



**WALGA**

**Discussion Paper  
February 2010**

**Shared-Use Agreements**

**Local Government Position Paper**

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## EXECUTIVE SUMMARY

The purpose of this discussion paper is to provide background information on the existing frameworks for the management of shared-use facilities between local governments and the Department of Education (DoE), and examine their effectiveness in delivering outcomes which benefit all parties.

A number of recommendations have been developed, based on extensive research and consultation across the Local Government sector, on which WALGA is seeking feedback which will guide WALGA's future actions with DoE in regards to the shared-use of facilities.

The issue of shared-use agreements between local governments and the Department of Education (DoE) was raised at WALGA's Outer Metropolitan Growth Councils Committee (OMGC). The OMGC directed WALGA to investigate moving forward with the Department of Education and the Department of Sport and Recreation on the issue. A Shared-Use Agreement Working Group meeting was held on 10 July 2009 to identify potential constraints and opportunities.

This paper outlines two major areas for consideration: Strategic land-use planning and operational issues with existing agreements.

There is an opportunity for local governments and DoE to work together in planning for the shared-use of community and school facilities during the strategic land-use planning phase. Government secondary school sites are acquired by the State Government ideally in advance of urban development in the surrounding community, while primary school sites are given up free of cost by the landowner owning the land that contains the school site and pro-rata contributions provided by any other landowners in the catchment of the primary school site. This provides an opportunity for consultation between DoE and local government to ensure the future needs of the community are met through strategic land-use and facilities planning.

Generally speaking, the majority of shared-use agreements have been successful in providing increased access to facilities for the school and the community. Shared-use agreements have the potential to increase access to facilities for both the school, and wider, community while reducing duplication of community infrastructure.

There is some confusion over the status of shared-use agreements between Local Government and the Department of Education, with agreements ranging from an informal agreement with a school principal, to an exchange of letters, Memorandum of Understanding, or the development of formal licence agreements between the local government and the Department of Education for each shared-use facility.

The development of a model agreement/s to provide a standardised framework for shared-use facilities is important as good governance is the key to successful partnerships between Local Government and the Department of Education. The equitable apportionment of maintenance costs throughout the agreement, as well as clear guidance on the sharing of initial capital infrastructure costs, would be advantageous as this is increasingly become an important factor given the closer scrutiny of Local Government expenditure.

## PURPOSE

The purpose of this discussion paper is to provide background information on the existing frameworks for the management of shared-use facilities between local governments and the Department of Education (DoE), and examine their effectiveness in delivering outcomes which benefit all parties.

A number of recommendations have been developed, based on extensive research and consultation across the Local Government sector, on which WALGA is seeking feedback. Some questions to guide responses have been provided in Appendix One and it would be appreciated if feedback is received by **Monday, 29 March 2010**.

This feedback will guide WALGA's future actions with DoE in regards to the shared-use of facilities.

## CONTEXT

Local Government in Western Australia is facing a number of financial constraints, identified both at the national, state and local level. These must be taken into consideration with the development and implementation of Australian and State policy positions by Local Government.

The capacity constraints facing Local Government in Western Australia are symptomatic of the issues facing the Local Government Sector nationally. At a national level, The House of Representatives Standing Committee on Economics, Finance and Public Administration Report, *Rates and Taxes: A Fair Share for Responsible Local Government* (the Hawker Report) found that escalating costs and constrained funding along with growing community expectations and a funding gap threatens the future of an efficient and responsive Local Government.<sup>1</sup>

As part of the Australian Government response to the Hawker Report, the Productivity Commission was asked to examine the capacity of Local Government to raise revenue from its own sources. The draft report, *Assessing Local Government Revenue Raising Capacity*, indicates that despite calls for increased funding from the Australian and State Governments, most Local Governments appear to have some limited capacity to raise more revenue if they and their communities wished to do so. More importantly, the findings outlined in the final report *Local Government Revenue-Raising Capacity* qualifies these concerns highlighting that a significant number of Councils, particularly in rural (87 per cent) and remote (95 per cent) areas, would remain dependent on grants from other spheres of government to meet their current expenditure (Finding 5.5).

Compounded with the financial constraints on Local Government, there are increasing pressures on the environmental sustainability of current practices from climate change and the need for improved water management practices. Climate Change was recognised as one of the challenges facing the industry in the Department of Sport and Recreation (DSR)'s report 'Strategic Direction 4 – for the Western Australian Sport and Recreation Industry (2006-2010)': *Sport and recreation interests must*

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<sup>1</sup> House of Representatives Standing Committee on Economics, Finance and Public Administration (2003), *Rates and Taxes: A Fair Share for Responsible Local Government*, Canberra, p 11.

contribute to the assessment of the implication of climate change and its consequences, especially as they impact on the active lifestyles of Western Australians.<sup>2</sup>

The DSR report on Climate Change<sup>3</sup> also identified a number of issues related to Public Open Space (POS):

- The use of water to maintain POS is seen as discretionary in other States. There is a risk that sport, leisure and recreational sectors will remain outside the decision making process of larger planning and water allocation agencies.
- Land developers may use water shortages to argue for a reduction in the proportion of open space required under planning guidelines in favour of greater residential lot yield when POS is a mitigation strategy.
- Increased competition for land and access to limited facilities. Greater fragmentation of POS may occur with fewer reserves available for walking.

Further potential pressures could appear with the announcement of independent public schools. On 12 August 2009, Premier Colin Barnett and Education Minister Liz Constable invited public schools to apply for independent status, representing one of the most significant changes to the State's education system in many decades.<sup>4</sup>

The Education Minister said schools that become an Independent Public School would experience immediate benefits, including greater responsibility for principals to manage the school's assets and budget. They will operate with greater autonomy and the flexibility to set the school's direction and the authority for day-to-day decision making. The new system will allow principals to make their own staffing and disciplinary decisions, and give parents and the school community more of a say in how their schools are run.

102 school communities from across the State expressed interest in having greater autonomy and flexibility in setting their own direction.<sup>5</sup> A panel was established by DoE, who made recommendations to the Director General of the Department of Education and Training. To date, 34 schools have been granted independent status.<sup>6</sup>

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<sup>2</sup> Department of Sport and Recreation, (2006), *Strategic directions for Western Australian sport and recreation industry (2006-2010)*. Perth, Western Australia: Government of Western Australia, p. 20.

<sup>3</sup> Department of Sport and Recreation, (December 2007), *Climate Change: How climate change could affect sport and recreation now and in the future*. Perth, Western Australia: Government of Western Australia.

<sup>4</sup> Media Release, 12 August 2009, [Online], 'New era for public education in Western Australia', Available from: <http://www.mediastatements.wa.gov.au/Pages/Results.aspx?ItemID=132344>

<sup>5</sup> Media Release, 8 September 2009, [Online], 'Big show of support for Independent Public Schools', Available from: <http://www.mediastatements.wa.gov.au/Pages/Results.aspx?ItemID=132455>

<sup>6</sup> Media Release, 23 September 2009, [Online], 'Thirty four school communities granted more freedom to run their schools', Available from: <http://www.mediastatements.wa.gov.au/Pages/Results.aspx?ItemID=132519>

Further impacts on the development of shared-use agreements need to be taken into consideration, with the announcement in January 2010 that the State Government was planning a significant number of infrastructure projects which would be delivered as Public Private Partnerships (PPPs).<sup>7</sup> The Treasurer said 'moving beyond traditional 'construct only' contracting with the private sector towards engagement over the entire asset life cycle would allow the Government to benefit from innovation in the design, construction, operation and maintenance of infrastructure and the State Government services they supported'. While the impact of PPPs on shared-use agreements cannot yet be established, it is worth noting the future potential for local governments to develop shared-use agreements with private developers for the use of school facilities.

