

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 CAROLE TEMPANY

I, Carole Tempany, of 30 Powell Street, Yarraville, in the State of Victoria, School Principal, say as follows:

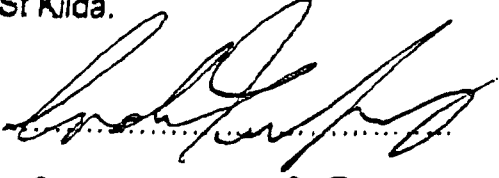
1. I am the current Principal of Yarraville West Primary School (the "School").
2. I have held the position of Principal of the School for a continuous period of 5 years. Prior to assuming my role as Principal of the School, I was the Assistant Principal of the School.
3. The School has occupied the property located at 30 Powell Street, Yarraville, Victoria since 1985 and the current School population is 390 children.
4. I advise that the School (State Primary School No. 2832) property comprises of twelve (12) permanent classrooms, six (6) portable classrooms, three (3) special purpose rooms, an art centre, library, computer centre, first aid room, administration block, canteen and multi-purpose hall.
5. I advise that the Skate Park is approximately 100m from the western border of the School (map attached) and has been in operation for approximately five years.
6. I advise that similar to St Kilda Park Primary School's use of the Ian Johnson Oval, the School has access to the Yarraville Football Oval which backs onto the School property for the purpose of a play and recreation space at recess and lunchtimes. This is often where the students from the School and the users of the Skate Park mix and incidents and effects of foul language and abusive behaviour are experienced by both students and teachers.

7. In relation to the current matter before the Tribunal, I believe there is distinct similarity between the character and culture of St Kilda and Yarraville. From my impression, both suburbs appear to share a distinct community and environmental awareness and comprise a substantial welfare element.
8. I advise that the Teaching and Learning practices of the School are based upon a value system and learning framework which recognizes among other things that 'Learning is significantly enhanced within a safe environment'.
9. I advise that the Skate Park is surrounded by a fence which to my knowledge is capable of being locked but rarely is. In any event, I have observed use of the Skate Park by youths in the early morning (before School) and late evening, outside of the hours I would expect such a facility to operate.
10. I advise that despite the School Council expressing great concern in relation to the construction of the Skate Park in close proximity to the School, I am not aware of any notification or correspondence from the Council to the School of our right to object to the development. For this reason, no formal objection to the construction of the Skate Park was lodged by the School.
11. When it learned of the proposal for the Skate Park, the School registered concerns and enquiries with Council.
12. In my experience it was only once Maribyrnong City Council (the "Council") became aware of the concerns of the School that an approach was made to the School seeking our input. Council involved the students of the School through the Junior School Council by inviting them to submit designs for the Skate Park layout.
13. I believe the approach taken by Council was an effort to shift the focus of the School from the potential problems associated with the inappropriate location of a Skate Park.
14. I am of the opinion and have observed that since the construction of the Skate Park the School has suffered and continues to suffer from the following problems:
 - a) Large numbers of young people congregate around the Skate Park, many of whom do not skate and who instead, smoke, drink alcohol and abuse pedestrians, users of the facility and each other. I have observed that whilst many young people attend the facility to skate, many use that facility as a social destination.
 - b) Young people not attending Secondary School or working converge on the Skate Park at all times of the day and often engage in threatening and abusive behaviour towards students of the School. I advise that teachers on yard duty are regularly required to move children away from the playground areas abutting the Skate Park in order to prevent the problems of threats and abuse.
 - c) Vandalism increased following the construction of the facility and continues to be a problem for the School. The damage includes broken windows, broken door locks, graffiti, ruined garden beds and holes regularly being cut into the wire fence which divides the Skate Park from the School grounds.

I believe that the cost of addressing these issues and repairing the damage caused would be better spent on improving the facilities of the School for the educational benefit of the students.

15. I advise that graffiti is the most prevalent form of damage to School property with the regular breaking and entering of School property (including the cutting of the security fence surrounding the School boundary) for the purpose of defacing classrooms and other buildings on the School grounds, which costs several thousand dollars to repair each year (graffiti removal, time cost of staff and fence repairs).
16. I advise that I am not aware of any Management Plan endorsed by Council which details how the Skate Park must operate in order to reduce or eliminate the consequential effects of its location on surrounding land owners and occupiers.
17. As far as I am aware there is no supervision of the facility by the Council or by a third party such as the YMCA.
18. I am regularly informed by teachers on yard duty of the problems and incidents which they have observed as a result of Skate Park users coming into contact with the School and the students.
19. I advise that drug taking paraphernalia is sometimes found in the playground area near the Skate Park; bongos, pipes and needles have all been found within the School grounds (hidden in down-pipes and buried in the ground). As a result, this area is now inspected each morning by teachers on yard duty so that syringes and other materials can be safely disposed of.
20. I advise that the School budget does not allow for the employment (part or full-time) of a security guard/patrol, however given the extent of the problems experienced by the School, I would like to employ some security personnel to patrol the grounds if the funds allowed.
21. I advise that at my request, Police patrol the area surrounding the School boundary on weekends. However, when their time is limited so too is their presence and as at the date of making this statement I haven't seen them for several weeks.
22. Whilst I believe the construction of the Skate Park was intended to provide young people in the community another sporting facility to use and enjoy, the experience of the School is that the facility doubles as a meeting area for troublemakers.
23. I advise that my main priority as Principal of the School is to maintain the safety and welfare of the students. The location of the Skate Park in such close proximity to the School has made the task of providing a secure environment not only for the physical safety of the students, but so that they are comfortable and receptive to learning is proving incredibly difficult indeed.
24. I advise that regrettably I am unable to attend the Tribunal Hearing on 29 November 2007 due to my important role during our New Staff Orientation Day and Prep 2008 Orientation Evening. It is essential for me as Principal of the School to be fully involved in these important events.

25. Based upon my first hand knowledge of the effects that a Skate Park located in close proximity to a Primary School can have on the operation of that School, I strongly support the objection to the construction of the Skate Park at 72 Fitzroy Street, St Kilda.

Signed 

Dated 23-11-07

Witness 

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Melbourne 41 K8



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