



10.1 SCHOOL USE OF PUBLIC OPEN SPACE

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1. PURPOSE

- 1.1 To present the school use of public open space guiding principles for endorsement and adoption by Council.
- 1.2 To present the key steps to develop 'School use of public space guidelines' in accordance with endorsed principles in 2022
- 1.3 To note arrangements that will be put in place for Albert Park College access to Gasworks Arts Park and Lemnos Square whilst the 'School use of public space guidelines' are developed.
- 1.4 To note arrangements that will be put in place for the new Port Melbourne Secondary School access to JL Murphy Reserve whilst the 'School use of public space guidelines' are developed.

2. EXECUTIVE SUMMARY

- 2.1 There are 21 schools located within the City of Port Phillip, including primary, secondary, government, non-government and specialist schools. Schools are seeking ongoing access to Council's public open spaces and have historically used spaces without any formal agreements from Council.
- 2.2 Council have committed to preparing a guideline to support schools to use Council managed public open spaces, while ensuring Council continues to deliver on its responsibility to ensure equity of access for all public open space users and to maintain public spaces to an appropriate standard.
- 2.3 The preparation of the guideline is a key action in Council's *Sport and Recreation Strategy 2015 – 2024* and draft *Public Space Strategy* and is guided by the *Council Plan 2021 – 31* and the Victorian Government's *Open Space Strategy for Metropolitan Melbourne 2021*.
- 2.4 At the Ordinary Meeting of Council on 17 March 2020 Council endorsed the extension of the trial use of Gasworks Arts Park and Lemnos Square by Albert Park College for the 2021 school year. As part of the resolution Council committed to 'the preparation of a policy for school access and use of Council managed public space'.
- 2.5 Port Melbourne Secondary College is opening at the start of 2022 and have requested to use part of JL Murphy Reserve, adjacent to the school, for use during lunch and sport classes.



3. RECOMMENDATION

That Council:

- 3.1 Notes that many local schools are currently accessing public space for sports classes and during lunchtime and recess.
- 3.2 Notes that current school usage is occurring without an adopted guideline or formal principles in place.
- 3.3 Notes that our schools are an important part of the City of Port Phillip community and public space plays an important role for community health and wellbeing outcomes and delivery of school curriculum.
- 3.4 Recognises that our schools may wish to use public space in greater quantities than other local government areas due to increasing student enrolments and limited outdoor space.
- 3.5 Notes that our City has increasing competition for access to limited public space due to a growing population, and access for all user groups needs to be considered.
- 3.6 Endorses these guiding principles for schools located within the City of Port Phillip:
 - 3.6.1 DET and schools should contribute to the additional cost incurred to Council for use of the public open space above normal community use (monetary contribution or reciprocal/in-kind arrangements)
 - 3.6.2 Permitted use arrangements will be considered on an individual public open space basis, having consideration to duty of care and safety issues.
 - 3.6.3 Schools based in City of Port Phillip with highest demonstrated local enrolments will be given priority over schools attracting enrolments from outside our municipality. Schools outside City of Port Phillip can only apply for casual use.
 - 3.6.4 Schools are responsible for the safety and supervision of students in the community on public land during permitted times.
- 3.7 Endorses Council officers to use the criteria below for assessing applications from schools to use public space within the municipality:
 - 3.7.1 The school has a campus within the City of Port Phillip.
 - 3.7.2 Schools should be able to demonstrate a need for use of the public open space (e.g. not enough open space for the number of students or no appropriate sporting infrastructure).
 - 3.7.3 The public open space must be of an appropriate size, hierarchy and character classification to accommodate school use without disruption to other public space users.
 - 3.7.4 The capacity of the public open space and supporting infrastructure must be able to withstand the level of use proposed by the school, in respect to community users and other user groups permitted to use the space.
 - 3.7.5 The school agrees to fund the full additional cost incurred to Council for use of the public space as a monetary contribution or by providing of reciprocal/in-kind arrangements for our community.



- 3.8 Notes that the guideline will be developed in 2022 following further the development of a fees and charges policy position and consultation with the community and schools.
- 3.9 Requests Officers engage directly with the Department of Education, requesting they partner with Council to deliver balanced community solutions to resolve the under provision of open spaces being provided for schools in the City of Port Phillip.
- 3.10 Notes the continued use of Gasworks Arts Park and Lemnos Square by Albert Park College until the end of the 2022 school year
- 3.11 Notes a trial licence agreement with Port Melbourne Secondary School for use of approved sections of JL Murphy Reserve until the end of the 2022 school year will be developed.