## HISTORY OF SHARED-USE AGREEMENTS

A shared-use agreement between a local government and DoE outlines the conditions of use across a range of facilities, by schools and the community. The following are features of shared-use agreements:

- The range of facilities could include (but not limited to): recreation centres, aquatic facilities, ovals, courts and libraries.
- The agreements are multidirectional, and can be in place for facilities located on land vested in either the local government or DoE.
- The facilities may be constructed using local government or DoE funding, or a capital contribution from both parties.
- Agreements can occur in a variety of forms, from informal, verbal agreements between a CEO and the principal of a school, to formal examples including Memorandums of Understanding and formal licence agreements.
- Conditions of the agreement could be outlined within the agreement, and include (but not limited to): cost-sharing arrangements for ongoing maintenance; responsibilities of each party; liability insurance; or periods of use.

The use of shared-use agreements between local governments and the Department of Education (DoE) have long been recognised by Local Government as both a practical and beneficial solution for both parties. They provide:

- Increased opportunities for the community to access local sport, leisure and recreation facilities.
- Improved security at schools as a result of increase use of facilities outside of normal school hours.
- An increased sense of community ownership of facilities.
- Increased utilisation of parks, ovals and facilities.
- Sharing of facility maintenance costs.
- Reduced capital costs in building separate facilities.

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<sup>7</sup> Media Release, 20 January 2010, [Online], 'State Government developing pipeline of Public Private Partnership projects', Available from: <http://www.mediastatements.wa.gov.au/Pages/WACabinetMinistersSearch.aspx?ItemId=133034&minister=Buswell&admin=Barnett>

DoE's own policy on the community use of school facilities states: 'It is important that the community perceives schools as being community buildings, and it is more likely that this will occur when schools make as many of their facilities and resources available as is feasible.'<sup>8</sup>

The following provides a brief timeline of previous reports or policies on shared-use agreements which have been developed in Western Australia:

- In 1986, a report titled *A Chance to Share; a report on the community use of school facilities in Western Australia* was produced by the WA Sports Federation. This report indicated that since the 1970s both the Education Department of WA (EDWA) and DSR had held policies supporting the community use of school facilities.
- Also in 1986, EDWA produced a document entitled *Community Use of School Facilities* which outlined a number of existing jointly funded facilities such as halls, libraries and ovals in existence. The report included a range of recommendations for EDWA action.
- In 1993, *Dual Use and Joint Provision of Facilities*, Christensen (EDWA) apparently articulated two thrusts of EDWA policy.
- 1993 - Memorandum of Understanding - Capital Resource Sharing (Education and related facilities): Better Government agreement
- 1994 - *Utilisation of School facilities in the metropolitan area: Performance Examination - Office of the Auditor-General* - this report proposed that the potential for significant use of school facilities was not being fully realised. It highlights the drafting of a new Community Use of School Facilities Policy by EDWA in 1992 which aimed to give greater authority and responsibility to Principals for the community use of schools as a local school issue. The report also flagged some of the concerns raised by schools and concluded that to achieve greater and wider community use it would need continued improvement in State and Local Government co-operation, changes to the Education Act, greater promotion of school facilities and affordable hire charges.
- 1995 - *School Facilities - Resource Guide: Sharing our Schools with the Community* (EDWA, Ministry of Sport and Recreation (MSR) - now DSR and City of Melville) – which summarised the sport and recreation facilities available at each school for use by the wider community.
- 1996 - *General Report: on Departments, Statutory Authorities, Subsidiaries and Request audits: Office of the Auditor-General* - This followed on the 1994 Performance Examination and recognised advances made through the MOU, changes made to the Education Act and the revised policy on Community Use. In particular it noted the Minister delegating authority to the EDWA CEO to enter into agreements with local governments and others for the provision and use of school facilities. Further indicators of progress included the approval of EDWA to self-insure for community group activities.
- 1997 - Community Use of School Facilities Policy and Guidelines - EDWA
- 1997 - *Focus on Joint Provision and Shared Use* - Ministry of Sport and Recreation (MSR)
- 1999 - *Planning together for Joint Development and Shared Use of School Facilities*: MSR
- 2008 - Community Use of School Facilities Policy updated - DoE

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<sup>8</sup> Department of Education and Training (November 2008), [Online], *Community use of School Facilities and Resources*, Available from: [http://policies.det.wa.edu.au/Members/e4002033/policy.2006-01-16.3956816007/Orig\\_2009-04-22.6989867339.pdf](http://policies.det.wa.edu.au/Members/e4002033/policy.2006-01-16.3956816007/Orig_2009-04-22.6989867339.pdf)

The issue of shared-use agreements was raised by WALGA's Outer Metropolitan Growth Councils (OMGC) Policy Forum in March 2009. The OMGC directed WALGA to investigate moving forward with DoE and DSR on the issue.

For a number of years, WALGA has received anecdotal information and concerns about shared-use agreements. The main issues appeared to centre on ensuring both parties to the agreement are equitably remunerated, the planning of shared-use facilities in the development of new schools, and inconsistent practice across the region in the development of agreements.

WALGA conducted a survey of the sector to identify the extent of current shared-use agreements in place, the type of agreements, and the types of facilities covered. On 20 March 2009, an Infopage and Faxback were sent out to Member Councils, with 54 responses in total.

- 15 of the Councils who responded have no shared-use agreements with DoE (27.78%).
- Of the 39 Councils with some form of shared-use agreements in place with DoE:
  - 24 Councils have formal agreements (61.54%).
  - 11 Councils have informal agreements (28.20%).
  - 7 Councils have an exchange of letters (17.95%).
  - 2 Councils have a Memorandum of Understanding (5.13%).
- 17 Councils indicated that capital costs had been shared with DoE.
- 19 Councils indicated that ongoing maintenance costs were shared with DoE.

A Shared-Use Agreement Working Group meeting was held on 10 July 2009 to identify potential constraints and opportunities. The following people have been involved:

- Kelly-Anne Charles – Community Development Officer (City of Armadale)
- Rob Didcoe – Director, Facilities & Camps (DSR)
- Allison Hailes – Executive Manager, Planning & Community Development (WALGA)
- Scott Hollingworth – Executive Manager, Planning & Development (City of Swan)
- Steve Humfrey – Manager, Facility Development (DSR)
- Jessica Lenney – Community Policy Officer (WALGA)
- Michael Quirk – Manager, Community Infrastructure Planning (City of Rockingham)
- Gavin Taylor – Manager, Leisure Services (City of Joondalup)
- James Thom – Executive Director, Infrastructure (DoE)
- Luke Tressler – Community Planning Officer (Shire of Serpentine-Jarrahdale)

Given the concerns in Local Government's capacity to recoup costs raised by the Federal Government, and WALGA's own Systemic Sustainability Study (SSS), and the issues raised by the sector, this discussion paper has been developed. It addresses the two major areas of concern: Strategic land-use planning and operational issues with existing agreements.



## STRATEGIC LAND-USE PLANNING

There is an opportunity for local governments and DoE to work together in planning for the shared-use of community and school facilities during the strategic land-use planning phase. Government secondary school sites are acquired by the State Government ideally in advance of urban development in the surrounding community, while primary school sites are given up free of cost by the landowner owning the land that contains the school site and pro-rata contributions provided by any other landowners in the catchment of the primary school site. This provides an opportunity for consultation between DoE and local government to ensure the future needs of the community are met through strategic land-use and facilities planning.

