

Active Recreation Reserves Allocation and Maintenance Policy

Version: 1.0

Date updated: 17 October 2017

Responsible Department: Active Communities

1. Purpose

To manage the allocation and maintenance of Council's active recreation reserves; and to provide a balanced, equitable distribution of the current and future facilities for City of Casey sporting clubs and community groups.

2. Definitions

Council	Means Casey City Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989
Councillors	Means the individuals holding the office of a member of Casey City Council
Council officer	Means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer
Active recreation reserve (reserve)	Reserves characterised by the provision of sporting grounds, playing fields, criterium tracks, tennis, bowls, petanque, BMX pavilions and/or other sporting structures and associated sporting facilities
Passive reserve	Reserves characterised by the provision of informal facilities such playgrounds, BBQ and picnic facilities, walking trails and open space
Maintenance	Works required to maintain Occupational Health and Safety standards and the continual intended use
User group(s)	All incorporated entities allocated a sports ground, open space or facility on a Council active recreation reserve.

Council policy documents change from time to time and it is recommended that you consult the electronic reference copy at www.casey.vic.gov.au/policiesstrategies to ensure that you have the current version. Alternatively you may contact Customer Service on 9705 5200.

Expression of Interest (EOI)	Refers to the form a new user group is required to complete when seeking the opportunity to utilise an active recreation reserve. An EOI form must be completed and submitted to Council's Active Communities Department complete with additional documentation as specified in the form. The submission of an EOI form does not guarantee the allocation
Sports ground(s)	All areas and surfaces constructed specifically for organised sporting events. Sports grounds may include, but are not limited to, natural grass, synthetic surfaces, asphalt, sand, clay, en tout cas and hard-court
State Sporting Association (SSA)	A State Sporting Association (SSA) is the pre-eminent governing body for a sport in Victoria
Seasonal Tenancy Agreement	An agreement that provides seasonal use of an active recreation reserve or part thereof
Lease agreement	An agreement for exclusive occupancy (the tenant has sole use of the premises)
Licence agreement	An agreement for a non-exclusive occupancy (Council may grant the use of the premises to another party for joint occupancy)
Allocation	Allocated access to an active recreation reserve through a Seasonal Tenancy Agreement, lease agreement or license agreement
User Reference Group(s)	An informal group with representatives from tenant sporting clubs to ensure cooperative and coordinated utilisation of the shared facilities.

3. Scope

This policy applies to the allocation and maintenance of active recreation reserves (reserves) including sports grounds and associated sporting facilities located in the City of Casey. This Policy does not apply at Council's passive reserves or to Council contract managed facilities such as Leisure and Aquatic Centres.

4. Context

Council currently has over 70 reserves containing active sporting facilities. Organised sport is well established in the City of Casey and highly valued by the local community. Sport and physical activity are an important responsibility of Council, providing significant health benefits and capacity to increase social connectedness in the community. The ongoing provision and maintenance of sport and leisure facilities by Council assists to support the community in utilising these assets. Opportunities to access facilities are provided to incorporated entities such as sporting clubs, community groups, not for profit groups and commercial providers.

Key strategies of the Council Plan (2017-2021) aligned to this policy include:

- enhance the health and wellbeing of all residents
- encourage residents to be active and engaged in their community
- promote and support participation in artistic, cultural, sporting, and leisure opportunities
- encourage major sporting events and teams that attract visitors, to perform in Casey.

This Policy is implemented in conjunction with the following:

- Active Recreation Reserve Seasonal Tenancy Agreement
- Leisure Facilities Development Plan Policy
- Liquor Licensing at Council Recreation Reserves Policy
- Advertising and Promotional Signage on Council Active Recreation Reserves Policy
- Electronic Scoreboards at Active Reserves Policy
- Personal Training at Council Reserves Policy
- Debt Recovery Policy
- Financial Hardship Policy
- City of Casey Local Law 2/2010.

5. Policy

5.1 Active Recreation Reserves

Local Government is the major provider of sporting facilities and infrastructure in the state. The provision of sporting facilities and infrastructure enables the playing of sport by junior and senior participants at a local, district, municipal and regional standard. This provision typically incorporates a sports ground and a pavilion. Council's responsibility is for the provision of basic infrastructure in accordance with Council's Leisure Facilities Development Plan (LFDP) 2014.

5.2 Seasonal Tenancy Agreement

A Seasonal Tenancy Agreement will be provided where:

- a user group requires the use of the reserve seasonally
- the proposed user group can demonstrate significant benefits to Council, the community and local residents
- the proposed user group is an incorporated body and possesses the relevant public liability insurances

- the proposed user group agrees to join the relevant User Reference Group (where established) representing a range of interested parties at the allocated reserve.

