauls led by Brennus captured Rome. The Romans agreed to pay 1,000 pounds of gold to free their city. They began to weigh out the gold but the Romans noticed that the weights were fixed. When they complained, Brennus threw his sword onto the weights, making them even more imbalanced. He shouted ‘Vae Victus’ – ‘woe to the vanquished’! If the ALP loses the seat of Albert Park at the next elections, it has nobody to blame but itself.