The timing of shared-use agreements needs to meet Local Government planning requirements. The experience of some Councils has shown that there are significant differences between State and Local Government needs in relation to the timing of agreements. Examples include:

- Local Government A are notified of school construction timetables too late to be included in their capital works program. Entering into agreements with DoE results in constant shuffling of the budget and work program.
- At Local Government B, it currently takes years to reach agreement on resource sharing. More often than not, this results in shared facilities being constructed in advance of an agreement being in place and then significant debate after the event about who intended to pay for what.
- In relation to Developer Contributions, it is unclear at the time of finalising a contributions plan at Local Government C whether or not DoE will be making contribution to community facilities. This complicates Developer Contribution Plan arrangements.

The following is a list of state planning documents which can guide the development of shared-use facilities. Further details about planning policies can be found in Appendix Two:

- [State Planning Policy 3.6 Development Contributions for Infrastructure](#)
- [Policy Number DC 2.3 Public Open Space in Residential Areas](#)
- [Policy Number DC 2.4 School Sites](#)
- [Liveable Neighbourhoods](#)

The basis of [Policy Number DC 2.3](#) is the requirement that 10 per cent of the gross subdivisible area of a conditional subdivision shall be given up free of cost by the subdivider for public open space. This requirement has been the basis of public open space policy in the State for many years, and emanates from the recommendations of the *Plan for the Metropolitan Region Perth and Fremantle, 1955 Report* (the Stephenson – Hepburn Plan). The general requirement of 10 percent POS was based on 1955 parameters, identified as private open space and housing densities. Current housing densities are greater than existing or predicted in 1955, and private open spaces (gardens) have reduced. Since 1955 there has been an accumulation of additional requirements made on POS, while the allocation of land has not increased.<sup>9</sup>

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<sup>9</sup> M. J. Grose, 2009, 'Changing relationships in public open space and private open space in suburbs in south-western Australia', *Landscape and Urban Planning*, Vol. 92, No. 1, pp. 53-63.

The WA Planning Commission is aware of the continuing debate about the validity of certain aspects of Policy Number DC 2.3 in light of issues such as restraints on Local Government expenditure, the need to ensure adequate open space in existing urban areas, and the balance between passive and active recreational areas.

Appendix 5 of Liveable Neighbourhoods provides guidance on the layout of school sites. It details provision of a grassed recreation area of a minimum of 3000 m<sup>2</sup> in area with a minimum dimension of 100m for non-government schools or provision of a grassed recreation area of minimum dimensions 118m x 84 m for government primary schools.

WALGA notes that the issue of school oval size is mostly related to primary school (junior) ovals. The current DoE position supports approaches from local governments' to increase the size of primary school ovals to senior ovals where the additional area requirement is accommodated on the shared POS.<sup>10</sup>

While Liveable Neighbourhoods sets out a minimum provision, this size oval could be insufficient for the community's sporting needs. As a guide, Australian Rules Football requires the following:

- Seniors – Oval between 135m and 185m long, and between 110m and 155m wide.
- Youth – Oval between 120m and 140m long, and 150m wide.<sup>11</sup>

It should be noted that DoE's generic Senior High School Brief – Schedule of Accommodation does make provisions for adequately sized sporting facilities for seniors with the provision of a senior football oval of 173m x 143m and a hockey/soccer field of 100m x 61m. Advice from DoE suggests they would support larger ovals on primary school sites, but only where the additional area requirement to accommodate the larger oval is provided for on the shared POS, for example at Aveley Primary School. This is because the school site area is fixed by WAPC policy and if a larger oval is provided on the school site, within the four hectare area, there will be insufficient space for the school infrastructure, under the current policy.

A full list of dimensions and requirements for the major sporting codes, *Sports Dimensions Guide for Playing Areas: A guide for planning, designing and marking out sport playing areas* is available from DSR.

Whilst DSR's *Sports Dimensions Guide for Playing Areas* provides a guide for planning and designing active playing fields it is vital that participation shifts are a key consideration in POS planning. When sports participation and user group numbers decline or increase, the POS must be flexible to move, share or adapt. Local governments must be equipped with a clear POS strategy to better inform the planning policies and strategies of key stakeholders such as the WAPC, DoE, and Land Developers – something that the Local Government sector has traditionally not done well in the past.

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<sup>10</sup> It should be noted that DoE supports the development of community-based facilities next to primary school sites but on land owned by the Local Government. DoE prefers not to have community or Local Government buildings on the Department's site. Examples of DoE's preferred configuration are Harmony Primary School and the future Aveley Primary School.

<sup>11</sup> Department of Sport and Recreation, [Online], *Dimensions for Football – Australian Rules*, Available from: <http://203.23.213.83/index.php?id=956>

Provision for population growth needs to be made to provide local governments with the opportunity to allow for larger ovals on primary school sites which are more useful for community and sporting club use. Consultation with Local Government is needed to determine cases where the standard size of a primary school oval is insufficient for the community's active open space requirements and should be undertaken for any reduction in the land requirement for schools, and any expectation that use by the school may limit the access of the community to Council-owned facilities.

This is a particularly vital outcome for outer metropolitan growth Council's as the allocation of adequate POS to accommodate active sport has become an increasingly difficult exercise. However, in order to achieve larger ovals on school sites it is necessary for the relevant Local Government to have a clear POS strategy that identifies how many junior and senior sized ovals are required, the preferred locations, and the supporting infrastructure required. This strategy can then be presented to DoE, primarily through their Asset Planning Team, well in advance to determine what schools will require adjoining POS and/or a full 4.0 hectare site rather than 3.5 hectare site to achieve appropriately sized playing fields. This issue needs to be dealt with prior to the Local Structure Plan stage, and given that Land Developers liaise with both Local Government and DoE through this process, it is vital that we have a collaborative approach.

A number of other key principles also need to be negotiated between Local Government and the Department of Education, and these may require alterations to the standard primary and secondary school models. These include:

- configuration and topography of the overall school site and playing field;
- the extent of any public utility infrastructure such as drainage and easements within the playing field site;
- transportation integration (i.e. car park locations and access, street parking, set down areas, footpaths); and
- vegetation protection.

To ensure such elements are considered, a draft concept plan with sufficient detail should first be prepared to demonstrate that key principles and major land use components can be achieved to meet both Local Government and DoE imperatives.

The strategic planning and development of shared-use facilities should be closely aligned between all agencies to ensure an appropriate level of forward work and collaboration and consultation well in advance of the establishment of the facilities. It should be noted that the locating of shared-use facilities on the perimeter of sites to facilitate public access has occurred on a number of sites, given sufficient planning. DoE promotes the shared-use of facilities strongly in its strategic planning processes and the sharing of school ovals with abutting POS is common practice and supported by most local governments.

A focus on strategic land-use planning in the development of shared-use agreements has met with success. A good example of strategic land-use planning between Local Government and the Department of Education is the Butler North District Open Space & School Precinct Master Plan undertaken in the City of Wanneroo. The City and the Department formed a joint initiative in 2006 in order to develop a planning strategy for the proposed Butler North District Open Space and North Butler High School site. The plan aimed to identify the most effective manner to develop the sites to

meet community needs and includes shared-use performing arts centre, outdoor hard courts, indoor sports hall, playing fields, and car parking. The resultant master plan serves as a guiding document in the development of the site/s in terms of land configuration requirements and detailed planning of the site. The study also led to the relocation of a primary school to the site to achieve even greater shared-use synergies.

DoE has developed an MOU with the City of Wanneroo which they have found has greatly assisted in the strategic planning of school sites and sporting facilities. A similar MOU is currently being developed with the City of Armadale and the Armadale Redevelopment Authority for the Wungong Urban Water Development.

