



## **Item 7.2**

A Petition/Joint Letter containing 1319 signatures collected on change.org, was received from Neil Scott, and presented to a Council Meeting on 15 June 2022.

The Petition states the following:-

The City of Port Phillip Council has released plans to construct a public toilet facility in the parkland facing Fitzroy Street, immediately in front of St Kilda Park Primary School.

Based on the track record of the Council in not being able to provide clean, safe and well looked-after public toilet facilities, the School Council is very concerned that these toilets would present a safety risk to our students, families and wider community members.

Elsewhere in St Kilda, public toilets have become dirty, unsafe spaces that attract drug users and other anti-social behaviours. We believe that the risks of this happening within 15 metres of our driveway are unacceptable.

The Council has accepted that these risks exist but are determined to build new public toilets, believing that this location is the only option on Fitzroy Street.

We believe public toilets are important but that a facility located further down Fitzroy Street would remove the risks of placing it next to a primary school and also better meet the Council's stated aim to serve the needs of shoppers and bar and restaurant users, the majority of which are located between Grey Street and the Esplanade.

Through this petition, we seek to show the widespread opposition to this risky project in an inappropriate location and to urge Council to go back to the drawing board and find a better location for this facility.

## **OFFICER COMMENT**

### **1. PURPOSE**

1.1 To respond to the petition and seek direction from Council on whether to proceed at the current location within Albert Park for the new public toilet facility.

### **2. EXECUTIVE SUMMARY**

2.1 The provision of clean, safe, accessible public toilets affects all residents and visitors to an area, and plays a major role in the image of a Council or neighbourhood.



- 2.2 Council does not have a statutory requirement to provide public facilities, however it is generally expected that Councils' will provide these amenities to support the community in recreational and social activities.
- 2.3 International research and surveys show that most of the community regard public toilets as an essential facility that encourage locals and visitors to utilise public areas for longer and can support local businesses by increasing footfall and allowing customers to spend longer in shopping precincts.
- 2.4 For over 14 years Council has been trying to find a feasible location for public toilet construction in Fitzroy St. In this time, over 18 different locations have been considered.
- 2.5 A feasibility study undertaken in 2018 found Cleve Gardens in the South and Albert Park in the North as the most suitable locations, noting that provision at either end of the street is needed due to the distance between.
- 2.6 Due to the previous history and constraints of the site, Albert Park was chosen to proceed with as a priority, and an agreement with Parks Victoria has been entered into along with design and construct contract with external contractors.
- 2.7 There are several site constraints that need to be worked through.
- 2.8 Since the public was notified of the project via signage on site, a petition and numerous emails have been received from the school community and some traders expressing opposition to the location.
- 2.9 The opposition mostly stems from the concerns that anti-social behaviour that is often seen at the southern end of Fitzroy St will move to the new toilet block, with the risk of syringes being left around the toilets and aggressive behaviour posing a risk to the children.
- 2.10 While acknowledging these concerns, there is still a need for public toilets on Fitzroy St that are accessible to everyone, not just those able to use the facilities within a café/restaurant, and to reduce the amount of human waste collected in the area.
- 2.11 Officers have proposed several design and management responses to alleviate the concerns and have offered to work with the school and traders for additional mitigations.
- 2.12 Three options have been developed for Council consideration – to proceed at the current location, to stop the project altogether, or to pause commencement of construction for six months whilst continuing to investigate site connections and approvals on the current site and reviewing any reasonably practical alternative sites.



### 3. KEY POINTS/ISSUES

- 3.1 Fitzroy Street, St Kilda, has been listed as a high priority site for public toilet provision in Council's Public Toilet Plan since 2007.
- 3.2 Council's Public Toilet Plan 2013-23 recommends the provision of public toilets must be located in areas of high demand within the community, particularly areas where high pedestrian traffic volumes exist, activity centres or hubs, and public transport precincts – all of which Fitzroy St reflects.
- 3.3 In 1994 the public toilets in Cleve Garden, Fitzroy St, were demolished, and since this time there has been no permanent public toilet provision on Fitzroy St, with Catani Gardens being the closest amenities.
- 3.4 For many years Council has been working to find an alternate location to construct a public toilet on Fitzroy St and ideally two locations – one to service each end of the street.
- 3.5 Toilets are required in the area to service the public, shoppers, and provide additional amenities for the numerous events held in this area, as well as providing accessible facilities for those who cannot utilize café/bar amenities.
- 3.6 The Public Toilet Strategy 2007-2011 identified Fitzroy St as the top priority site for toilet provision and many options for sites and types of toilets have been investigated.
- 3.7 As part of the Fitzroy St Streetscape plan development in 2008, discussions were held between Council and local traders, all of whom identified the need for public toilets, but none would agree to a toilet block development in the proximity of their establishment.
- 3.8 In 2008 Council adopted the schematic design for the Fitzroy St streetscape upgrade – part of this included consideration of 4 possible sites for public toilets. Community consultation followed this adoption.
- 3.9 In April 2008 Council approved the Park St Tram Terminus as the preferred location for a toilet but decided to reconsider after receiving objections from the local community.
- 3.10 In December 2009 Council adopted the Fitzroy St streetscape plan which identified a further 5 options for a future public toilet.
- 3.11 One of these options was near a proposed St Kilda Skatepark/Urban Plaza which appears to have been proposed in Albert Park towards the corner of Lakeside Drive and received similar objections to those being received now.
- 3.12 Given the previous consultation and the disadvantages identified with some of the sites, Jackson St was the preferred option at the time.
- 3.13 In May 2010 a report was submitted to Council to endorse construction of a public toilet on the corner of Jackson St and Fitzroy St, requiring a change to traffic conditions to Jackson

