

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 RAYMOND YATES

I, Raymond Yates, of Main Road, Monbulk, in the State of Victoria, School Principal, say as follows:

1. I am the current Principal of the Monbulk Primary School (the "School").
2. I have held the position of Principal of the School for more than 20 years and have previously been employed in the following positions during my working life:
 - a) Councillor (21 years);
 - b) Justice of the Peace;
 - c) Bail Justice; and
 - d) Shire representative on many Youth Committees.
3. The School occupies the property located at Main Road, Monbulk, Victoria and the currently operates eight (8) grades with an approximate enrolment of 180 children.
4. The School (State Primary School No. 3265) has occupied the current premises since 1897 and the Skate Park is located approximately 250 metres to the North of the School with a BMX Track located approximately 100 metres to the East (map attached).
5. I believe that the Monbulk Skate Park was constructed approximately four (4) years ago as a result of the desire of Shire of Yarra Ranges (the 'Council') to cater to and provide amenities for the younger members of the community.

6. I believe the consultation process conducted by the Council was thorough. The consultation process comprised of public meetings to provide an avenue for the input of the community (in particular the younger members) in the process of design and management of the facility.
7. I understand that there were 4-5 Public Meetings conducted by Council with approximately 8 attendees at each meeting. The numbers of concerned locals who attended the meetings reduced significantly once construction of the facility was approved because they felt that they could have no further impact on the development.
8. I am of the opinion that the consultation process was very effective in relation to the design of the facility.
9. I believe that the consultation process carried out by the Council in relation to the management of the facility and the drafting and implementation of the management plan gave rise to optimism, however since the facility's construction the management of the facility has been an abject failure and in my opinion the Council have been unable to properly manage the Skate Park and the behaviour of the users.
10. I understand that the purpose of the Management Plan and the involvement of the youth in the community was to display to the community:
 - a) how the young people could and would be responsible for an entertainment facility directed specifically towards their perceived needs; and
 - b) as a tangible device to reflect the response of the Council to the criticism and concern of the community towards the development.
11. I believe that the Council made several promises to the Community and failed to follow through with those promises in relation to:
 - a) the construction/operation of the Skate Park according to the terms of a Management Plan;
 - b) Supervision of the facility;
 - c) Litter and rubbish removal; and
 - d) Safety and Supervision of Skate Park users.

Further, I believe that the Youth Committee established by Council specifically for the purpose of providing a sense of ownership to the younger community members was all but forgotten following the facility's construction. I believe this creates a culture of non-compliance and non-care which from my first-hand experience is difficult if not impossible to change.

12. I am advised by students at the School that there are regular incidents of bullying of younger students at the Skate Park and many younger students make a concerted effort to avoid venturing near the facility due to the lack of supervision of user behaviour.
13. The School has also established an 'Anti-Bullying Policy' (not in response to the construction of the Skate Park) and has been actively involved in the research study 'Friendly Schools, Friendly Families' conducted by Professor Donna Cross

which helps school communities enhance their skills, knowledge and capacity to implement an evidence based whole-school approach to the reduction of bullying.

14. I advise that the School prides itself on providing a challenging learning environment and on establishing long-standing partnerships with the community.

15. I advise that the School is currently raising funds for the construction of the 'Monbulk Living & Learning Centre' which will be available for use by groups including:

- a) Rotary
- b) Play Groups
- c) Local Traders
- d) RSL
- e) Local Youth
- f) Specialist Groups
- g) Elderly Citizens
- h) Community House
- i) Historical Society
- j) Probus;
- k) the Local Community in general; and
- l) the local Police Station (It has been suggested that the Police Station be incorporated into the design to provide a further measure of protection and presence).

16. I advise that the School provides an 'Out of Hours' service (the 'Service') to cater for the needs of primary school aged children and their families and which aims to meet the recreational, social and developmental needs of the students. The Service provides the following:

- a) Love and Care for Children aged 5-12 years of age before and after school;
- b) Safe, happy and stimulating environment for children to play and relax;
- c) Interaction with other children of their own age;
- d) Large play area and a range of stimulating and creative activities.