### **Summary of Findings**

- **Liveable Neighbourhoods policy in allowing the reduction of the size of school sites can not occur in isolation from Local Government strategic planning for the future infrastructure and facility needs of their communities.**
- **Recognition of the needs of sporting codes is needed in the development of active open space, and the potential to increase the size of primary school ovals.**
- **Guidelines promoting the location of shared-use facilities on the outskirts of school sites must continue to be adhered to, to ensure ease of access by the community.**
- **Consultations between local governments and DoE must occur in advance of the development of new school sites.**

**Recommendation 1**

That the WAPC, in consultation with Local Government review the POS Policy. Consideration must be given by both the WAPC and Local Government to the size requirements for major sporting codes, and the adequacy of shared-use school ovals to fulfil a purpose as active open space.

**Recommendation 2**

Provision for population growth needs to be made to provide local governments with the opportunity to allow for larger ovals on primary school sites which are more useful for community and sporting club use. Consultation with Local Government is needed to determine cases where the standard size of a primary school oval is insufficient for the community's active open space requirements.

**Recommendation 3**

That section R29 of Liveable Neighbourhoods, specifying school design needs to locate potential shared-use facilities on the outskirts of sites, to facilitate access by the community is enforced.

## EXISTING AGREEMENTS

Generally speaking, the majority of shared-use agreements have been successful in providing increased access to facilities for the school and the community. Shared-use agreements have the potential to increase access to facilities for both the school, and wider, community while reducing duplication of community infrastructure.

There is some variation in the status of shared-use agreements between Local Government and the Department of Education, with agreements ranging from an informal agreement with a school principal, to an exchange of letters, Memorandum of Understanding, or the development of formal licence agreements between the local government and the Department of Education for each shared-use facility.

Further to this, there appears to be a number of local governments which are being asked to review current shared-use agreements by DoE, particularly in regards to ongoing contribution to maintenance costs.

WALGA is aware that a number of local governments are currently independently negotiating formal licence agreements with DoE. There is potential for the process to become more streamlined, and reduce the administrative burden on all parties if model agreements are developed to provide a standard framework for shared-use facilities.

The development of a model agreement/s to provide a standardised framework for shared-use facilities is important as good governance is the key to successful partnerships between Local Government and the Department of Education. The equitable apportionment of maintenance costs throughout the agreement, as well as clear guidance on the sharing of initial capital infrastructure costs, would be advantageous as this is increasingly become an important factor given the closer scrutiny of Local Government expenditure.

Despite the number of formal and informal agreements currently in place, DSR's *Review of Sport and Recreation in Regional WA* identified that:

'The optimal use of the community's investment in school-based sport and recreation facilities is not being realised, despite the benefits of shared or dual use being compelling and widely accepted best practice. Greater encouragement and direction is required to ensure the existing Department of Education and Training's policy framework on shared or dual use of school-based sport and recreation facilities is practised State-wide.'

Currently, DoE's policy on community use of facilities, intended to guide school principals and administrators, provides limited guidance for the development of agreements with Local Government, simply outlining that 'fees may be negotiated through 'user pays' principles.'<sup>12</sup> This may fail to give adequate direction to both principals and local governments in the development of formal

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<sup>12</sup> Western Australian Department of Education and Training, November 2008, [Online], *Community use of School Facilities and Resources*, Available from: <http://policies.det.wa.edu.au/>

licence agreements, or adequately address the issues currently found across a number of local governments, identified in the following sections:

### **Cost-Sharing**

A shared-use agreement should clearly outline each party's responsibilities in relation to the capital cost, renewal cost and the ongoing costs to maintain the asset.

Where a new asset, such as a park, is established, the construction cost should be split between both parties. Similarly, when a shared-use asset requires a significant upgrade or renewal works (including upgrade to reticulation systems, major turf replacement etc.), the costs should be split between both parties.

An outline of each party's responsibilities relating to maintaining the asset should be included in a shared-use agreement. With shared assets (such as parks, cricket nets and tennis courts), the maintenance costs can include mowing, watering, fertilising, vertti-mowing, top dressing, reticulation, sweeping, fence repairs and court resurfacing.

The financial costs and savings of shared-use agreement need to be shared equitably. Resource sharing arrangements should be founded upon achieving an equitable sharing of costs and benefits between the parties concerned. Some Councils have commented that their experience is that DoE is not always prepared to contribute equitably to total costs, resulting in greater financial savings to the State and potentially increased costs for Local Government.

Related to this are standards of provision. In order for cost-sharing to be effective, standards of provision must be harmonised. At present, advice suggests that local governments generally provide a higher standard of service for both planning space and community facilities. This leads to debate about what DoE is prepared to contribute to. Some examples include the provision of air conditioning in shared-use facilities, adherence to Australian Standards, public safety standards, and maintenance of ovals.

### **Capital Costs**

Generally speaking, capital contributions towards infrastructure not normally provided by DoE are met by the Local Government (possibly including assistance from DSR through Community Sport and Recreation Facilities Fund (CSRFF)). However, there is uncertainty in relation to upgrades and/or replacement of capital infrastructure to meet future school and community needs.

Formal agreements should address whole-of-lifecycle costings and asset renewal which may be necessary in the future.

### **Maintenance Costs**

A shared-use agreement will ultimately result in an increase in usage and potentially wear and tear on the asset. This impact will ultimately be governed by the type, length and intensity of use on the asset and is more likely to be shown on parks, rather than facilities and sporting infrastructure. The impact

on the asset can be managed through the development of detailed maintenance plans, which sets service standards in line with the level of usage at the site.

A maintenance plan for a park in which a shared-use agreement exists is likely to provide a higher standard of maintenance including an increase in the frequency and timing of mowing, fertilising, verti-mowing and top dressing.<sup>13</sup>

One suggestion is that in formulating a shared-use agreement, each party would need to commit to the specific conditions of use at that site. This may include controlled access during periods of maintenance and restricted access to heavy use areas such as goal squares, goal mouths and centre square areas. Several Councils also commented that the standard of ovals, goals and pitches on handover did not meet the community's needs.

### **Lack of Suitable Club Facilities**

In some local government areas, school ovals are home grounds to a sporting club & have been for 20 years. Unfortunately it has meant that no facility has been constructed to meet the basic requirements of toilets, change rooms, kiosk (for revenue), meeting room, storage (the Club has a small shed on DET land). School toilets are used by public but access is through the school. There is usually no shelter & limited option for installation of lighting.

So while the sharing of DET owned reserves is a good solution for training & overflow venue for games, as a home ground for a sporting club it is not ideal as they fall short of the basic requirements outlined by DSR & State Sporting Associations.

Consideration is being given at some local governments to locating 10% POS adjacent to a school oval with Council constructing facilities on Council-vested land. A critical factor of shared facilities is access to toilets/changerooms/meeting rooms/kiosk. Using school-only reserves does not allow the construction of these basic facilities required by sporting clubs as land is vested with DoE.

### **Standardised Mowing Heights**

A specific issue experienced by some local governments is the standard oval mowing heights as per existing DoE contract/s. The standardised mowing height is not conducive to higher level community sport, and in one particular instance, is also not conducive to the school's own soccer academy activities. The advice from local governments has been that DoE will not allow the contract and therefore the mowing height to be altered. This issue has only appeared in cases of ovals located on land fully controlled by DoE.

### **Lighting**

The use of lighting on ovals is sometimes desired to provide opportunities to maximise the use of facilities by allowing greater programming flexibility and access by the community, however, given the period of use by the school, can be an issue for shared-use agreements, due to the increased capital and operational costs.

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<sup>13</sup> Ian Cowie, City of Joondalup CJ253-11/08 Shared Use Agreements – Parks and Recreation Facilities – [29110].



## Pool Legislation

Previously, under the *Health (Swimming Pool) Regulations 1964*, the Health Department could provide the Department of Education with an exemption from the requirement for a qualified manager. Under a shared-use licence agreement, responsibility for community use of an aquatic facility would fall to the Local Government. With the introduction of *Health (Aquatic Facilities) Regulation 2007*, some local governments felt that an exemption may become even more difficult to obtain for shared-use aquatic facilities.

