

Submission to Port Phillip Council

Process to Proceed to St Kilda Triangle Stage 2.

9 December 2014

**Peter Holland
Treasurer, unChain Inc**

It is submitted that:

1. The Design Brief should be amended to include reference to the St Kilda Foreshore Urban Design Framework
2. The Design Brief should be amended to explicitly require architectural quality.
3. It is appropriate for the Design Brief to acknowledge the need for flexibility in the further development of the building envelopes
4. The Design Brief should provide for a significant building envelope behind the Palais that has a bulk and form that respects the massing and distinctive shape of the Palais Theatre.
5. The Design Brief should be amended to include a reference in the building envelope beside the Palais to the heritage considerations of the Burra Charter and the Heritage Victoria curtilage
6. The Council should be proactive and actively explore locating the Rock 'n Roll Hall of Fame at the St Kilda Triangle
7. The Council should explore a Trust structure for the whole precinct covering the Palais, the Triangle and Luna Park.

1. St Kilda Foreshore Urban Design Framework

The St Kilda Foreshore Urban Design Framework was agreed in 2001 after significant community consultation. The UDF identified opportunities for improvement and integrated management of the foreshore. In July 2004, the UDF was approved by the Minister for Planning and incorporated into the Port Phillip Planning Scheme. This included site-specific planning controls to allow for the development of the Triangle Site as an entertainment and leisure precinct, with significant public spaces.

The main problem with the UDF is that it did not allow third party appeal rights.

The *St Kilda Triangle 2012* (The 'Orange Document') has a vision for the Triangle that is consistent with the UDF. Incorporating the UDF into the design brief is important because it puts the Triangle site into the broader context. *St Kilda*

Triangle 2012. The design brief should be seen as building on the work done in the UDF.

It is submitted that the Design Brief should include reference to the St Kilda Foreshore UDF.

Consultation and the *St Kilda Triangle 2012*

The *St Kilda Triangle 2012* involved extensive community consultation. However the mass community consultation was focused only on the general question of what do we want and what do we not want. The mass consultation did not include consideration of the specific development envelopes in *St Kilda Triangle 2012*. The only opportunity was the normal submissions to Council. Both the CAPP and unChain submissions said that the envelopes should be treated as guidance with significant flexibility required.

The problem with the development envelopes is that they are essentially based on just one criterion: a consultant's visual impact analysis. But there are various other factors that should be taken into account in determining envelopes and design outcomes. For example the envelopes create corridors but there is no consideration about climate: whether we are building wind tunnels. The envelope beside the Palais has not considered heritage: the provisions of the Burra Charter. The envelope behind the Palais permits a small building: it does not take into account other considerations such as the economic benefits of a larger building or the possibility of better backstage facilities for the Palais in a larger building.

2. Architectural Quality

The one major point missing from the "design brief" is architectural quality.

It is submitted that the brief must explicitly state an aspiration calling for 'architecture of the highest order of heritage response, cultural insight, future vision and sheer beauty'. Other phrases that could be considered are "world-class", "national or international standard", "cutting edge", "best practice", "best available talent". But the brief could also state that this does not imply showy-off starchitecty stuff.

It is submitted that the Design Brief should be amended to explicitly require architectural quality.

3. Flexibility and the Development Envelopes

The design brief says: 'The final uses for areas are not yet defined and some adjustment to envelopes may be necessary to accommodate certain uses'. It is submitted that this flexibility is essential.

Flexibility is needed because we do not yet know the nature of the future operator and its needs. For example the following 5 possibilities would have quite different requirements:

- Neil Croker, the current operator of the Palais, builds a new multi purpose/cabaret room capable of having 300 people at tables and 200 standing. Further the government-funded Rock 'n Roll Hall of Fame and music hub is located at the back of the Palais
- The Australian Centre for the Moving Image (ACMI) sets up ACMI 2 at the Triangle, returning the Palais to its movie theatre roots.
- A world-class Art Garden at the Triangle with structures to deal with the seasonal weather.
- An expansion of Luna Park to create a precinct like Tivoli Gardens in Copenhagen.
- A parkland link over Jacka Boulevard incorporating new buildings.

We do not want to narrow the process in such a way that it precludes some desirable developments or limits clever designers. Therefore it is submitted that it is appropriate for the Design Brief to acknowledge that the need for flexibility in the further development of the building envelopes.

