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| <b>10.1</b> | <b>LICENCE TO MINISTER FOR EDUCATION - USE OF BIRDWOOD SQUARE BY HIGHGATE PRIMARY SCHOOL</b> |
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**TRIM Ref:** D24/1127

**Attachments:**

1. Licence Area - Birdwood Square
2. Birdwood Square Licence - Annual Fee

**RECOMMENDATION:**

**That Council:**

1. **APPROVES** the City granting a licence to Minister for Education for the use of Lot 123 on Diagram 12063 and known as 301 Beaufort Street, Perth by Highgate Primary School, as shown in Attachment 1, on the following key terms:
  - 1.1 **Term:** 10 years
  - 1.2 **Licence Area:** 19,249 m<sup>2</sup>
  - 1.3 **Licence fee:** \$19,013 per annum plus GST, indexed by CPI annually on 1 July
  - 1.4 **Permitted use:** Non-exclusive priority use for Highgate Primary School to use the Licence Area for sporting and recreational use
  - 1.5 **Authorised times of use:** Between 8.00 am to 4.00 pm on school days or such other times as agreed between the City and the Minister (or their representative)
  - 1.6 **Insurance:** Public liability insurance to a minimum value of \$20,000,000 (per claim)
  - 1.7 **Maintenance:** Highgate Primary School must ensure that the Licence Area is kept clean and free from rubbish after each use
  - 1.8 **Access** The City and public utilities may access the Licence Area at any time in connection with its respective services
2. **AUTHORISES** the Chief Executive Officer to negotiate the Licence Agreement with the Minister for Education and **NOTES** that the agreement will be executed in accordance with the Execution of Documents Policy.

**PURPOSE OF REPORT:**

To consider granting a licence to the Minister for Education (Minister) for Highgate Primary School to use Lot 123 on Diagram 12063 and known as 301 Beaufort Street, Perth (Birdwood Square).

**BACKGROUND:**

Birdwood Square is owned by the City and is a Neighbourhood Public Open Space on the corner of Bulwer and Beaufort Streets in Perth with the primary function of community sport. Located near the southern border with the City of Perth it is also a significant inner City green space. The reserve has a history of poor turf condition due to the presence of the sting nematode worm present in the soil. As an active space with sting nematode and without toilet facilities, it currently serves as an overflow reserve for large club bookings and has two regular hiring groups who use the venue for smaller social sports. The reserve has also served as an overflow parking areas for large scale events at HBF Park, such as the recent FIFA Women World Cup. Finally, the site has a history of antisocial behaviour stemming from various sources including homelessness which has reduced with the increased passive surveillance from organised bookings and general public usage.

Highgate Primary School's southern boundary is situated less than 50 meters away from the reserve on Bulwer Street. The steady expansion of the student enrolments has meant that school's total student numbers is approaching 1000. To cater for the increasing student enrolments there is a need for the students to access additional green space. With the proximity to the reserve there is the potential for it to be used by the school to counteract the loss of school greenspaces. Without an onsite toilet facility, the school is currently limited to using the reserve for large bookings only such as athletics carnivals and hiring portable toilets for these events.

With the upcoming construction of a new toilet block at the reserve due in June 2024, the school is looking to formalise an agreement for its students to use the reserve (including the toilets) during school hours throughout school terms.

**Details:**

Highgate Primary School, via the Education Department, approached the City to request entering into a Licence Agreement for Birdwood Square. The decreasing green space on the school premises, the proximity of the reserve to the school and the project to build new toilets on the reserve were the three contributing factors for this request. The Education Department has similar agreements in place with other Local Governments for local schools to use nearby available public open spaces.

**Licence**

The Minister is classified as a Category 4 tenant pursuant to the Property Management Framework. The following proposed licence terms agreed by the Minister have been negotiated in accordance with the terms of the framework:

|   |                         |  |
|---|-------------------------|--|
| 1 | Term                    | 10 years.  |
| 2 | Licence Area            | 19,249 m <sup>2</sup>  |
| 3 | Licence Fee             | \$19,013 per annum plus GST, indexed by CPI annually on 1 July.  |
| 4 | Permitted Use           | Non-exclusive *priority use for Highgate Primary School to use the Licence Area for sporting and recreational use.<br>*Priority use means having priority over competing uses. |
| 5 | Authorised times of use | Between 8.00 am to 4.00 pm on school days or such other times as agreed between the City and the Minister (or their representative).   |
| 6 | Insurance               | Public liability insurance to a minimum value of \$20,000,000 (per claim).   |
| 7 | Maintenance             | Highgate Primary School must ensure that the Licence Area is kept clean and free from rubbish after each use.  |
| 8 | Access                  | The City and public utilities may access the Licence Area at any time in connection with its respective services.  |

**Licence Fee Calculation**

The approval of the Licence Agreement will see significant increased use of the reserve for school-based activities upwards of 4 hours per day active use during recess, lunch times and physical education classes. To accommodate the increase the annual maintenance costs borne by the City will also increase. \$19,013 per annum has been calculated as the increase in annual costs and therefore represents the annual fee paid by the Education Department. The breakdown of costs can be seen in Attachment 2 – Birdwood Square Licence – Annual Fee.

**Reserve Hire Bookings**

Data from the SpacetoCo booking platform over the period 2020 to 2023 indicates that utilisation of Birdwood Square during school hours is low and almost exclusively associated with Highgate Primary School:

- 206 bookings occurred during weekdays (on average 1 booking every 4-week days)
- The average booking duration was approximately 2 hours
  - o 61 of the 206 had a start time during school hours booking time of 7am-4pm (on average one booking every 13-week days)
    - 57 of 61 was soccer training associated with Highgate Primary School
    - 2 of the 61 were school carnivals from other City of Vincent schools
    - 2 of the 61 were commercial bookings

Based on the historical booking data over a 3-year period only 4 bookings would be impacted by the proposed Licence agreement, all of which could be accommodated at other City reserves.