The *Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities (October 2009)* was developed to ensure public aquatic facilities are operated to consistently high health and safety standards, by minimising the occurrence of disease, injury and other health-related complaints associated with the use of these facilities.<sup>14</sup> While the increased costs to Local Government, and difficulties relating to seasonal work, in the employment of qualified aquatic facility personnel is acknowledged, the risks to public health in following an alternate course may be untenable.

## School Security

Some local governments reported that schools wanted to erect fences around buildings which were subject to a shared-use agreement, thus restricting community use of the facility. DoE's School Security policy has caused considerable concerns for some local governments who currently have shared-use agreements in place at schools that are considering this cause of action. Furthermore, it is not yet known the impact of Independent Public Schools in making decisions such as this, to the detriment of community access.

DoE's policy on School Security needs to be reviewed based on the context that shared-use facilities may actually improve security and reduce vandalism through increased usage and patronage of school facilities outside of normal operating hours. Alternative actions could also be considered in line with the principles of Designing Out Crime, or the increased use of security patrols in the vicinity.

## Duty-of-Care

The status of Local Government employees working on shared-use sites needs to be clarified to reduce the burden on administration and the operation of shared-use agreements with DoE. Exclusive use is often a condition of shared-use agreements between local governments and DoE, particularly in regard to use during school hours. The lack of clarity which can sometimes surround shared-use arrangements may cause confusion about rights of access.

There have also been cases, particularly in the case of libraries, where the community has rights of access at all times, yet feel they are intruding on school activities when the library is being used as a classroom facility. Further questions are raised in regards to the need for a Working with Children Check for local government staff performing maintenance on shared-use facilities.

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<sup>14</sup> Western Australian Department of Health, October 2009, [Online], *Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities (October 2009)*, Available from: <http://www.public.health.wa.gov.au/>

The issue of exclusive use must be addressed and clearly defined by all parties to ensure clarity and certainty for duty-of-care issues. This is a particular concern for DoE as it is for the community where it may be expected that they have the right to use a shared-use public space at the same time as DoE.

### **Summary of Findings**

- **Clarity is needed, particularly surrounding cost-sharing arrangements for ongoing maintenance and capital replacement.**
- **Consistency in the standards of provision of facilities, particularly in the case of POS is needed.**
- **Conflict with existing DoE policies and the needs of the community in after hours access to facilities must be addressed.**

**Recommendation 4**

That model shared-use agreements are developed, mandated by State and Local Government, to provide a standard framework for shared-use facilities across the State including, at a minimum, the following key elements:

- *Park/Facility Usage Schedule*

Details of those areas of the park/facility where shared-use is provided and the times in which access is permitted.

- *Costs and Responsibility*

Who is responsible for park/facility maintenance and how much each party will contribute to these costs.

- *Management of Parks/Facilities*

Who is responsible for managing access and processing of bookings for the park/facility.

Other elements that would be included in should include insurance, indemnity, damage and graffiti reporting, dispute resolution, and signage.

**Recommendation 5**

That the Department of Education's policy on School Security be reviewed with reference to shared-use agreements and alternative arrangements for crime prevention, other than fencing.

**Recommendation 6**

That clarification is sought by WALGA from the Department of Child Protection in regards to the need for Local Government employees carrying out occasional maintenance on shared-use facilities to have a Working with Children Check.

**Recommendation 7**

That model shared-use agreements clearly identify rights of access to shared-use facilities, so the issue of exclusive use facilities by one or more parties is addressed.

## **CONCLUSION**

There are a number of courses of action available to address shared-use agreements between the Department of Education and local governments, however, two distinct areas will need to be addressed: Strategic land-use planning and the development of new school sites, and operational issues arising from existing agreements.

This paper has outlined recommendations aimed at addressing current and potential issues in both these areas and seeks feedback from the sector in moving forward. See Appendix One.

## RECOMMENDATIONS

### Recommendation 1

That the WAPC, in consultation with Local Government review the POS Policy. Consideration must be given by both the WAPC and Local Government to the size requirements for major sporting codes, and the adequacy of shared-use school ovals to fulfil a purpose as active open space.

### Recommendation 2

Provision for population growth needs to be made to provide local governments with the opportunity to allow for larger ovals on primary school sites which are more useful for community and sporting club use. Consultation with Local Government is needed to determine cases where the standard size of a primary school oval is insufficient for the community's active open space requirements.

### Recommendation 3

That section R29 of Liveable Neighbourhoods, specifying school design needs to locate potential shared-use facilities on the outskirts of sites, to facilitate access by the community is enforced.

### Recommendation 4

That model shared-use agreements are developed, mandated by State and Local Government, to provide a standard framework for shared-use facilities across the State including, at a minimum, the following key elements:

- *Park/Facility Usage Schedule*

Details of those areas of the park/facility where shared-use is provided and the times in which access is permitted.

- *Costs and Responsibility*

Who is responsible for park/facility maintenance and how much each party will contribute to these costs.

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### Recommendation 5

That the Department of Education's policy on School Security be reviewed with reference to shared-use agreements and alternative arrangements for crime prevention, other than fencing.

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That clarification is sought by WALGA from the Department of Child Protection in regards to the need for Local Government employees carrying out occasional maintenance on shared-use facilities to have a Working with Children Check.

**Recommendation 7**

That model shared-use agreements clearly identify rights of access to shared-use facilities, so the issue of exclusive use facilities by one or more parties is addressed.

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## **APPENDIX ONE: QUESTIONS FROM THE DISCUSSION PAPER**

The following questions are intended to guide feedback. Please send feedback by **Monday, 29 March 2010** to Jessica Lenney, Community Policy Officer at [jlenney@walga.asn.au](mailto:jlenney@walga.asn.au) or fax (08) 9322 2611.

### **Question One:**

Do you believe that a revision of planning policies and guidelines affecting potential shared-use facilities would enhance the success of agreements between the Department of Education and Local Government? If so, please explain why you believe this to be so and suggest how this might be achieved.

### **Question Two:**

Do you support the development of model agreements to provide a standard framework for shared-use facilities across the state? Please give reason for your answer.

### **Question Three:**

Can you suggest where clarification surrounding the Department of Education's policies (such as School Security) may help address any issues that may currently be experienced with existing shared-use agreements?

### **Question Four:**

Are there any major operational issues surrounding existing shared-use arrangements with the Department of Education which have not been addressed in this discussion paper?

### **Question Five:**

Are there any general comments you would like to make regarding shared-use arrangements with the Department of Education and local governments?

## APPENDIX TWO: LEGISLATIVE AND POLICY ENVIRONMENT

### *Strategic Land-use Planning*

There are currently a number of planning documents which impact on the future development of school sites, and the potential for shared-use facilities in the future:

### **State Planning Policy 3.6 Development Contributions for Infrastructure**

Following extensive work by WALGA, the Urban Design Institute of Australia (UDIA) and several Councils over a period of 3 years, the State Government has adopted the jointly proposed policy on development contributions to community infrastructure.

The State Planning Policy 3.6 Development Contributions for Infrastructure (SPP 3.6) sets out the principles and considerations that apply to development contributions for the provision of community infrastructure in new and established urban areas.

The capacity of local governments to provide the additional infrastructure and facilities necessary to accommodate future growth and change is limited by the available financial resources. As a result, local governments are increasingly seeking to apply development contributions for the provision of infrastructure and facilities such as community centres, recreation centres, sporting facilities, libraries, child care centres, public open space and other such facilities.