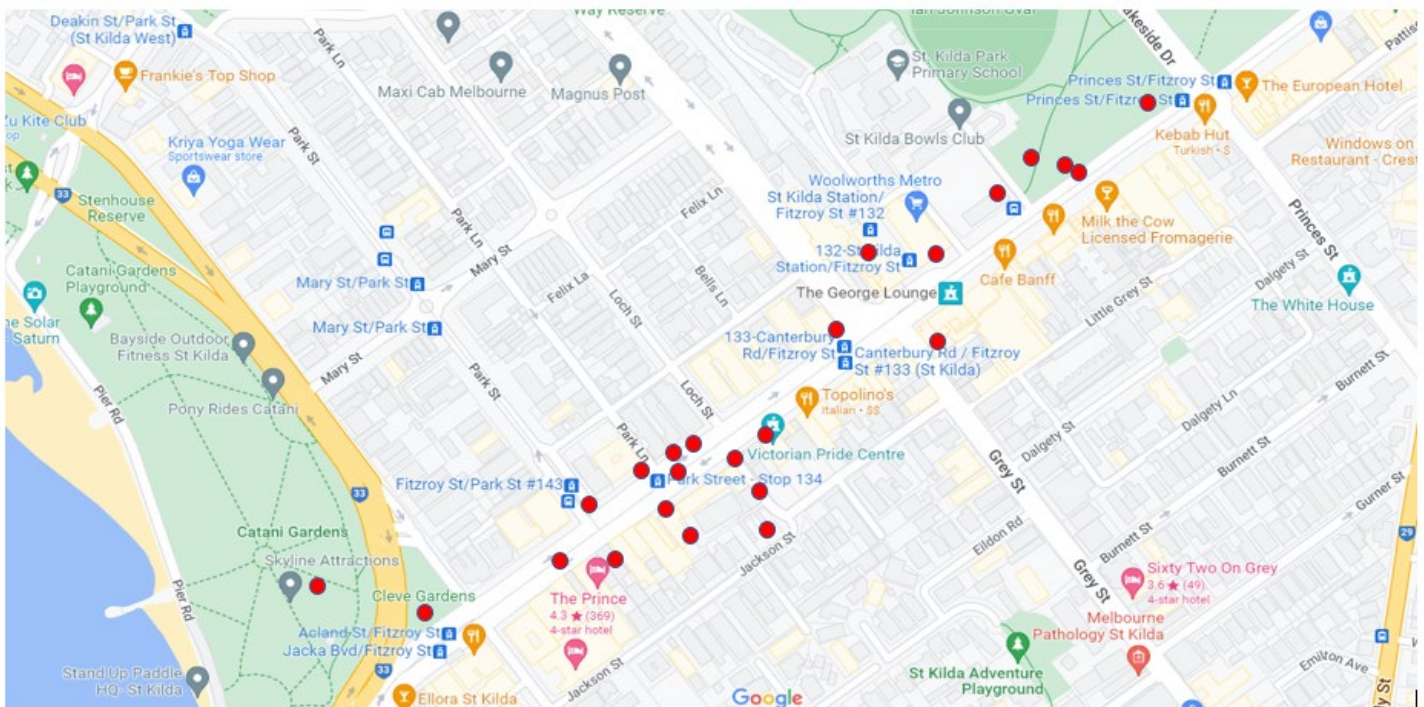
St. Objections to this site were received from the public due to the antisocial behaviour experienced in this area and the project did not proceed.

- 3.14 In 2014/15 Council entered into a 1+1+1 agreement with the existing Metropol toilets to provide public facilities.
- 3.15 In 2016 a public safety audit was completed on the Metropol toilets which recommended their closure, primarily due to lack of passive visual surveillance, and Council terminated the license agreement.
- 3.16 In 2015 temporary toilets (2x portaloos) were trialled during weekend periods outside 43 Fitzroy St (opposite Park St) though these were not well received.
- 3.17 Since the closure of the Metropol public toilets in 2018 there has been no public toilet provision along Fitzroy St, with the public toilets in Catani Gardens being the closest public facilities.

**4. FEASIBILITY WORK UNDERTAKEN IN 2018**

- 4.1 In 2018 an options analysis of locations was conducted that considered 18 potential locations from Albert Park to Cleve Gardens (including temporary facilities and existing toilets nearby).
- 4.2 The image below shows all the locations that have been considered over time, including the 18 considered in 2018.

*Image 1 – site options previously considered*



- 4.3 Input was sought from external stakeholders for the most suitable/preferred locations of those identified. Stakeholders consulted included:



- Parks Victoria/Albert Park Master Plan Committee
- St Kilda Sports Club
- The Metropol Body Corporate
- Yarra Trams
- Fitzroy St Licensee Association
- Fitzroy St Business Association
- Victoria Police
- The Pride Centre

4.4 As a result of the consultation and further analysis, 7 possible/preferred locations were identified, these were:

- St Kilda Bowls Club
- Albert Park
- Car parking space adjacent Albert Park
- Cleve Gardens Plaza
- Shop front at the southern end of Fitzroy St
- Car parking space central Fitzroy St
- Fitzroy St central tram stop

4.5 In 2019 a feasibility study was conducted on the 7 sites shortlisted. The feasibility study included the development of concept designs for each site and an assessment of each against selected criteria including:

- Site Issues
- Site gradient
- Visibility and Surveillance (public safety/CPTED)
- Ease of Access
- Location of services
- Pedestrian mapping

4.6 Pedestrian movement patterns for each site were assessed during peak periods which found more weekday and weekend active use occurring at the northern end of Fitzroy St from Canterbury Rd to Lakeside Drive.

4.7 The results of the feasibility study identified Albert Park and Cleve Gardens as the best options – Cleve Gardens to service the southern end of the street and Albert Park to service the northern end of the street.

## 5. FEASIBILITY STUDY RECOMMENDED OPTIONS

### Option 1 – Cleve Gardens (to service the southern end of Fitzroy Street)

5.1 Cleve Gardens was previously - for decades - a sacred meeting place for Koori (Aboriginal) people, including visitors from out of state, who would meet here to catch up with relatives and friends.