4. Building Envelope at the Back of the Palais

The *St Kilda Triangle 2012* document says that 'Council will undertake additional work to further redefine the development envelope to the rear of the Palais Theatre' (at p. 113).

The Council commissioned a Palais Theatre Requirements Study in 2012. The study assessed three possibilities for the Palais ranging in cost from \$26.5 million to \$130 million. There is a need to expand the back-stage facilities of the Palais if it remains a music venue. The third option expands the Palais into a broader theatre and function venue and allows for the development of a boutique hotel and full service function facility. It may also include increased food and beverage opportunities as well as some limited complementary retail. There would be a significant increase in theatre use for meeting and convention related activities. The study anticipated that there would be a 60% increase in the number of shows per annum. A model is the Regent Theatre site where a long lease (50 years) was granted in return for a significant capital contribution by the lessee/ developer to upgrade the theatre and build the adjacent hotel.

It is submitted that the Design Brief should provide for a significant building envelope behind the Palais. It is appropriate at this time simply to say that the building should

- *Have a bulk and form that respects the massing and distinctive shape of the Palais Theatre*
- *Create opportunities for new vantages to view the bay and foreshore.*

It is submitted that it is not necessary to be more restrictive e.g. to require the building:

- *'minimise shadow impacts to the St Kilda Triangle and not overshadow the foreshore reserve after 10.00 a.m. on 21 June' or*
- *be subject to mandatory height restrictions*

5. Buildings at the Side of the Palais

The *St Kilda Triangle 2012* envisages a building beside the Palais that will allow for an extension of the Palais. There is an envelope that provides for a three storey building. This would allow for essential additions such as lift access to upper levels and functional additions such as improved back stage area, office space and kitchen/catering facilities. It would also permit other opportunities such as function facilities, restaurants, gallery spaces and a boutique hotel. These are the opportunities identified in the Palais Theatre Requirements Study (2012).

This is another situation where flexibility may be required. Is it acceptable for a new building to be built abutting the Palais? The *Burra Charter* and its accompanying guidelines are considered the best practice standard for cultural heritage management in Australia. The charter has been endorsed by the Australian Heritage Council (December 2004) and the Heritage Council of Victoria (July 2010).

The BBC proposal for the Triangle in 2008 also envisaged a building abutting the Palais. At that time unChain St Kilda Inc commissioned Mr Clive Lucas to review the heritage situation. Mr Lucas is one of the most experienced and senior heritage consultants in the country and he advised that the proposed buildings abutting the Palais were in absolute contravention of the Burra Charter. He highlighted:

'the stand alone quality of the Palais Theatre which is its most characteristic quality when one visits the site. It can be seen from as far away as Port Melbourne, from the St. Kilda Pier ... Indeed it is hard to think of another theatre which is so prominently sited beside water except for the obvious Sydney Opera House'.

Moreover Heritage Victoria Diagram 947 shows that the Palais Theatre building is contained within a curtilage that is seven (7) metres from the western wall and returns around the southern end of the building. This area is described as 'the extent of the Heritage Victoria Registration' for the Palais Theatre. Presumably this boundary around the building was specifically created to prevent an adjoining building being built hard against the west and south walls

of the Palais. Presumably the permission of Heritage Victoria would be required to build on this area.

The Burra Charter supports strategies of adaptive reuse. It may be therefore that this will override the need for strict stand-alone preservation.

Therefore it is submitted that the Design Brief should include an appropriate reference to the heritage considerations of the Burra Charter and the Heritage Victoria curtilage. The heritage considerations are at least as important as the St Kilda Triangle Visual Impact Analysis study that has been used to identify the developable areas.

6. Rock n Roll Hall of Fame

The newly elected Labor government has committed \$22 million for a Rock 'n Roll Hall of Fame and a music hub. It is submitted that the Port Phillip Council should be proactive and actively explore locating this at the St Kilda Triangle.

7. Trust for the St Kilda Entertainment Precinct

It is also submitted that Council should explore a Trust structure for the whole precinct covering the Palais, the Triangle and Luna Park. This is a structure used for precincts like the Arts Centre. The trust would include the operators. One advantage is that a powerful chair can open doors and wield influence. This could be a former politician like Steve Bracks or John Thwaites or a business person like Alan Myers (President National Gallery of Victoria) or Graeme Samuel (Chair Melbourne and Olympic Parks Trust). The structure would also include provision for a sinking fund so that we never again face a problem like the legacy of poor maintenance of the Palais.