The key principle behind SPP 3.6 is that the 'beneficiary' pays. New residents will fund only the infrastructure and facilities which are reasonable and necessary for the development and to the extent that they derive the benefit from the infrastructure and facilities. As a result, development contribution plans need to identify growth trends based on service catchment areas, translate these trends into the infrastructure and facilities necessary to meet these increasing needs within the catchment, and allocate costs of meeting these needs to existing residents and new residents proportional to their contribution to the need for the infrastructure and facilities.

The development contribution plan must have a strategic basis and be linked to the local planning strategy and strategic infrastructure plan and program which identify the infrastructure and facilities required over the next 5-10 years and the cost and revenue sources for the provision of the infrastructure. The need for the infrastructure included in the development contribution plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

Development contribution plans require that:

- there is a clear and sound basis with linkages to the local government's strategic and financial planning processes;
- there is justification for the infrastructure identified in the development contribution plan;
- the costs of infrastructure are appropriate;
- there is a commitment to providing the infrastructure in a reasonable period;

- the development contribution area to which the development contribution plan applies is appropriate;
- cost-sharing arrangements between owners in the development contribution area are fair and reasonable; and
- there is consultation with the owners affected by the development contribution plan.

Where a local government is seeking contributions for community infrastructure, these need to be supported by:

- A community infrastructure plan for the area, identifying the services and facilities required over the next 5-10 years (supported by demand analysis and identification of service catchments).
- A capital expenditure plan (with at least five out years) that identifies the capital costs of facilities and the revenue sources (including capital grants) and programs for provision.
- Projected growth figures including the number of new dwellings to be created at catchment level (suburb or district).
- A methodology for determining the proportion of costs of community infrastructure to be attributed to growth and the proportion to be attributed to existing areas.

The contributions are for the initial capital requirements only and not for ongoing maintenance and/or operating costs of the infrastructure.

WALGA will be running information and training sessions for local government officers on the application and requirements of the policy early in 2010.

It should be noted that DoE operates its own Developer Contributions Scheme that collects pro rata contributions from developers for primary school sites across the state. This Scheme is separate from all Local Government infrastructure contribution schemes. It generally follows the principles set out in SPP 3.6.

### **Policy Number DC 2.3 Public Open Space in Residential Areas**

The basis of Policy Number DC 2.3 is the requirement that 10 per cent of the gross subdivisible area of a conditional subdivision shall be given up free of cost by the subdivider for public open space. This requirement has been the basis of public open space policy in the State for many years, and emanates from the recommendations of the Plan for the Metropolitan Region Perth and Fremantle, 1955 Report (the Stephenson – Hepburn Plan).

According to 3.1.2:

*The 10 per cent requirement is derived from the recommendations contained in the Stephenson-Hepburn Plan. That report states that for most areas a standard of 3.36 hectares per 1,000 population (excluding school playing fields) is recommended as sufficient for public open space... This requirement remains valid, as gross residential densities have remained much the same since [1956], with smaller lot sizes being offset by declining household occupancies.*

3.1.3 expands on this stating that the WAPC will seek the advice and comment of the relevant local government in regards to the overall balance between incidental open space and open space for active leisure pursuits. It will also seek advice on the suitability in physical terms of land shown upon plans of proposed subdivision for development as open space.

According to 1.2:

*The Commission's policy is to ensure that the provision of public open space allows for a reasonable distribution of land for active and passive recreation in each locality. The Commission accepts that this may be secured by providing larger areas for active recreation and smaller areas for passive recreation within residential cells, but treats each case on its merits.*

### **Policy Number DC 2.4 School Sites**

Policy Number DC 2.4 School Sites outlines the preferred placement of schools within the community. The preference of the policy is for schools to be surrounded by a combination of roads and amenities generally, including public open space, related children's services facilities and other compatible community, cultural recreation and sporting facilities. The policy explicitly states that common boundaries of school sites with residential uses should be avoided (3.6.1). This is designed to avoid conflict with nearby residents about the after hours use of school facilities by the community.

The following two sections are of particular interest for shared-use agreements, and the development of school sites, which can provide increased access by the community.

According to 3.3.4:

*Where a school site is co-located with public open space, that open space is fully utilised by the school and arrangements are in place to the satisfaction of the local government to provide long-term contributions from the education provider for the management of the open space, the land requirement for the school may be reduced.*

According to 3.7.1:

*Children's services facilities include both child care centres and other multi-functional facilities. These facilities could provide child-related services such as long day care, occasional care, playgroups and out-of-school hours care. Because of the considerable advantages of developing multi-purpose community buildings (e.g. better coordination of services, easier access and the need to develop fewer sites), these facilities may also provide a venue for other community uses associated with young children, adults and seniors.*

### **Liveable Neighbourhoods**

Liveable Neighbourhoods encourages shared goals between Local Government and DoE as it improves land efficiency, however, this is achieved by allowing the provision of smaller school sites. It outlines that recreational areas and open spaces are an important component in the delivery of education and it is appropriate that these areas are also accessible by the general community after school hours.

The consultation process outlined by Liveable Neighbourhoods states that:

*Those involved in structure planning at both the sub-regional and district level together with more detailed planning at the local structure plan and subdivisional stages should confer regularly with [DoE], WAPC, Catholic Education Office and other non-government school system providers in the early stages of the design process to determine the preferred location, size, acceptability and design for school sites.*

School sites should be identified in district or local structure plans, and plans of subdivision. Currently, DoE, Catholic Education Office or other non-government school system providers require the following provision of school sites.

	<b>Primary Schools</b>	<b>Secondary Schools</b>
<b>Government</b>	One site per 1500 residential lots	One site per 6500 – 7000 lots (4 to 5 primary schools)
<b>Non-government</b>	One non-government site to three government primary schools	One non-government site to two government secondary schools

While variation in the size of school sites may occur, Liveable Neighbourhoods outlines general rules, however, the size of a government and non-government primary school site in urban areas should generally be as follows:

- *Four ha for a school site with self-contained designated playing fields and other recreational facilities; and*
- *A minimum of 3.5 ha where there is co-location with adjoining public open space (R12).*

Where there is a reduction in the primary school site below four hectares (R11) and there is co-location with public open space, Liveable Neighbourhoods outlines the following:

- *The public open space is to be designed and able to be developed as playing fields;*
- *The subdivider is to earthwork the primary school site and public open space so that site levels are suitably integrated with surrounding development; and*
- *A formal agreement is to be entered into between the Local Government and education provider to provide a long-term commitment to shared recreation facilities.*

Appendix 5 of Liveable Neighbourhoods provides guidance on the layout of school sites. It details provision of a grassed recreation area of a minimum of 3000 m<sup>2</sup> in area with a minimum dimension of 100m for non-government schools or provision of a grassed recreation area of minimum dimensions 118m x 84 m for government primary schools.

Finally, R29 of Liveable Neighbourhoods outlines that ‘adjoining commercial and/or community facilities should be designed to enable sharing of car parking and services, such as libraries, performing arts centres and sporting facilities.’

### **South Metropolitan and Peel Sub-Regional Structure Plan**

The South Metropolitan and Peel Sub-Regional Structure Plan is a framework comprising policy statements which guide the planning and management of urban growth within the sub region. The Structure Plan was opened for consultation in 2009, and there is a reasonable expectation that the Plan will be gazetted. The policy statements below relate directly to educational facilities:

Policy Principle 13.1: Planning, identification and provision of school sites states that school must be planned and identified in District and Local Structure Plans in consultation with DoE and with reference to Liveable Neighbourhoods. The co-location of community facilities within school sites should wherever possible be explored and opportunities identified. Primary schools must be located centrally within their residential catchment; secondary schools must be located in proximity to major transport facilities and routes, and 'interim' schools must be considered for location in activity centres.