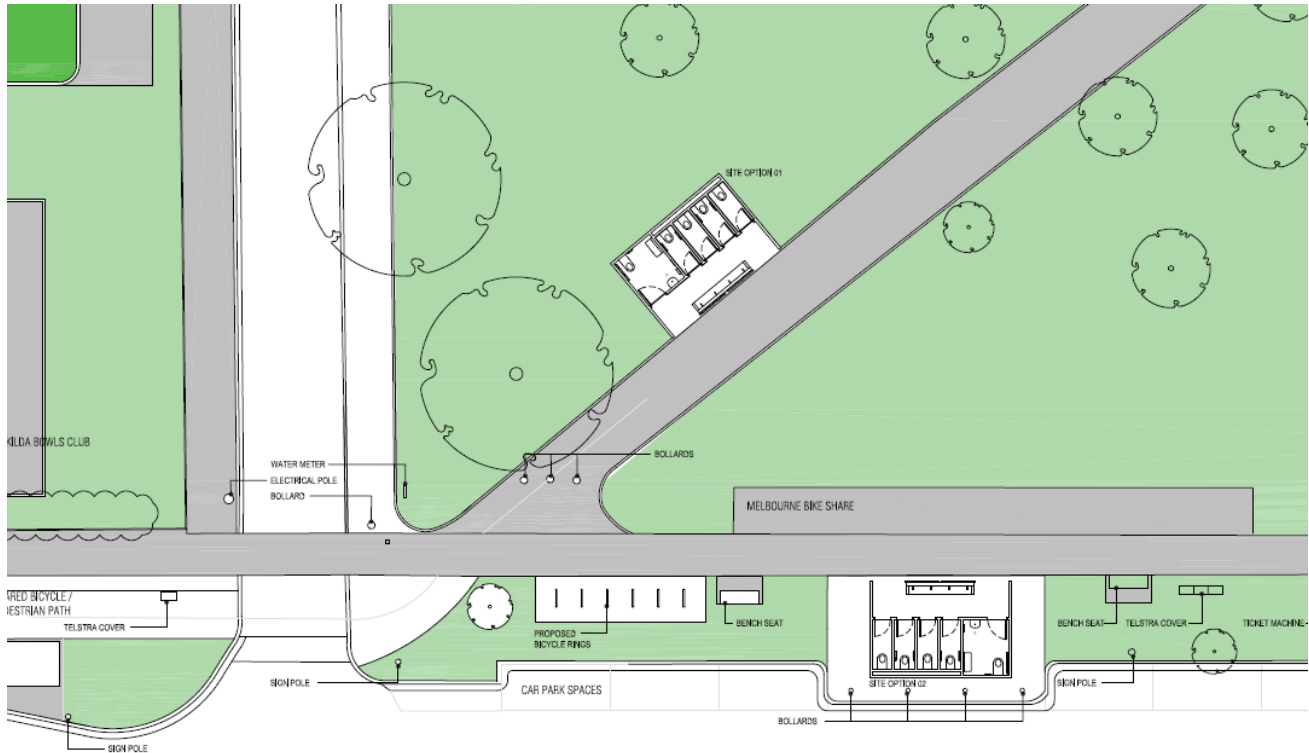


- 5.2 Given the history and use of the site, the groups that met at the site painted the aboriginal flag on the wall of the previously existing toilet block.
- 5.3 In 1994 the State Government demolished the toilet block.
- 5.4 In 1997 a cultural marker was unveiled in the gardens bearing symbols of the traditional Koori owners of the site – the Bunurong and Wurundjeri peoples.
- 5.5 The park was awarded official recognition as an Aboriginal meeting place and listed in the Aboriginal Historic Places Register.
- 5.6 The site has previously been used as an evening venue for free food vans, and most recently has been used as an event and activation space
- 5.7 The feasibility study found Cleve Gardens to be an excellent location at the south end of Fitzroy St, close to day and night time venues and a good location for festivals and events and to support the facilities already available in Catani Gardens.
- 5.8 Cleve Gardens is also very open with high visibility and surveillance, and existing services from the previous public toilets.
- 5.9 However, the trees on the site, including the large mature tree were identified as potential constraints which would need to be designed around or removed. The site was also noted as significantly distant from the north end of Fitzroy St.
- 5.10 Due to the previous history and current use of the site, and the nearby available facilities at Catani Gardens, toilet provision at the north end of Fitzroy St was prioritised.

**Option 2 – Albert Park (to service the northern end of Fitzroy Street)**

- 5.11 Like Cleve Gardens, Albert Park was identified as a suitable location given its high level of visibility and surveillance from all directions.
- 5.12 Additionally, this location is excellent for venues at the north end of Fitzroy St, a good location for festivals and events, and is easily accessible due to its vicinity to the footpath, bicycle path, carparks, bus/Skybus stop, tram stop, and light rail station.
- 5.13 The biggest constraint noted with this site was it being located on Parks Victoria land and limited underground services.
- 5.14 An alternate location on the nature strip adjacent to Albert Park was further identified given Council ownership of this site.
- 5.15 This option was not preferred due to the requirement to install safety barriers (bollards) to protect the building and its users from vehicles due to the proximity to the road. Additionally, this option would likely require a loss in car parking spaces as the building would need to push out onto the road to fit the space. Additionally, as this section of Fitzroy Street is managed by the Department of Transport, approval would need to be sought for this option. As a result, following feedback from councillors, Officers proceeded to engage with Parks Victoria to discuss the option of constructing the public toilet within the Albert Park Boundary.
- 5.16 Image 2 shows the siting location the feasibility study reviewed, and the additional option to construct on the nature strip.

Image 2 – Albert Park site options



## 6. CURRENT PROJECT

### Project Status

- 6.1 In 2021, Council engaged with Parks Victoria regarding constructing toilets within Albert Park at the location shown in Image 2 above.
- 6.2 Parks Victoria agreed to allow Council to construct the toilets, however proposed an alternative location, adjacent the footpath on the park side, where the previous Melbourne Bike Share bike stop was previously located as shown in Image 3 below:

Image 3 – current location for Fitzroy St public toilet provision



*\*toilet block not shown to scale*

- 6.3 In April 2022, Council entered into a formal infrastructure license agreement with Parks Victoria for use of this parcel of land to construct public toilet amenities, with Council remaining responsible for the ongoing cleaning, maintenance, and operations of the toilets.
- 6.4 Council has since entered into a design and construction contract for provision of public toilet facilities on the site in an attempt to provide efficiencies through a single procurement process and standardised design. The resultant cost savings are estimated to be between \$100-150K.
- 6.5 The contractors have commenced the design development process with concept designs and site survey/services location completed.
- 6.6 Next steps are to confirm underground service connection, finalise the detailed designs, and apply for a building permit.
- 6.7 Image 4 is a concept render of the proposed design of the public toilet facility. This will be evolved further through detailed design.