4. KEY POINTS/ISSUES

Challenges in relation to school use of public open space

- 4.1 The City of Port Phillip is currently facing the following challenges in relation to school use of public open space:
 - Population growth, increasing urban density and limited land availability has seen demand for use of our public open spaces become more competitive; pressure placed on the capacity of existing schools in our City and schools converting open space on school premises into classrooms to accommodate increasing student enrolments.
 - DET is constructing vertical schools, with minimal open space for students on school premises.
 - DET and non-government school bodies plan and build new schools in the City without consulting with Council regarding assumptions about the availability and use of open space for school purposes. DET and non-government school bodies also plan for growth of student enrolments without consulting with Council regarding assumptions about the impact on use of open space.
 - Council notes that school open space is provided by most schools in Victoria on school land and funding for the maintenance of this school open space is provided by schools.
 - Unlike other developments in the City, DET and non-government schools do not provide Open Space contributions to the city when building a new school. Schools also do not pay rates to the City. This means that there is no contribution by schools to cover the increased cost of maintaining public space caused by their increased use.
 - Schools are seeking ongoing access to our public open spaces and have historically used spaces without any formal agreements from Council.
 - Community feedback is often conflicting in relation to schools using public open space.
 - Council's permit fees do not appropriately reflect the significant level of use of our public open spaces by schools or cover the associated increased maintenance and renewal costs.



- Delays with the Department of Environment, Land, Water and Planning (DELWP) authorising processes are impacting Council's licencing timeframes.
- DET do not traditionally engage in a broader strategic approach to these challenges and defer to individual schools.

Guideline to manage school use of public open space

4.2 To address these challenges and deliver on Council's commitment in the *Sport and Recreation Strategy 2015 – 2024*, Council is proposing to develop a School Use of Public Open Space Guideline. The guideline will:

- Support schools to use Council managed public open spaces, while ensuring Council continues to deliver on its responsibility to maintain equity of access for all public open space users.
- Define the permitted activities for which schools use Council managed public open spaces.
- Establish a fair, transparent and equitable process for assessing applications from schools for the use of Council managed public open spaces.
- Provide clear objectives and expectations for licence agreements.
- Provide schools with a three-year licence option, providing schools the opportunity to forward plan.
- Provide an advocacy tool for Council to work with the Department of Education and Training (DET) and schools to explore opportunities for reciprocal access to school facilities for community use.

4.3 The guideline will be developed in 2022 in consultation with the community, DET and local schools.

Proposed guiding principles

4.4 Our schools are an important part of the City of Port Phillip community and public space plays an important role for community health and wellbeing outcomes.

4.5 Council recognises that our schools may wish to use public space in greater quantities than other LGAs due to increasing student enrolments and limited outdoor space.

4.6 Our City has increasing competition for access to limited public space due to a growing population, and access for all user groups needs to be considered.

4.7 Recognising the above, Council supports schools located within the City of Port Phillip in accessing our public open space, in line with the following principles:

1. DET and schools should contribute to the additional cost incurred to Council for use of the public open space (*monetary contribution or reciprocal/in-kind arrangements*)
2. Permitted use arrangements will be considered on an individual public open space basis, having consideration to impact of use of the space, duty of care and safety issues.
3. Schools based in City of Port Phillip with highest demonstrated local enrolments will be given priority over schools attracting enrolments outside our municipality. Schools outside City of Port Phillip can only apply for casual use.



4. Schools are responsible for the safety and supervision of students in the community on public land during permitted times.

Proposed assessment criteria

- 4.8 Council officers will assess all applications for use of public open space in accordance with the following criteria:
 1. The school has a campus within the City of Port Phillip.
 2. Schools should be able to demonstrate a need for use of the public open space (e.g. not enough open space for the number of students or no appropriate sporting infrastructure).
 3. The public open space must be of an appropriate size, hierarchy and character classification to accommodate school use without disruption to other public space users.
 4. The capacity of the public open space and supporting infrastructure must be able to withstand the level of use proposed by the school, in respect to community users and other user groups permitted to use the space.
 5. The school agrees to fund the full additional cost incurred to Council for use of the public space as a monetary contribution or by providing of reciprocal/in-kind arrangements for our community.

Fees and charges

- 4.9 The permit fee set in the 2021/22 Council budget for school use of public open space is \$66 per term for use of a public open space regardless of the amount of usage or the type of space. This fee does not appropriately reflect the significant level of use of our public open spaces or cover the associated increased maintenance costs.
- 4.10 Given the significant level of use of our public open spaces by schools, it is recommended that Council shift towards a full cost recovery model to calculate future permit fees.
- 4.11 This work will be undertaken in 2022 as part of a broader fees and charges and allocations guideline, and will consider hours of usage, size of the public open space, maintenance costs, potential impacts and opportunities for reciprocal community benefit.
- 4.12 Fees could be offset by establishing reciprocal community benefit agreements with schools for the community to access their school grounds or facilities outside of school hours.