17. High on my list of priorities as Principal is the safety and welfare of the students. I need to provide a secure environment not only for the physical safety of the students, but so that they are comfortable and receptive to learning. The location of the Skate Park and BMX Track near the school premises has caused the following recurring problems:

- a) Exclusion of that area of the Monbulk Recreation Reserve for use by students of the school for physical activity (supervision and liability issues);
- b) Use of school grounds by skate park users (former students always respond to any request to leave the school grounds, however other skate park users are difficult to control);
- c) Female teachers at the School regularly expressing to me that they do not feel safe and in fact feel threatened by the users of the skate park and its proximity to the School;
- d) Increased litter;
- e) Lack of appropriate safety procedures;
- f) Lack of appropriate supervision; and

g) Anti-Social behaviour (e.g. There have been incidents of Swearing, threatening behaviour, subliminal threats and aggression resulting in litter caused by broken materials).

18. I advise that the evidence of adverse effects experienced by the School is a combination of anecdotal evidence, personal observation and comments received from parents of students at the School and other citizens.
19. I advise that the concerns raised in relation to the Skate Park were confirmed at a School meeting on the evening of 14 November 2007 at which members of the School raised the detrimental effects on the School of the rubbish, the language, the behavioural issues and the lack of control of the operation and safety of Skate Park users.
20. I am deeply concerned with the hazards presented by the Skate Park facility which caters for unsupervised youth in extremely close proximity to the School and in hindsight I would have presented stronger objections to the Council on the basis of the School's experience to date.
21. In discussions with some of the elderly members of the community I am advised that they feel threatened by the users of the Skate Park and their associated behaviour and will move to the opposite side of the street in order to feel 'safe' when passing by the facility.
22. In discussions with other members of the community, the following are regular responses when subject of the skate park is raised:
 - a) 'an eyesore';
 - b) 'a graffiti haven';
 - c) a magnet for 'out of towners'; and
 - d) the lack of toilet facilities is a major shortfall.
23. In relation to the safety of users at the Skate Park, I am aware of a number (3-4) of accidents involving users of the Skate Park (including serious facial cuts, lost teeth and grazes) to whom members of the School staff have had to provide assistance because of inadequate safety measures to supervise and cater for the health and well being of the Skate Park users.
24. I advise that I have been informed by parents of students of the School that:
 - a) The Skate Park should have never been built near the Primary School because of the associated effects on the students (stronger objections to the development would have been lodged had they known the consequential impacts at the time of the consultation process);
 - b) Sufficient toilet facilities should have been made available for skate park users;
 - c) There needs to be provision for adequate supervision of the operation of the facility, safety of users and compliance with acceptable behaviour;
 - d) There needs to be sufficient controls in place to manage rubbish and graffiti;
 - e) A well run and appropriately located facility has the ability to make the community proud (but not in this case).

25. I am of the opinion that skateboarding is a healthy activity which ought to be promoted and which can be positive for the community as well as enjoyable and rewarding for the users. However, in my experience as Principal of the School the benefits to all parties are quickly eroded if the effects of a Skate Park on other members of the community are not taken into account (ie. Location, supervision, facilities, management, security, etc) and adequately addressed and monitored.
26. I believe that the Skate Park has become a magnet or attraction in the park and draws the interest of many non-local users which in my experience exacerbates the undesirable elements of the facility and gives rise to the many different types of conflict to which I have referred above.
27. I advise that the School does not employ security personnel to monitor the school grounds before or after school as the local Police provide assistance where necessary.
28. I advise that at the time of making this statement there is no lighting or fencing at the Skate Park and I am aware of regular 'after hours' use of the facility, particularly late at night.
29. In relation to the comments which I made in discussions with Ms Sue Knight (Principal of St Kilda Park Primary School) in 2005 and referred to by Ms Knight in her witness statement, still apply and are as relevant today as when the Skate Park opened.
30. In my experience as Principal of the School I believe that the effects which will be suffered by St Kilda Park Primary School should a Skate Park be constructed on the proposed site, will be significantly greater than those experienced by Monbulk Primary School because the Skate Park is proposed to be located in even closer proximity.
31. In my experience as Principal of Monbulk Primary School I am of the strong opinion that it is not appropriate to construct a Skate Park facility in close proximity to a Primary School and I support the strong objections of Ms Sue Knight.