*Image 4 – Proposed concept design render*

- 6.8 Construction commencement is scheduled for quarter 1 2022/23 pending all approvals and permits.

**Site Issues**

- 6.9 As part of the design and construct contract, contractors are required to undertake site



investigation works and confirm the location and design of required service connection works (sewer, water, power).

- 6.10 Service connections in the area are very limited.
- 6.11 There is no nearby power connection. The use of solar panels is planned to avoid the need for costly power connection and for environmental benefits.
- 6.12 The investigations have identified there are five potential sewer pits that can be connected to, although none are nearby.

6.13 Image 5 shows the location of the four of sewer pits available.

*Image 5 – sewer pit locations*



- 6.14 The nearest sewer pit is on the southern side of Fitzroy St – Option 1.
- 6.15 The location of this pit makes it logistically and financially challenging to connect to due to the requirement to bore underneath Fitzroy St at a depth of 8.6m, including under the existing tram tracks.
- 6.16 This would require permits from both Department of Transport (DoT) and Yarra Trams, as well as approvals and supervision from numerous other service authorities due to the proximity of other existing services located underneath Fitzroy St.
- 6.17 It is anticipated this option would require an additional \$200K to the project budget and add 9 months to the project schedule due to the additional works and permit requirements – expected completion would be before June/July 2023.
- 6.18 Option 2 is to connect to the sewer pit on Balluk William Ct.
- 6.19 This option is similar to the Fitzroy St option in regards to challenges as this would also require all the same permits and boring depth requirements due to the existing services within the footpath.
- 6.20 Permits from Department of Transport (DoT) and Yarra Trams would still be required due to this being a DoT road and the proximity to the tram lines.

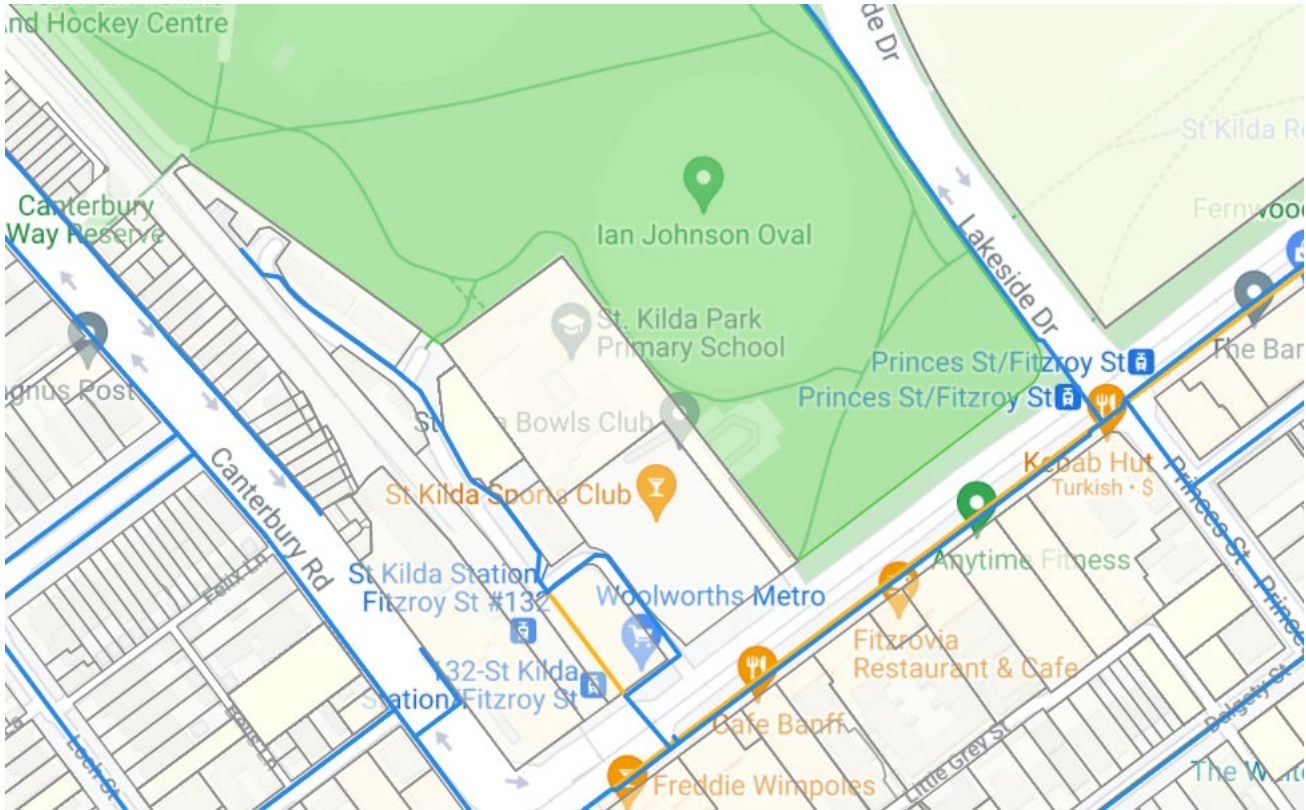
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- 6.21 This is expected to be more costly than Option 1 option due to the additional distance required to bore (approximately 100m). This would also require closure of Balluk William Ct during construction.
- 6.22 Option 3 is to connect to the existing South East Water pit approximately 60m away from the new Parks Victoria sewer pit or several hundred metres from the site.
- 6.23 This option requires approval from South East Water and would also require a separate infrastructure license agreement with Parks Victoria as Council would still be required to bore under Albert Park to connect. Recent advice from South East Water has indicated that they will not consent to this connection.
- 6.24 Option 4 is to connect to the new sewer pit constructed as part of the Parks Victoria pavilion project construction.
- 6.25 This is the option South East Water have recommended as the most feasible option for connection within the proximity to the proposed toilets due to the lack of other services required to work around and provides the most direct route.
- 6.26 A separate infrastructure license agreement would be required with Parks Victoria to bore under their land and connect to their asset.
- 6.27 This option is problematic for Parks Victoria and they may not provide approval, as these works would void their defects liability period with their contractors following the completion of the new pavilion.
- 6.28 Option 5 (not shown) is to connect to the existing sewer pit at the Harry Trott Oval approximately 290m away within Albert Park.
- 6.29 This option is not preferable due to the distance from the proposed toilets. This would also require a license with Parks Victoria to bore under Albert Park.
- 6.30 Officers also considered connection to the St Kilda Bowling Club however there is no existing sewer pit at this location.
- 6.31 Given the advice received from Parks Victoria and South Easter Water, boring under Fitzroy Street may be the only viable option currently available.



