

WITNESS STATEMENT

**IN THE VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL AT
MELBOURNE
ADMINISTRATIVE DIVISION
PLANNING AND ENVIRONMENT LIST**

**VCAT REF NO. P1946/2007
VCAT REF NO. P1174/2007
PERMIT APPLICATION NO. 231/2007**

**Regal Hotel Pty Ltd & Ors
161 Fitzroy Street Pty Ltd
Jonathan Raymond
Australian Institute of Management
David Myer C/ - St Kilda Park Primary School**

Applicants

and

Port Phillip City Council

Respondent

STATEMENT OF ROGER WYNDHAM

I, Roger Wyndham of 110 Park Street, St Kilda West in the State of Victoria, says as follows:

1. I am the current President of Fitzroy Street Traders Association Inc ("Association").
2. I am also a Director of 109 Fitzroy Street (Services) Pty Ltd T/as Robarta.
3. I advise that the City of Port Phillip ("Council") made initial approaches to the Association in relation to the Skate Park proposal approximately 3 years ago.
4. I advise that the approaches by Council were made to the Association prior to my incumbency and that of the current Association Working Committee.
5. I advise that at the time of the approaches by the Council, the Association was an unfunded body with no ability to properly co-ordinate a united response to deal adequately with major proposals which affected its members, and I understand that the proposed discussions between the Council and the Association were never undertaken.
6. It was the view of the Association at this time and one which was acknowledged by Council, that there had been a break-down in the working relationship between the parties and the issues relating to the Fitzroy Street

precinct were secondary to efforts between the parties aimed at establishing a working rapport.

7. I am of the view that the effect on the Association of the absence of funding prevented the Association from adequately informing its members in relation to the Skate Park proposal and as a consequence this resulted in little or no understanding by traders about the proposal of Council in relation to the Skate Park.
8. I advise that the Association was contacted by St Kilda Park Primary School ("School") immediately following the decision by Council that the Fitzroy Street site had been selected. I was requested by the School to attend a meeting with concerned parents of students at the School.
9. It was apparent from the meeting at the School that both the parents and the teaching body harbored grave concerns about the selected site. I also became aware at the meeting of the advice provided to Council by a consultative committee appointed by Council, that the selected site was inappropriate.
10. Following the meeting at the School I had discussions with a number of traders from the Fitzroy Street precinct and found a strong level of opposition to the proposal, particularly from those traders operating premises located directly opposite the proposed site. I also wish to note that there were concerns raised by traders in the area of Fitzroy Street located between Grey Street and The Esplanade.
11. In my opinion as a representative of the Association, Fitzroy Street, at the time of the site selection, was experiencing a marked increase in incidents of social disharmony. The issues include but are not limited to incidents of casual assault, theft, aggressive begging, open drug taking/drug dealing and public consumption of alcohol.
12. I advise that approaches were made to Council by the Association in relation to the incidents, the change in social dynamic of the precinct and the growing concerns of traders in relation to safety and security.
13. From my position with the Association I have been informed of the following issues experienced by traders in Fitzroy Street:
 - a. The significant diminution of visual amenity across the parkland, which the traders believe is a fantastic recreational advantage at this end of Fitzroy Street;
 - b. The integration of a demographic attracted to the proposed facility that has the potential further escalate current social issues;
 - c. Grave concerns about the safety and secure management of the site given the experience of existing skate parks in and around Melbourne;
 - d. The potential for the site to be used for unsavory activities after hours due to inadequate security, supervision and general management arrangements; and
 - e. The absence of appropriately located public toilet facilities in an area which currently experiences major issues in relation to the lack of facilities for existing users and the resulting high-level of incidents involving public urination.

14. I advise that the concerns of the Association's members with the Skate Park proposal have been raised with the Council's Economic Development Unit on a number of occasions as part of our ongoing relationship and dialogue with this Council department which is responsible for "trading precincts" in the City of Port Phillip.
15. I advise that the Association has only received very general responses from the Economic Development Unit in relation to the Skate Park proposal, and it was made clear in my discussions with Council on behalf of the Association that an in principle position was taken on the site for the Skate Park well before the conclusion of public consultation with the implication that Council was unwilling to consider other possible sites despite their viability.
16. I advise that in my position as President of the Association and as a trader, I attended the meeting of Council at which the report of the Chairperson of the St Kilda Skate Park Reference Group was tabled. At this meeting I addressed Council and pointed out that in all discussions between the Council and the Association about the long-term economic sustainability of Fitzroy Street, the construction of a Skate Park facility in the precinct was never raised as a solution to the precinct's long-term success.
17. Further, at the meeting of Council, referred to above, individual Councillors made statements which indicated that the construction of a Skate Park was a "key" social goal and a pressing social obligation to the youth of Melbourne. The Councillors also stated that the Fitzroy Street site was the most viable because of the ability for the behavior of users to be observed and thus reduce the inherent risks associated with a Skate Park facility and the activities conducted therein, which is in direct conflict with the Council's view that the Skate Park would pose no risk to the community.
18. From discussions which I have had with Fitzroy Street residents who lodged initial objections with Council, I believe the community consultation sessions were manifestly inadequate and meetings co-ordinated by Council were stacked with members of the skateboarding community and balanced and meaningful dialogue was unable to be achieved.
19. In my position as President of the Association I have observed the decline in attendances from visitor populations despite the precinct's rejuvenation in recent years. Further, the precinct has become the focus of the Fitzroy Street Taskforce which has been convened by Council in response to growing community concern about the quality of life on the street and tensions between stakeholders.
20. I am only too aware of the significant concern of traders in relation to on street communities and the prospect of a Skate Park and the introduction of a new community has been cause for genuine pessimism about the future attraction of the precinct.
21. The development and its associated uses will have an impact on the operation of the members of the Association and the current proposal fails to sufficiently address the effect of Skate Park users on the Association's members and their premises which are in close proximity to the subject site.

Signed 

Dated 26TH OCTOBER 2007

Witness O. ASTON