Signed

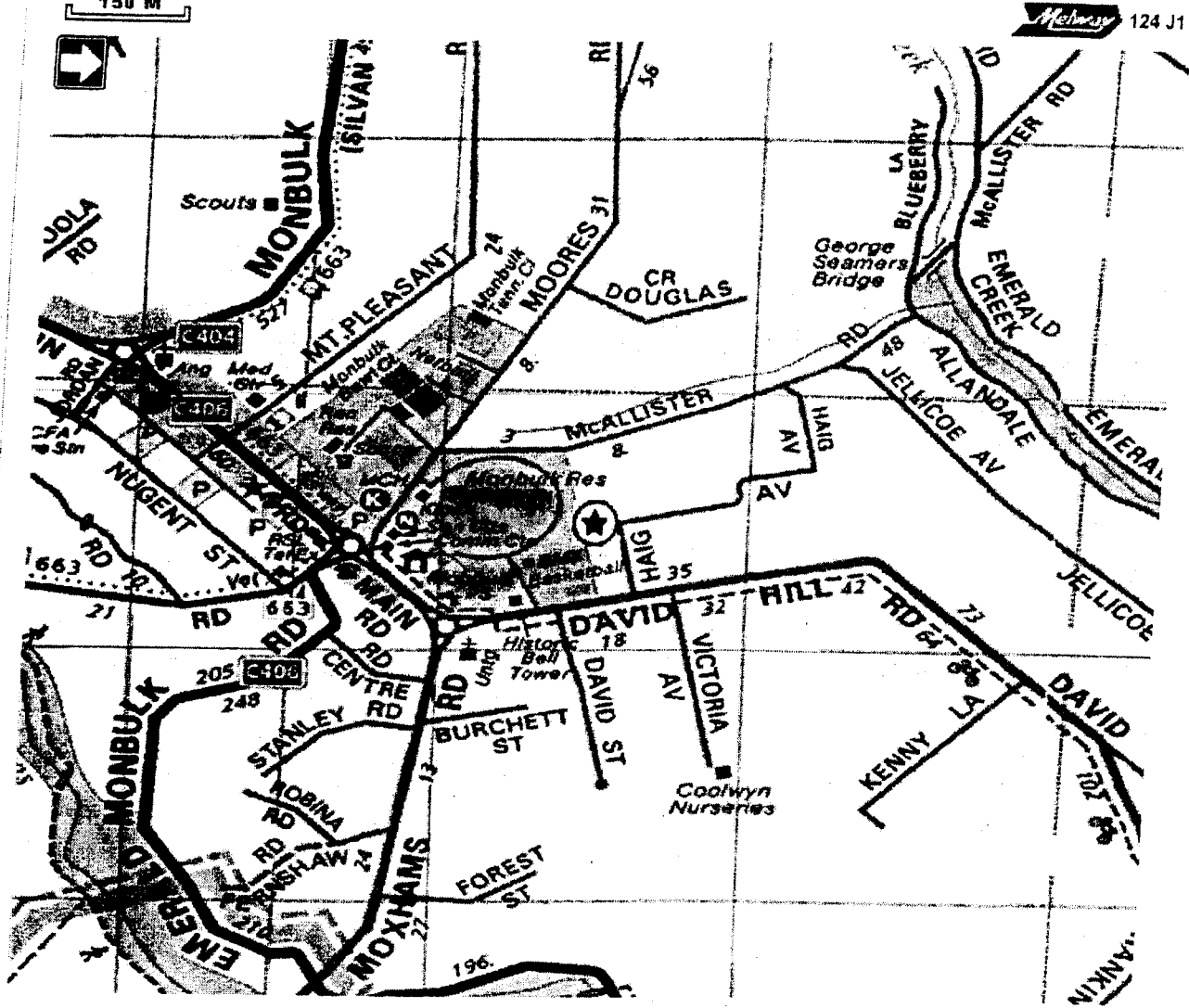
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