6.32 Connection to water services will also be required - Image 6 below shows existing water lines



as shown by the blue lines *Image 6 – existing water lines*

6.33 Boring either through Albert Park towards Lakeside Drive, or across Fitzroy St will be required to connect to the water line. Both options will require permits/approvals, either from Parks Victoria (Albert Park option) or Department of Transport of Transport and Yarra Trams (Fitzroy St).

## 7. OBJECTIONS TO PROPOSED SITE

- 7.1 An 'inform' communication process was developed for this project based on there being no other viable site at the northern end of Fitzroy St and consultations previously undertaken on other locations.
- 7.2 In April 2022 Officers erected a sign on the site of the new toilets advising of their impending construction as part of the inform process. This sign included a QR code directing interested community members to the project webpage with further information.
- 7.3 The principal of St Kilda Park Primary School (SKIPPS) initially contacted the project manager requesting some background information to the project including how the location was chosen to provide an update to the School Committee.



- 7.4 In early May SKIPPS launched a Change.org petition opposing the location of the toilets, which has been signed by 1,319 people and has been submitted to Council for consideration at the Council meeting on 15 June 2022.
- 7.5 On 25 May, Officers met with the Principal and two committee members of SKIPPS to discuss their concerns with the location.
- 7.6 The main concerns the school community communicated were:
- The expectation that those experiencing homelessness and those who act in an anti-social manner who frequent the southern end of Fitzroy St will relocate to the toilet block.
  - The expectation that drug users will frequent the toilets and not adequately dispose of needles.
  - The current condition and operation of other public toilets run by COPP.
  - The park is considered a 'haven' by school children and this will disrupt that due to anti-social behaviour and further loss of green space.
- 7.7 During the meeting, Officers discussed proposed mitigations methods that could be implemented to alleviate their concerns.
- 7.8 Numerous emails have since been received by Council and Councillors, objecting to the location, mostly from the school community and local traders.
- 7.9 While these concerns are genuine, they do not alleviate the need for public toilets in the area. Some people may be able to use the facilities within the numerous cafes/restaurants in the area, however there will be people who cannot utilise these toilets, such as those with specific accessibility requirements, or those who do not confidently have the ability to enter one of these premises or afford to purchase an item in return for the use of the amenities. The provision of a public toilet will provide an inclusive public amenity for the whole community to utilise including reduction in the collection of human waste.

### **Management Responses to Address Concerns**

#### ***Crime prevention through environmental design (CPTED)***

- 7.10 The best way to minimise the likelihood of anti-social behaviour and inappropriate use of public facilities is to site and design facilities following CPTED principles.
- 7.11 CPTED follows a set of key design principles that are generally regarded as a guide for the design, location, and management of public facilities to maximise the safety of users.
- 7.12 The focus of CPTED is to reduce opportunities for crime through attention to the design and use of physical spaces.
- 7.13 Council's Public Toilet Plan 2013-23 states that all new public toilet facilities and existing facilities due for renewal or upgrade must aim to comply to the CPTED principles to reduce opportunities for crime and anti-social behaviour.
- 7.14 It is noted that while following CPTED principles is a good (best practice) approach when considering public safety, as with any crime prevention methods, it does not ensure all risks are eliminated and motivated offenders may still engage in anti-social behaviour.



7.15 The CPTED Principles are:

- Visibility – public facilities should be highly visible from the surrounding area and not hidden away from public view
- Access – entrances to public facilities should be clearly visible from the street and other public areas and not obscured.
- Light – public facility should make maximum use of natural light during the day and artificial lighting in and around the facility if in use after sunset.
- Location & Proximity to Other Buildings – public facility should be capable of natural surveillance from pedestrian activity and other building users. Other buildings and landscape features should not obscure the view of the public toilet.
- Orientation – entrances to public facilities should face towards areas of maximum pedestrian activity
- Landscaping – there should no landscaping that obscures the public facility. Only well maintained, low planting is appropriate.
- Management/Maintenance – there should be programs to clean, repair, and maintain public facilities
- Building Design/Cubicle configuration – the design is to be welcoming without being comfortable. Each cubicle having direct access to the public area. Natural lighting is to be maximised and the facility should have light coloured surfaces.

7.16 Image 7 shows how the proposed location meets these CPTED principles

*Image 7 – CPTED Siting Plan*





7.17 Additionally, the building design itself will also incorporate CPTED design principles to create a functional but not comfortable facility to discourage elongated visits. This will include the following design features:

- Structure will not include any provision for shelter/seating around it. Cantilever size can be reduced to minimise weather protection at front of building if necessary.
- Doors will not touch the ground to allow for air and water to enter from outside during weather events.
- Partially open ventilation screens around the top that will provide natural ventilation but also allow air and water to enter during weather events.
- Clear roofing panels to allow natural light into the building
- Additional artificial lighting inside and on the exterior of the building
- Graffiti resistant coatings
- Vandal resistant fixing methods and durable stainless-steel fittings
- Non-flammable cladding
- Sharps bin installation.