It should be noted that in each instance the right to allocate the use of a reserve and associated infrastructure remains with Council.

5.3 Lease and Licence Agreements

Council may enter into a lease or licence agreement on a reserve. A lease agreement provides the user with exclusive occupancy (the tenant has sole use of the premises).

A licence agreement provides use for a non-exclusive occupancy (Council may grant the use of the premises to another party for joint occupancy). These types of agreements on reserves will be managed on a case by case basis as presented to.

5.4 Capacity

The allocation or use of reserves may need to be reduced or limited to protect, maintain, renew playing surfaces and/or facilities as determined by Council. This may affect scheduled training sessions and/or scheduled games and matches on occasion.

5.5 Inclusiveness and Participation

Council's active recreation reserves seek to cater, as far as practical, for a broad range of community sports.

Council will endeavour to ensure that facilities remain available for a range of uses and where practical, are accessible to the community outside of the allocated hours of use by user groups.

5.6 Performance and Tenure

- 5.6.1 Council accepts that user groups require reasonable assurance that they will continue to be allocated seasonal use of sports grounds and associated facilities to plan and manage their club strategic plans effectively and maximise opportunities for community sport in the City of Casey.
- 5.6.2 User groups must comply with this Policy and other Council policies relating to the allocation of sports grounds and facilities, including the conditions of use set out in the *Active Recreation Reserves Seasonal Tenancy Agreement*. This includes demonstrating commitment to a current club strategic plan with the Council *Active Recreation Reserve Seasonal Ground and Pavilion Hire Form*.
- 5.6.3 Council may enforce other temporary conditions of use from time to time, relating to significant adverse weather conditions or any other significant health and safety risk to the community.
- 5.6.4 Where a user group complies with clause 5.6.2 of this Policy, Council will not unreasonably refuse to provide an allocation, consistent with the previous season's allocation (i.e. historical basis).

5.6.5 User groups granted a sports ground allocation that have not complied with clause 5.6.2 and/or have potentially breached the *Active Recreation Reserve Seasonal Tenancy Agreement* will be subject to the following Performance Management process:

- Council officers will investigate and assess the claimed breach. Upon the assessment being completed by the Council officers, Council's Group Manager Active Communities will review the assessment
- The user group will be notified in writing of the breach assessment outcome and given an opportunity to respond in writing within 7 days
- Once the user group's response has been received or the 7-day period has expired, the user group will be notified of the penalty to be applied, if any, in writing within seven days
- Any penalty will be determined by Council's Active Communities Department Manager following consultation with Council officers. Penalties may include:
 - Meeting with Council's Group Manager Active Communities and/or Council Officers
 - Mandatory training for committee and/or members
 - Submitting a bond totalling an amount and withheld for a period determined by Council's Group Manager Active Communities
 - Reported to respective state and/or local governing bodies (e.g. Sport and Recreation Victoria, AFL Victoria, League/Association, Liquor Licensing Victoria etc.)
 - Ineligible for funding opportunities through Council for a period determined by Council's Group Manager Active Communities
 - Additional reporting requirements to Council with set timeframes imposed
 - Review and/or termination of *Active Recreation Reserve Seasonal Tenancy Agreement*.

5.7 Active Recreation Reserve Allocations

5.7.1 Active recreation reserve(s) will be allocated subject to the terms and conditions set out in the *Active Recreation Reserve Seasonal Tenancy Agreement*.

5.7.2 New user groups wishing to utilise a reserve must submit an EOI form on an annual basis to be considered for future allocations. Council officers will work with the State Sporting Association (SSA) to confirm any new user groups are registered through the relevant SSA.

5.7.3 Council's responsibility is for the provision of basic infrastructure in accordance with Council's Leisure Facilities Development Plan (LFDP) 2014.

5.7.4 Sports ground(s) allocations will be provided for one season annually. Allocations for subsequent seasons will be determined in accordance with this Policy including performance, compliance with clause 5.6 and the capacity of the facility as a whole.