**LEGAL/POLICY:**

City Policy 2.1.7 – Parks, Reserves & Hall Facilities – Conditions of Hire and Use states that reserve bookings be made free of charge to local education institutions during school hours. This allows schools to undertake extracurricular activities for example, before and after school sports training and athletics carnivals. The intention of this resolution was not for a school to use a reserve every recess, lunch time and physical education classes, throughout every school day of the year.

This policy was first adopted in 1998 and the loss of school greenspace to cater for growing classroom needs was not an issue.

To facilitate the high level of usage requested by the school in this instance the licence agreement aims to recover the additional costs that will be incurred by the City to maintain the reserve.

Section 3.58 of the *Local Government Act 1995 (WA)* (Act) provides that a local government can only dispose of property (which includes to sell or lease property) in accordance with section 3.58(3) unless the disposition falls within the scope of section 3.58(5), which includes:

*“(d) Any other disposition that is excluded by regulations from the application of this section.”*

Regulation 30(2)(c)(ii) of the *Local Government (Functions and General) Regulations 1996* provides that a disposition to a department or agency of the state is an exempt disposition for the purposes of section 3.58(5) of the Act.

Therefore, as the proposed disposition is to an agency of the State, the City is not required to comply with section 3.58.

**RISK MANAGEMENT IMPLICATIONS**

Low: It is low risk for Council to grant the licence to the Minister on authority for Highgate Primary School as the City will enter into a Licence Agreement for the Licence Area.

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Enhanced Environment

*Our parks and reserves are maintained, enhanced and are accessible for all members of the community.*

Connected and Healthy Community

*Our community facilities and spaces are well known and well used.*

Thriving Places

*Efficiently managed and maintained City assets in the public realm.*

**SUSTAINABILITY IMPLICATIONS:**

This does not contribute to any specific sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*. Increased usage of the reserve by the school may result in the school requiring less off-site reserve access and therefore less bus travel for students and less greenhouse gas emissions.

**PUBLIC HEALTH IMPLICATIONS:**

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

*Increased physical activity*

**FINANCIAL/BUDGET IMPLICATIONS:**

The Licence Agreement will see an annual payment of \$19,013 to cover the additional turf maintenance and toilet cleaning required.

**COMMENTS:**

It is recommended that the licence be granted for use by the Highgate Primary School. The availability of suitable green space for physical activity is essential for primary school students physical and mental health and therefore contributing to the public health requirements of the City.

Birdwood Square – Licence Area



**ANNUAL COSTS**

*A breakdown of all additional annual City costs to accomodate the Licence Agreement*

$$\begin{aligned} \text{Toilet cleaning} &= \text{Cleaning rate} \times \text{school days} \times \frac{\text{Daily school hours usage}}{\text{Daily toilet opening hours}} \\ &= (\$49.10 \text{ per hour} \times 2 \text{ hour minimum}) \times (5 \text{ days} \times 40 \text{ weeks}) \times \frac{8\text{hrs}}{14\text{hrs}} \\ \text{Toilet cubicle cleaning} &= \mathbf{\$11,222pa} \end{aligned}$$

**Toilet Consumables** – toilet paper, paper towels, soap  
= percentage of toilet consumables used during school hours from exclusive use toilets

$$\begin{aligned} &= \frac{\text{number of toilets}}{\text{total toilets}} \times \text{annual consumbles} \times \text{Exclusive Use Time Ratio} \\ &= \frac{2}{3} \times (\$300 \text{ monthly} \times 12 \text{ months}) \times 31.3\% \\ \text{Toilet Consumables} &= \mathbf{\$751pa} \end{aligned}$$

**Preventative Maintenance** – pressure cleaning, pest treatment, RCD testing, sanitary bins  
= Annual mainteance cost  
× (Exclusive Use Toilets area ratio × Exclusive Use Time ratio + 50% storeage room area ratio)

$$\begin{aligned} &= (\$350 \text{ monthly} \times 12 \text{ months}) \times (46.6\% \times 31.3\% + 0.15\%) \\ \text{Preventative Maintenace} &= \mathbf{\$1243pa} \end{aligned}$$

**Turf Renovation allowance** =  $\frac{\text{Proposed turf renovation schedule} - \text{current schedule}}{\text{Total agreement duration}}$

$$\begin{aligned} &= \frac{\text{Cost of 1 renovation every 2 years} - \text{Cost of 1 renovation every 3 years}}{10 \text{ years}} \\ &= \frac{(\$13,000 \times 5) - (\$13,000 \times 3)}{10} \\ \text{Additional turf renovations} &= \mathbf{\$2,600pa} \end{aligned}$$

$$\text{Waste allowance} = \text{annual cost for additional bin servicing} = \mathbf{\$2000pa}$$

**Playground cleaning** = increase from annual to quarterly playground cleans  
= Additional cleaning rate × 3  
= \$400 × 3  
**Playground Cleaning** =  $\mathbf{\$1,200pa}$

$$\begin{aligned} \text{Total Annual Cost} &= \text{Sum of all annual costs} \\ &= \$11,222 + \$751 + \$1243 + \$2,600 + \$2,000 + \$1,200 \\ \text{TOTAL ANNUAL COST} &= \mathbf{\$19,013 per annum} \end{aligned}$$