***Anti-social behaviour and homelessness***

- 7.18 Whilst homelessness and anti-social behaviour are not interchangeable, the risk of the anti-social behaviour that occurs at the southern end of Fitzroy St moving north with the toilet construction, and the likelihood that those experiencing homelessness will ‘move into’ the toilets appear to be one of the key concerns expressed by the school community.
- 7.19 The CPTED principles outlined in the section above will assist with the prevention of long-term occupation/taking over of public toilets and anti-social behaviour.
- 7.20 Council currently operates patrols of all hotspots, including Fitzroy St, as part of a rapid response from 6.30am daily. This includes a joint patrol of Fitzroy St with police (subject to resourcing availability) from 9am. This involves cleaning rubbish, removing abandoned items, and asking persons to vacate areas whilst the footpaths are pressure cleaned.
- 7.21 As part of the patrols in other areas, toilets blocks are also attended to. Patrol of the proposed toilet location can be conducted within the morning patrol of Fitzroy Street.
- 7.22 Additionally, with appropriate permission from Parks Victoria, Council’s local laws team will be able to provide enforcement services in this area. While Council has a license to construct infrastructure on the proposed footprint, a further land management agreement may be required to allow for Council to provide enforcement services within the Crown Land of which Parks Victoria are Committee of Management.
- 7.23 Additionally, Council has a protocol for assisting people who are homeless/sleeping rough in public places owned or managed by Council, including parks, open spaces and facilities accessible to all members of the public – including public toilets – which can be enacted should this occur.



***Problems with other CoPP public toilets***

- 7.24 Historically, public toilet facilities were intentionally hidden away. Public facilities that have low passive surveillance become more susceptible to crime, anti-social, and unhygienic behaviour occurring in/around them.
- 7.25 Toilets such as the Exeloo in the Coles Carpark in Balaclava is a prime example of a facility that is not well located, nor adheres to crime prevention principles, in that while it is in a busy carpark, it is hidden away from general pedestrian movements and has poor access and visibility. The ageing condition also adds to the unpleasantness often felt with other toilets throughout the municipality. The future of this toilet is being considered alongside broader potential development of this area.
- 7.26 Council's public toilets are cleaned on a seasonal proactive or scheduled service. Cleansing of public toilets occurs two-three times daily in winter and up to six times daily in summer at highly utilised sites.
- 7.27 The cleaning service is flexible in that it can be scaled up or down at certain sites depending on usage or requirements and the timing of cleans scheduled accordingly.
- 7.28 Additionally, reports of toilets needing reactive cleansing, are actioned on an as needs basis. Council operates reactive graffiti removal and plumbing services that respond to reports of graffiti and blockages or damage to toilet facilities.
- 7.29 Officers are also currently implementing various initiatives that aim to improve the operation and maintenance of Council's public toilets, including an uplift in maintenance and renewals and increased supervision and monitoring of cleaning contractor performance.
- 7.30 Unfortunately, despite every best intention, cleanliness of public facilities is often dependent on the last occupant.

***Activities proposed to support the new facilities***

- 7.31 Officers have considered the concerns raised by the community and investigated a range of management/operational responses that could be implemented to alleviate and mitigate the concerns:
- **CPTED:** The location and building design incorporate CPTED siting and design principles as outlined above. In response to feedback, we are commissioning an independent CPTED review to identify how we can optimise CPTED.
  - **Cleaning Schedule:** Officers propose putting this facility on an increased cleaning schedule initially with up to 6 cleans per day to increase both cleanliness but also additional surveillance. This arrangement will be monitored and can then be scaled either up or down depending on the frequency of use and any issues with cleanliness being experienced. Additionally, officers propose that morning and afternoon cleans are scheduled just prior to school drop off and pick up times. This would provide for the toilets and their surrounds to be cleaned and made free from rubbish, including incorrectly disposed of drug paraphernalia, particularly when children are likely to be in the area.
  - **Fixtures and Fittings are to be simple and 'sterile'** – stainless steel, robust, and non-flammable finishes, fixtures and fittings that are difficult to vandalise/graffiti. This will make the toilet feel functional without appearing welcoming to discourage lengthy visits.



- **Lighting options:** The building is expected to have natural lighting through clear roofing panels. Additional artificial lighting can be installed inside and on the outside of the building to provide additional surveillance and deter anti-social behaviour after dark. The type of lighting will need to be considered as some bright lighting can actually provide a feeling of unsafeness to certain groups, particularly women and girls. Additional lighting around the building would require agreement with Parks Victoria as Council does not have an agreement to use the land outside of the building footprint.
    - **Toilets to be locked at night:** As per all of Council's other public toilets, these are proposed to be locked from dusk to dawn. Council's security contractors are responsible for locking and unlocking all toilet buildings on this schedule. The standard schedule may deviate to accommodate special events in the area requiring increased provision (i.e. St Kilda Festival, Grand Prix). Master Locksmiths Access Keys (MLAK) may be made available to those with a disability to purchase for afterhours use.
    - **Local Laws Patrol:** With Parks Victoria approval, Council will include this area in the daily morning patrol. Alongside consideration of its approach to broader safety and amenity issues in St Kilda, Council may consider funding for a second daily patrol for the wider area.
- 7.32 Officers will also continue to investigate other management response initiatives that could also be implemented to further mitigate the concerns including working with community members to discuss and review any other suggestions they may have.

#### OPTIONS

- 7.33 There are three options Council can consider at this stage of the project. These are:
1. **Continue with the toilets on the current site** - Continue with construction, including seeking relevant approvals for underground service connections and development of land management options. In the event that those permissions are not forthcoming, bring the matter back to council for further consideration. Whilst the approvals are being sought, undertake further discussions with Parks Victoria within the next 2-3 months to see if the toilet block could be moved slightly further north. It is likely this option will require an additional \$300k.
  2. **Stop the project** – Cancel the project and stop any further pursuit of public toilet provision on Fitzroy street given the options have been exhausted. Seek to work with contractor to redirect the purchased toilet to another location. Pause the project and re-assess all options.
  3. **Pause commencement of construction for six months** – Pause commencement of construction while continuing to investigate the site connections and approvals at current site and review any reasonably practical alternative sites, with a report back to Council by December 2022.
- 7.34 The pros and cons of each option are outlined below:



| Option                 | Pros  | Cons  |
|------------------------|---|---|
| 1 - Proceed            | <ul style="list-style-type: none"> <li>• Fitzroy St will have public amenities.</li> <li>• Likely reduction in incidents of biohazards in the area.</li> <li>• Locals, visitors, and public transport providers in support of the amenity will be satisfied.</li> <li>• No contractual implications.</li> <li>• The modular nature of the toilets means that these can be closed and removed/relocated if unresolvable issues arise over time.</li> </ul> | <ul style="list-style-type: none"> <li>• Members of school community and some local traders are likely to remain dissatisfied.</li> <li>• Local member has expressed opposition and indicated he seek to stop the project.</li> <li>• Additional permit requirements to address service issues may take considerable time or not be awarded.</li> <li>• Additional resourcing may be required to address safety and amenity concerns – however, this is viewed as a worthwhile investment.</li> <li>• Potential complications to the ongoing relationship between Parks Victoria and Council.</li> </ul>  |
| 2 - Stop               | <ul style="list-style-type: none"> <li>• Members of school community and some local traders will be satisfied.</li> <li>• Avoid potential damage to relationship with Parks Victoria</li> <li>• Avoid costs (although costs viewed as a worthwhile investment)</li> </ul>   | <ul style="list-style-type: none"> <li>• Fitzroy St will remain without public toilet provision.</li> <li>• Locals, visitors, and public transport providers in support will be unsatisfied.</li> <li>• Council may be able to negotiate a change in the contract to a new location where future new public toilets are planned, otherwise contract will need to be terminated and Council will be liable to pay for all costs reasonably incurred to date, foregone profit and release all securities immediately.</li> <li>• Council's reputational relationship with the contractor, and broader market, may be impacted which could impact future works.</li> </ul> |
| 3 – Delay construction | <ul style="list-style-type: none"> <li>• Would provide an opportunity to revisit other locations.</li> <li>• Would provide additional time to investigate and resolve permit requirements for services connections.</li> </ul>  | <ul style="list-style-type: none"> <li>• Given the number of options previously reviewed, it is unlikely any new alternative viable locations will be identified that do not attract strong opposition.</li> <li>• Works can be partially or wholly suspended under the contract but</li> </ul>   |





| Option | Pros | Cons   |
|--------|------|--|
|        |      | <p>Council would be liable to pay for any works completed up to the time of the suspension. The contract could be terminated later following the suspension.</p> <ul style="list-style-type: none"> <li>• If the contract is partially suspended, contractor availability/capacity will need to be reconsidered when recommencing the works which may further impact the project schedule</li> </ul> |

- 7.35 While Officers understand the concerns of the community, they also believe that the concerns can be mitigated through design and ongoing management operations and that overall there is a strong need for a public toilet in that location. There is also a significant risk that no other location will be found either technically feasible or acceptable to key stakeholders along the street given the history to date of opposition to other locations.
- 7.36 However, Officers are aware there is significant opposition to the current location and, given the level of opposition and the need to maintain strong working relationships with Parks Victoria, Officers are seeking Council’s direction on which option they would like Officers to pursue.

**8. CONSULTATION AND STAKEHOLDERS**

- 8.1 In 2008 community consultation was undertaken including a mail out to 400 residents and businesses in the area, a notice in the Emerald Hill Times, discussion with the Fitzroy St Traders Associate and information on Council’s website to identify a possible location. This consultation identified the Park St Terminus as a preferred location but objections were received and this option was reconsidered.
- 8.2 As part of the consultation, the community were asked what design features they considered important, with most responses suggesting, cleaning, vandal/graffiti proof, syringe bin availability and cleaning, practical fixtures and fittings, fully accessible with baby change tables, and public safety considerations including a highly visible entrance, well-lit and no places for loitering.
- 8.3 Due to the consultation that had already occurred, no further consultation was undertaken when the decision to revise the location to Jackson St was undertaken. This site was also opposed and subsequently abandoned as an option.
- 8.4 In 2018, as part of the identification of site options, internal stakeholders from the following departments were consulted on possible solutions to address the lack of public facilities on Fitzroy St:
- Communications and Engagement
  - Health and Safety



- Project Services
- Building Maintenance
- Festivals and Events
  - Precinct Director
  - Homelessness
  - Foreshore Coordinator
  - Infrastructure and Amenity
  - Asset Management and Property

- 8.5 Officers also engaged with external stakeholders to clearly determine what issues are experienced in Fitzroy St, where the main issues are, and to gauge a sentiment for public toilets.
- 8.6 In all consultation undertakings to date, the need for a public toilet has been supported by traders and local residents, however a location has not been able to be agreed due to strong trader opposition to a public toilet being located in proximity to their business.
- 8.7 Officers sought further input from key external stakeholders for the most suitable or preferred options which identified the seven locations discussed above.
- 8.8 Given the difficulties in finding a suitable and viable location, and limited opportunities for the public to have input into the design, fixtures and fittings, further community engagement was not undertaken when a decision to proceed with Albert Park was determined.
- 8.9 A communications plan was developed based on an ‘inform’ approach for the project and the community was informed of the upcoming project via on site signage with a QR code linking to further information on Councils webpage.
- 8.10 Additionally, a letter was sent to Fitzroy St Traders Association on 22 April advising of the project and location.
- 8.11 Since the on-site signage was erected, St Kilda Park Primary School and other local residents and traders have been vocal in their opposition to the planned site, sending emails, complaints and commencing a petition against the proposed location.
- 8.12 Officers have met with the school, outlining the decision behind the site, the CPTED principles that the site is aligned to, why other proposed locations are not considered suitable, and proposed management responses to alleviate their concerns.
- 8.13 The numerous emails that have been received have been responded to providing background information to the project and location, and noting that the petition will be heard in Council on June 15, and that no construction will commence until Councillors have had the opportunity to hear their concerns.

## **9. LEGAL AND RISK IMPLICATIONS**

- 9.1 As outlined above, there are reputational risks associated to Council through community dissatisfaction with the location and contractual processes with the engaged contractor.



## **10. FINANCIAL IMPACT**

- 10.1 The current approved budget is \$305,000 to deliver the new toilet construction. This allocation is dependent on the outcome of the underground services assessment, and additional budget may be required depending on the outcome.
- 10.2 If Council was to terminate the contract, Council would incur reasonable costs for the works completed to date by the contractor, though the contract could likely be negotiated to deliver the new toilet facilities on a different site as identified in the Public Toilet Plan.
- 10.3 There will be additional costs for the extra cleaning and sharps bin collections required as this is a new facility not currently included within either contract.
- 10.4 If additional Local Laws patrols are required, additional resources will be required to accommodate a second shift.