- 5.7.5 Sports ground(s) allocations will specify the age group and purpose of the allocation (e.g. senior cricket) and is valid only for the specified purpose.
- 5.7.6 Consistent with clause 5.6 in the first instance sports ground allocations will be made on a historical basis to user groups that have held a seasonal allocation during the preceding season and that have complied with this Policy.
- 5.7.7 Council reserves the right to reallocate sports grounds and facilities at any time in response to changing circumstances. In all other respects, sports ground allocations are not transferrable. The allocation of a sports ground or facility to a user group does not confer any right on the user group to pass on or change the allocation without prior written approval from Council.
- 5.7.8 User groups shall not sub-let or allow any other person(s), or user group to occupy or use the reserve or pavilion allocated unless written approval from Council is obtained prior to the date.
- 5.7.9 Council reserves the right to suspend or revoke a sports ground allocation at any time if a user group breaches this Policy and/or the conditions within the *Active Recreation Reserves Seasonal Tenancy Agreement*.
- 5.7.10 Council charges building and sports ground maintenance fees to all user groups based on a percentage of the annual cost to Council of buildings and sports ground maintenance - refer to clause 6.
- 5.7.11 Utilities on active recreation reserves registered in Council's name will be on-charged as a percentage of the utility costs that directly reflect each user group(s) time and use i.e. floodlighting while in occupancy.
- 5.7.12 Council will take into consideration the user group's financial viability. Where necessary the *Debt Recovery Policy* will be adhered to and may impact future reserve allocations.

5.8 Synthetic Surface Allocations

- 5.8.1 Council owned and/or managed synthetic surfaces at reserves will not be allocated solely to an individual tenant on a seasonal tenancy basis. Seasonal allocation of all synthetic surfaces is intended to be on a shared use basis.
- 5.8.2 In the event a synthetic surface is installed at a reserve where an existing *Active Recreation Reserve Seasonal Tenancy Agreement* is in place, an exemption to clause 5.7.1 may be granted at the discretion of Council officers.
- 5.8.3 Sporting clubs, community groups, schools and individuals are eligible to apply for the allocation of a synthetic surface reserve via Council's *Casual Hire Application Form*.
- 5.8.4 Applications for the allocation of a synthetic surface will be assessed and the outcome determined by Council Officers on a case-by-case basis. Historical allocations will not be the sole and/or determining factor in allocating a synthetic surface; however historical allocations will be taken into consideration by Council officers when determining the allocation of synthetic surfaces at reserves.

- 5.8.5 Upon the successful outcome of an application for the use of a synthetic surface, the user will be advised of the conditions of the allocation. The user must adhere to the conditions of the allocation, including date, time, purpose and cost of use.
- 5.8.6 Council officers may suspend or revoke a synthetic surface allocation at any time if the user group breaches clause 5.6.5 or the conditions of use as listed in the *Casual Hire Application Form*.
- 5.8.7 Council officers may reallocate or cancel a synthetic surface allocation in the event of adverse weather conditions and/or the surface being deemed unsuitable or unsafe for use.

6. Maintenance

The guidelines on sporting ground maintenance and pavilion maintenance are structured to clearly define the division between Council's responsibilities and the user group's responsibilities as set out within the *Active Recreation Reserves Seasonal Tenancy Agreement*.

Buildings and sports ground maintenance charges are calculated at a standard percentage of 15% of the total annual maintenance cost to Council for each active recreation reserve. A user group may be eligible for up to 5% discount on fees if they meet the requirements for a discount set out for maintenance charges in the Council's Conditions of Use as set out in the *Active Recreation Reserves Seasonal Tenancy Agreement*. Charges may vary from reserve to reserve due to the number of assets and the required level of maintenance at each reserve. Council reserves the right to increase the annual active recreation maintenance charges relative to the increased costs of providing that maintenance. Council undertakes to inform user groups of any increase of this recharge cost in reasonable advance.

In cases where a disagreement occurs between Council responsibility and user group responsibility, the ultimate decision-making power lies with Council officers.

7. Pre-season Training and Finals Allocations

Council will endeavour to provide facilities for practice matches, pre-season training and finals matches. Reserve allocation requests will be considered on a case by case basis.

8. Active Recreation Reserve Allocation for Schools and Casual Hirers

Schools and casual hirers are eligible to apply for a reserve allocation and are required to adhere to the *City of Casey Active Recreation Reserve Casual Hire Form* and the conditions of use contained within the application.

All applications for the use of a reserve are determined by Council officers on a case by case basis. Council reserves the right to reallocate, cancel or reject an application or reserve allocation if the playing surface is deemed inappropriate due to weather or other conditions at the time.

All schools and casual hirers must provide evidence of the appropriate Public Liability Insurance as set out within the *City of Casey Active Recreation Reserve Casual Hire Form*.

9. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of the Executive Management Team (EMT).

10. Review

The next review of this document is scheduled for completion by 17 October 2021.