Albert Park College use of Gasworks Arts Park and Lemnos Square

- 4.13 At the Ordinary Meeting of Council on 17 March 2021 Council endorsed the extension of the trial use of Gasworks Arts Park and Lemnos Square by Albert Park College. The licence between Albert Park College and Council expires on 31 December 2021.
- 4.14 Consistent with this resolution, Council officers are currently reviewing feedback on the trial. After consideration of this feedback it will be recommended that Council enter a licence with Albert Park College for a further one-year period to align with all other school licences commencing in 2023.
- 4.15 Ongoing school use will also be considered as part of the concept design for Gasworks Arts Park, which will be released for community consultation in early 2022.



Port Melbourne Secondary School

- 4.16 The new Port Melbourne Secondary School is scheduled to open adjacent to JL Murphy Reserve in term 1, 2022, and the school is seeking access to use part of the reserve.
- 4.17 Council officers recommend entering a licence with the school for the trial use of the passive open space directly adjacent to the school in JL Murphy Reserve for 2022 (The site currently occupied by the school as the construction compound for the school build).
- 4.18 Before the end of 2021, the current construction compound will be made good and returned to public open space.
- 4.19 Occasional use of Sporting fields will be considered based on ground conditions to avoid any impact on the community sporting clubs programs.

5. CONSULTATION AND STAKEHOLDERS

- 5.1 Council officers have engaged with Albert Park College and those community members who provided feedback on the school's trial use of Gasworks Arts Park and Lemnos Square.
- 5.2 Feedback has also been sought from Albert Park College, Gasworks Theatre, Friends of Gasworks Park and the members of the Gasworks Park email group regarding Albert Park College's use of Gasworks Arts Park.
- 5.3 Council officers have engaged directly with the new Port Melbourne Secondary School principal regarding a trial use of JL Murphy Reserve for 2022.
- 5.4 In 2022 Council officers will consult with the community, DET and schools on the draft guideline.

6. LEGAL AND RISK IMPLICATIONS

- 6.1 Historically schools have used public open spaces during school hours without any formal agreements from Council.
- 6.2 Following the adoption of the guideline in 2022, schools will be required to enter into a licence agreement for use of Council managed public open space. The guideline will include clear objectives and expectations for licence agreements, and Council will set conditions in the licence agreements and permits to control times and areas of use; restrict certain activities; and require relevant public liability insurances.

7. FINANCIAL IMPACT

- 7.1 Council is currently subsidising the cost of additional maintenance required due to school use of public open space. Council will receive a higher financial contribution towards the maintenance of public open space if there is a shift towards a partial cost recovery model for future permit fees.

8. ENVIRONMENTAL IMPACT

- 8.1 Requiring schools to enter into a licence agreement will allow Council to set conditions to reduce damage to vegetation and infrastructure.
- 8.2 Establishing a clear process for assessing school applications will allow Council officers to ensure that public open spaces are not being used beyond capacity.



9. COMMUNITY IMPACT

- 9.1 Public Space in the municipality is in high demand from a growing population and many different user groups. The guideline will ensure that Council can support schools in using Council managed public open spaces, while continuing to deliver on its responsibility to maintain equity of access for all public open space users.
- 9.2 Licence agreements and permits will have clear conditions to control times and areas of use and will restrict certain activities (e.g. sporting games or the use of sporting equipment) to minimise impact on broader community use.
- 9.3 Permitting school students to access Council managed public open spaces will support the health and wellbeing of students, providing opportunities for social connection and recreation.
- 9.4 By working with DET and schools to discuss reciprocal access to school grounds, there may be opportunities in the future for community use of these spaces outside of school hours.

10. ALIGNMENT TO COUNCIL PLAN AND COUNCIL POLICY

- 10.1 The Guidelines align to the following strategic directions in the *Council Plan 2021 – 31*:
 - Inclusive Port Phillip - A City that is a place for all members of our community
 - Liveable Port Phillip - A City that is a great place to live, where our community has access to high quality public spaces, development and growth are well-managed
- 10.2 Engaging with DET in the development of the guideline will support Council's commitment in the *Council Plan 2021 – 31* to advocate to the 'Victorian Government to ensure it provides adequate provision of open space for vertical schools to support the health and wellbeing of the young people of our City'.
- 10.3 The preparation of the guideline is also a key action in Council's *Sport and Recreation Strategy 2015 – 2024* and draft *Public Space Strategy*.
- 10.4 It also aligns with the Victorian Government's *Open Space Strategy for Metropolitan Melbourne 2021*.

11. IMPLEMENTATION STRATEGY

- 11.1 Council officers will assess all school requests for use of public open space in 2022 in line with the guiding principles and assessment criteria, having consideration to existing arrangements.
- 11.2 The guideline will be developed in 2022, in consultation with the community, DET and local schools.
- 11.3 Following the adoption of the guideline, schools will be required to apply for a three-year licence for use of public open space.
- 11.4 Council fees will remain at \$66 per term per school until the fees and charges and allocations guideline work is completed.

12. OFFICER DIRECT OR INDIRECT INTEREST

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

ATTACHMENTS

Nil