## **11. ENVIRONMENTAL IMPACT**

- 11.1 There are no environmental impacts from this project. An environmental management plan will be in place throughout the duration of construction within the Park.

## **12. COMMUNITY IMPACT**

- 12.1 Delivery of a public toilet facility provides a benefit to the community, including both locals and visitors, and may encourage visitors to the area to stay longer.
- 12.2 Council's Public Toilet Plan 2013-23 recommends the provision of public toilets must be located in areas of high demand within the community, particularly areas where high pedestrian traffic volumes exist, activity centres or hubs, and public transport precincts.
- 12.3 The new public toilets will be fully accessible, gender inclusive, and include baby change table provision so it can be utilised by all members of the community.
- 12.4 There is a fear that those experiencing homelessness may use the toilets as a shelter. Whilst this does occur in some places, Council cannot discriminate against these people – everyone has an equal right to use public amenities. Good design can discourage this type of use. Additionally, Council has a protocol through its Port Phillip Zero program to support those experiencing homelessness and help them find suitable shelter.
- 12.5 There is also fear that the toilets will be subject to anti-social behaviour, most notably drug use and incorrect disposal of syringes and other drug paraphernalia. Similar to the homelessness concern, Council cannot discriminate against those expressing these behaviours, nor does it negate the need for public facilities, in fact having a public toilet with sharps containers may in fact reduce the number of discarded syringes often found on the street, making it safer for the community and Council staff.
- 12.6 Council and other authorities routinely construct public toilets near playgrounds frequented by children. The concerns raised regarding proximity to the school can be alleviated through good siting, design and management responses which have been outlined above.
- 12.7 Public urination was cited as an original concern on Fitzroy St, brought about by a lack of public facilities. Whilst closing these facilities at night may not completely alleviate this concern for bar dwellers leaving premises after daylight hours, the opening schedule could be altered for weekend nights to address this behaviour. The installation of a public toilet



may alleviate public urination and defecation that typically occurs in laneways around the area and reduce health risks to staff responsible for cleaning these areas after these occurrences.

- 12.8 Whilst specific data on each individual incident of clean-up required to address incidents of people going to the toilet in public spaces along Fitzroy Street is not available, it is a regular occurrence. As part of Council's street cleansing team's scheduled and reactive response, they clean up urine stains and human waste on a daily basis. The particular areas where this problematics are in George Lane, Little Grey Street, Rowland Street, Howard Lane, and in the Jackson Street Carpark.
- 12.9 The construction of a public toilet also supports the public transport network in the area by providing facilities to drivers of trams and buses. This will help to support regular public transport routes within the area supporting the local community, and also supports these businesses with staff retention. Public transport providers have been struggling to retain drivers, particularly female drivers, due to the lack of public facilities available for use on key transport routes.

### **13. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY**

- 13.1 This project aligns to Council's Public Toilet Plan 2013-23 which states Fitzroy St as a high priority site for public toilet provision.
- 13.2 This also aligns to the following strategic directions:
- Strategic Direction 1: Inclusive Port Phillip – Port Phillip is more accessible and welcoming for people of all ages, backgrounds and abilities, and Port Phillip is a place where people of all ages, backgrounds and abilities can access services and facilities that enhance health and wellbeing.
  - 2: Strategic Direction 2: Liveable Port Phillip – Port Phillip is safer with liveable streets and public spaces for people of all ages and abilities to enjoy
  - Strategic Direction 3: Sustainable Port Phillip – The city is actively mitigating and adapting to climate change and invests in designing, constructing and managing our public spaces to optimise water sustainably.

### **14. IMPLEMENTATION STRATEGY**

#### **14.1 TIMELINE**

- 14.1.1 Officers to continue to resolve underground services connections and required permits/approvals which may take between 3-9 months depending on the location of services.
- 14.1.2 Construction will commence following receipt of all required permits.

### **15. COMMUNICATION**

- 15.1.1 The project to construct a new public toilet in Fitzroy St will progress, including seeking the relevant approvals. Updates will be provided on the project webpage.



**16. OFFICER RECOMMENDATION**

That Council:

- 16.1 Receives and notes the Petition.
- 16.2 Thanks the petitioners for their submission and all others who have shared their concerns with Council.
- 16.3 Notes that the current location for the new public toilet facility at the northern end of Fitzroy Street within Albert Park is the result of many years of assessment of options and engagement with the community on various locations.
- 16.4 Notes that while public toilets are required to support access for all to public facilities at both ends of Fitzroy Street, significant opposition has been raised to this and various other locations proposed over the past 14 years.
- 16.5 Notes the following three options available to Council to consider at this stage of the project:
  - 16.5.1 OPTION 1: proceed with construction of a new public toilet within Albert Park in the currently selected location and to seek relevant approvals for underground service connections and development of land management options, with delegation to the CEO of up to \$300k additional expenditure on the project to account for likely additional costs that will be incurred for underground services connections to be funded from savings in the public toilet program. In the event that those permissions are not forthcoming, the CEO is to bring the matter back to Council for further consideration. Whilst the approvals are being sought, the CEO or delegate is to undertake further discussions with Parks Victoria within the next 2-3 months to see if the toilet block can be moved slightly further north.
  - 16.5.2 OPTION 2: cancel the public toilet project for Fitzroy Street and stop any further pursuit of public toilet provision along the street given the extensive investigation into alternative options that has previously been undertaken and the opposition to each option. Seek to work with the contractor to redirect the purchased toilet to another location requiring a new or upgraded toilet.

(or)

- 16.5.3 OPTION 3: pause commencement of construction of a new public toilet for six months while Officers concurrently undertake further work on the site connections and approvals for the current location and review any reasonably practical alternative sites, with a report back to Council by December 2022.
- 16.6 Resolves to pursue Option [insert option] and delegates to the Chief Executive Officer implementation of this option.

**17. OFFICER DIRECT OR INDIRECT INTEREST**

- 17.1 No officers involved in the preparation of this report have any material or general interest in the matter.

**ATTACHMENTS**

Nil