Policy Principle 13.2: Location of Universities and TAFEs states that universities and TAFEs must be located as integral parts of mixed-use activity centres.

Policy Principle 13.3: Promote the wider use of educational facilities for community use states that opportunities for the joint provision and dual use of facilities in appropriate locations within or adjacent to educational sites should be considered. Provision is to be determined by an assessment of need and opportunity based on current and future estimated demographics and should determine the ability of an educational facility to service a local community with regard to:

- Art
- Health
- Libraries
- Sport and recreation
- Lifelong learning

Under Policy Principle 13.4: Assessment of Need and Opportunities for the provision of sport, recreation and open space a detailed assessment of community facility need and opportunity is required to be undertaken as part of all structure planning processes. The level of sport, recreation and open space provision is to be determined locally in consultation with relevant local governments, and be responsive to existing strategic plans, current and anticipated demographics.

Policy Principle 13.5: The provision of accessible community infrastructure states that all community infrastructure should be accessible, integrated, well designed and connected in providing for a broad range of community services in accordance with acceptable minimum design specifications. Structure Plans will be required to identify the phasing of sport, recreation and community infrastructure based on population growth, demographics and potential usage profile. In addition, they will be required to demonstrate that develop contributions to local governments are sufficient to construct, maintain and manage the facilities in accordance with exiting policy and practices.

Policy Principle 13.6: The provision of community sport, recreation and public open space within environmentally sensitive areas states that sport and recreation opportunities will be promoted within and adjacent to environmentally sensitive areas where the uses are compatible with long term environmental objectives. Management solutions should be sought to resolve potential conflicts of activity and where it is demonstrated that a management solution is not viable, alternative locations.

Policy Principle 13.7: The provision of sport, recreation and open space on land capable of servicing the identified community need states that where sport and recreation facilities are identified within Structure Plans it must be accompanied by a detailed assessment of the capability of the land to

accommodate acceptable standards of provision. It should be capable of being accessed by the community and is proposed to serve and provide flexibility to accommodate changing trends in participation.

## **Generic Senior High School Brief – Schedule of Accommodation**

DoE's generic Senior High School Brief – Schedule of Accommodation outlines the recommended size and location of school facilities. The Schedule recommends that performing arts centres should have a street presence, and that sports halls are preferably located near ovals and courts. However, current trends in school design, as outlined by the Schedule, still advocate for library resource centres to be located centrally within the school. It has been noted by several Councils, that there is a preference for locating libraries in the centre of schools. This makes shared-use facilities for community use difficult, particularly given DoE's other policies on school visitors and security. Given sufficient notice, DoE is generally willing to negotiate with local governments during the planning of senior schools if shared-use facilities are to be built.

## ***Operational Legislation and Policies***

The following provides a list of legislation, guides and policies which influence the day-to-day management and operations of facilities which can be subject to a shared-use agreement:

### **Aquatic Facilities Legislation**

Previously, under the *Health (Swimming Pool) Regulations 1964*, the Health Department could provide the Department of Education with an exemption from the requirement for a qualified manager. Under a shared-use licence agreement, responsibility for community use of an aquatic facility would fall to the Local Government. With the introduction of *Health (Aquatic Facilities) Regulation 2007*, some local governments felt that an exemption may become even more difficult to obtain for shared-use aquatic facilities.

The *Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities (October 2009)* was developed to ensure public aquatic facilities are operated to consistently high health and safety standards, by minimising the occurrence of disease, injury and other health-related complaints associated with the use of these facilities. Under the *Code of Practice*, school aquatic facilities generally fall into Group Two. Under Group Two, the following conditions apply:

- Restricted to discrete users and user groups
- Structured activities permitted where a qualified activity leader is present
- The technical operator does not have to be on-site at all times.
- All patrons must be supervised directly, with emergency care personnel on-site at all times.

Generally speaking, local government aquatic facilities with access by the general public would fall into Group One and have the following provisions:

- Public access with limited restrictions e.g. child < 10 years accompanied by a person >16 years.
- Non-structured activities can take place.
- The technical operator must be on-site at all times.

- All patrons must be directly supervised, with emergency care personnel on-site at all times

## Lighting

The use of lighting on ovals is sometimes desired to provide opportunities to maximise the use of facilities by allowing greater programming flexibility and access by the community. Information relating to specific sports is available in Australian Standards AS 2560 – Sporting facilities manual – Part 1: Sports lighting. This outlines the minimum performance criteria for major sporting codes at both a recreational or training level, and in competition. For shared-use courts and ovals to be effective, they must meet the minimum standard required for use.

Designing Out Crime and Crime Prevention Through Environmental Design (CPTED) use a set of principles that have great potential in reducing crime and unwanted behaviours throughout the community. Lighting plays an important role in improving surveillance and while most lighting systems are developed primarily around Australian Standards, this may not ensure enough consideration has been given to lighting that will improve perception of safety in the community.<sup>15</sup>

## Pesticide Use

A booklet was prepared in 1997 by the Environmental Health Service of the WA Department of Health, in conjunction with the Department of Education and Department of Agriculture, to provide guidance on pest management for anyone using pesticides in or near schools.<sup>16</sup>

While the guidelines are probably similar to current Local Government practice, they highlight the concerns which schools may wish addressed in maintenance schedules. As suggested in the guide, 'whether warranted or not, pesticide use can cause stress or even outrage when people feel they have not been kept informed or that safety concerns have not been fully addressed' (p. 8).

In October 2009, the DoH released *A Guide to the management of pesticides in local government pest control programs in Western Australia* after consultation with WALGA and the Local Government sector. The document is a guide to assist local governments develop policy in relation to pesticide use. The principles within the Guide incorporate community views, underpinned by risk and contract management, and the auditing of program outcomes.

The Guide assists Local Government to reduce public health risks associated with pesticide use through appropriate safety, planning and management measures, consultation, communication and auditing of pesticide programs.

The Guide encourages ongoing consultation with the community regarding the pesticide use policy, pest control plans and pesticide applications. It is anticipated that schools would be consulted as part of this process, and would be able to provide comments on a draft pesticide use policy, prior to its adoption by Council.

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<sup>15</sup> Western Australian Planning Commission, June 2006, [Online], *Designing Out Crime Planning Guidelines*, Available from: <http://www.planning.wa.gov.au/>

<sup>16</sup> Kevin J Buckett & Peter N Di Marco, 1997, [Online], *Pesticide use in schools and school grounds*, Available from: <http://enhealth.nphp.gov.au/council/pubs/pdf/pestschl.pdf>



A copy of the guide was sent to all local governments, and is available on the Department of Health website.

## **School Security**

The Department of Education and Training's policy on School Security outlines a number of treatments to deal with vandal damage to buildings. The one of most concern to local governments suggests schools 'fence where necessary to divert pedestrian traffic to roadside or across public open space and away from school.'<sup>17</sup>

## **Working With Children Check**

The issue of Local Government staff being required to have a Working with Children (WWC) check for carrying out maintenance on shared-use facilities has been raised. Under Category Three: Educational Institution for Children, 'persons externally contracted to provide once-off or occasional maintenance to the buildings or deliver goods to the school' are not required to hold a WWC check.<sup>18</sup>

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<sup>17</sup> Western Australia Department of Education and Training, October 2005, [Online], *School Security*, Available from: <http://policies.det.wa.edu.au/>

<sup>18</sup> Department of Child Protection, [Online], 'Categories of child-related work', Available from: <http://www.checkwwc.wa.gov.au/checkwwc/About+WWC+Check/Categories+of+Work/>

## APPENDIX THREE: EXAMPLES OF EXISTING AGREEMENTS

In March 2009, WALGA undertook a survey of the sector to establish the extent and success of shared use agreements between Local Government and DoE. The following section outlines examples of existing agreements in place across the State, and is intended to outline the types of facilities for which shared-use agreements currently exist.

While by no means exhaustive, the following is an indicative list of the types of facilities which can be subject to a shared-use agreement between Local Government and DoE. If you have any further examples of facility types, or a copy of a shared-use agreement, please contact Jessica Lenney, Community Policy Officer, on 9213 2064 or email [jlenney@walga.asn.au](mailto:jlenney@walga.asn.au).

### ***Aquatic Facilities***

Examples of formal licence agreements between local governments and the Department of Education include Jerramungup Swimming Pool (Shire of Jerramungup); Darkan Swimming Pool (Shire of West Arthur); Marble Bar Pool (Shire of Newman).

Examples of exchange of letters between local governments and the Department of Education include Newdegate Swimming Pool (Shire of Lake Grace); York Swimming Pool (Shire of York).

### Case Study: Mt Helena Aquatic Centre (Shire of Mundaring)

Mt Helena Aquatic Centre in the Shire of Mundaring is located on land vested in DoE at Eastern Hills Senior High School and is subject to a formal licence agreement. The school has exclusive-use of the facility during school terms from 8.30am to 3.30pm. The pool is open for community use from October to April, 3.30pm - 7.00pm Monday to Friday and 11.30am - 7.00pm on weekends, public holidays and during school holidays.

A full-time pool manager is employed by the Shire, who works at the facility from October to April, and is assigned other duties within the local government for the rest of the year. Casual staff are employed for the season. The school does testing of the pool water every morning before use by the students.

The capital costs for construction of the facility were split between the Shire of Mundaring and the Department of Education. Ongoing maintenance of the facility is split as follows:

Area of Expenditure	Shire %	EHSHS (School) %	Minister %
Pool Manager	66.66	33.33	-
Telephone	100	-	-
Insurance	100	-	-
Advertising and Stationery	100	-	-
Power	50	-	50
Water	50	-	50
Sundry	100	-	-
Stores	50	50	-
General Maintenance	50	-	50
Vandal Damage	50	-	50
Security Patrols	50	50	-
Lawn Maintenance	100	-	-

### Buses

Anecdotal evidence suggests the existence of shared-use agreements between local governments and the Department of Education for buses. The community buses may have been purchased using Royalties for Regions monies, and are subject to a shared-use agreement for use by the school. Please contact Jessica Lenney, Community Policy Officer, on 9213 2064 or email [jlenney@walga.asn.au](mailto:jlenney@walga.asn.au) if you can provide an example.

### Childcare & Education Services

Examples of formal agreements between local governments and the Department of Education include the Lake Grace Kindergarten (Shire of Lake Grace).

Anecdotal evidence suggests the existence of shared-use agreements between local governments and the Department of Education for childcare facilities. Please contact Jessica Lenney, Community Policy Officer, on 9213 2064 or email [jlenney@walga.asn.au](mailto:jlenney@walga.asn.au) if you can provide an example.

## **Community Centres**

Examples of formal agreements between local governments and the Department of Education include the Lake King Hall (Shire of Lake Grace).

## **Community Resource Centres (Telecentres)**

Examples of formal agreements between local governments and the Department of Education include the Lake Grace Telecentre and Library (Shire of Lake Grace).

It should be noted that 30% of Community Resource Centres are already co-located or integrated with public libraries across WA.

## **Courts**

Examples of formal licence agreements between local governments and the Department of Education include Gilmore College (Town of Kwinana); Banksia Grove Primary School (City of Wanneroo) and Booragoon Primary School (City of Melville)

## **Cricket Pitches**

Examples of formal licence agreements between local governments and the Department of Education include Melville Primary School (City of Melville).

## **Emergency Assembly Points**

Anecdotal evidence suggests the existence of shared-use agreements between local governments and the Department of Education for Emergency Assembly Points. Please contact Jessica Lenney, Community Policy Officer, on 9213 2064 or email [jlenney@walga.asn.au](mailto:jlenney@walga.asn.au) if you can provide an example.

## **Libraries<sup>19</sup>**

Examples of formal licence agreements between local governments and the Department of Education include Lake Grace Library (Shire of Lake Grace); Ellenbrook Community Library (City of Swan); Lake King Library (Shire of Lake Grace); Warnbro Community Library (City of Rockingham).

Examples of Memorandum of Understandings between local governments and the Department of Education include Kununurra Community Library (Shire of Wyndham / East Kimberley).

## **Ovals**

Examples of formal licence agreements between local governments and the Department of Education include Bertram Oval (Town of Kwinana); Melville Primary School (City of Melville); Canningvale College (City of Gosnells); Wagin District High School (Shire of Wagin); Safety Bay Senior High School (City of Rockingham) and Beeliar Oval (City of Cockburn).

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<sup>19</sup> For further information on shared-use libraries, see Dr Alan Bundy (March 2008), [Online], *Joint-use Libraries in Western Australia: A Report for the State Library of WA and the WA Department of Education and Training*, Auslib Library Consulting, Available from: <http://pls.lis.wa.gov.au:3080/pls/noticebd.nsf/22ea2ccd139e6f3f48256bdf001ef4d9/ea23e7289c907dc3c825751d0008c57f?OpenDocument>

Examples of exchange of letters between local governments and the Department of Education include Northampton Community Centre Oval (Shire of Northampton).

### **Case Study: Koorana Reserve, Warnbro (City of Rockingham)**

Koorana Reserve in the City of Rockingham is a shared use oval that has been established through a formal licence agreement between the City and the Department of Education. The school site is 4 hectares in size, however, it does not contribute a significant land area to the shared use playing fields. The portion of the school site directly adjacent to Koorana Reserve accommodates two carparking areas, cricket nets, clubroom facility, and passive parklands. The vast majority of the 6.8 hectare active reserve is contributed by the City with approximately 3.2 hectares available as playing fields.

The reserve is exclusively utilised by Koorana Primary School between the hours of 7.30am and 4.30pm on all school days with the shared use arrangement allowing the accommodation of community groups including the Port Kennedy Soccer Club, White Knights Cricket Club, and Peel District Cricket Association outside of these hours.

The capital costs for construction of the playing field and adjoining cricket nets in 1994 were split between the City of Rockingham (one third) and the Department of Education (two thirds). The construction of additional clubroom infrastructure in 2002 was fully funded by the City, however, the Minister for Education granted approval on the basis that the facility is situated within the school lot boundaries.

The clubroom infrastructure is managed and maintained directly by the City, with the Local Government having the exclusive power to rent or sub-licence to community groups. The City is also responsible for all mowing, fertilising, weed control, and irrigation maintenance and renovations on the reserve. The costs for ongoing maintenance of the reserve are split as follows:

- Mowing, reticulation, fertilising - City 50% and DoE 50%
- Bore and pump - City 70% and DoE 30%
- Cricket nets - City 50% and DoE 50%
- Electricity - City 70% and DoE 30%
- Carparks - City 25% and DoE 75%

### ***Performing Arts Centres***

Examples of formal agreements between local governments and the Department of Education include the Walkington Theatre (Shire of Roebourne).

### ***Recreation Centres***

Examples of formal licence agreements local governments and the Department of Education include Eastern Hills Senior High School (Shire of Mundaring); Cyril Jackson Recreation Centre (Town of Bassendean); Halls Head Community Recreation Centre (City of Mandurah); Mount Barker Recreation

Centre (Shire of Plantagenet); Warnbro Community High School/Aqua Jetty (City of Rockingham) and Newman Recreation Centre (Shire of Newman).

Examples of exchange of letters between local governments and the Department of Education include York Recreation Centre (Shire of York); Donnybrook Recreation Centre (Shire of Donnybrook-Balingup).