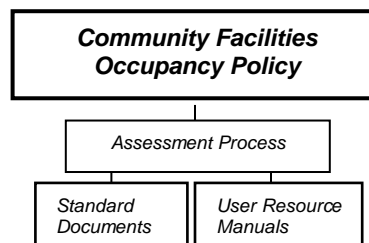


# **COMMUNITY FACILITIES OCCUPANCY ASSESSMENT PROCESS - April 2020**

## **1 INTRODUCTION**

This document for the assessment of applications to occupy Council owned and managed facilities is aligned to the Maroondah City Council **Community Facilities Occupancy Policy**.

The **Community Facilities Occupancy Policy** provides an overarching framework containing principles that will guide the process for determining appropriate occupancy agreements for Council owned and managed community facilities.



It is recommended that this Process be read in conjunction with the following Council documents:

- a) *Community Facilities Occupancy Policy*, and associated standard documents
- b) *Community Facilities Pricing Policy, Karralyka Pricing Policy or Maroondah Leisure Pricing Policy* and associated pricing schedules

These documents can be downloaded from Council's website [www.maroondah.vic.gov.au](http://www.maroondah.vic.gov.au)

## **2 SCOPE**

The Policy extends to all Council-owned or managed facilities and grounds as detailed below:

- Council Owned and managed Community Halls and Meeting Spaces
- Community Centres
- Kindergartens
- Senior Citizens Centres
- Sporting Pavilions
- Sports Grounds and sporting activity surfaces
- Scout and Guide Halls
- Facilities managed by Council Special Committees of Management
- Karralyka Facilities
- Maroondah Leisure Facilities (Aquahub, The Rings, Maroondah Nets, Croydon Memorial Pool, Aquanation, Dorset Golf and Ringwood Golf)
- Other Community Facilities

### **3 TYPES OF OCCUPANCY ARRANGEMENTS**

The type of occupancy arrangement determines the level of access afforded to the occupant. Five broad categories of agreements apply to the occupancy of Maroondah City Council owned and managed community facilities. These are lease, licence, Deed of Delegation, regular hire, seasonal allocation and casual use.

#### Leases

A lease is a contract under which a tenant (or lessee) is granted exclusive possession of property for an agreed period, usually in return for rent.

#### Licences

A licence is a form of permission to enter and use land for an agreed purpose for a stated period. The licensee does not have exclusive use of the land allowing Council to allocate other user groups or allow general public to use the facility at other times.

#### Deed of Delegation

Maroondah City Council's delegation of power and authority to a Committee of Management under the provisions of Section 86 of the Local Government Act 1989. These Special Committees of Management manage Council owned facilities on behalf of Council

#### Seasonal Allocation

Allocation of Council facilities to sporting clubs for either the Summer or Winter playing season each year.

#### Regular Hire

Any group, individual or organisation that hires a community meeting space on an ongoing basis for a specified minimum number of bookings.

#### Casual Use

Casual use permits allow persons or organisations to use parkland, buildings, meeting rooms and sporting facilities within the Municipality for casual use, one-off or specific occasions.

### **Maximising Access**

One of 6 key principles outlined in Council's Community Facilities Occupancy Policy states that:

*'Occupancy agreements will, where possible, promote shared use of facilities and increased levels of usage'.*

Council aims to maximise access to and use of community facilities and will grant non exclusive occupancy arrangements wherever possible.

### **4. APPLICATION PROCESS**

Given the variety of Council owned and managed community facilities and different management structures in place, the process of application varies depending on the facility requested and the desired level of usage (refer to table over page for details of application process). It is however a requirement that, prior to use, all users, with the exception of individual patronage of sporting facilities and Karralyka events, regardless of length of tenure, must demonstrate or purchase public liability insurance cover and enter into a written agreement with Council or delegated facility manager.

<b>Type of Occupancy</b>	<b>Application Process</b>	<b>Associated Application Documentation</b>
Casual and Regular use – Community Meeting Spaces & Facilities	Application must be made to specific facility management body. Initial contact is generally made by email or phone.	Hall Hire/ Booking form &/or agreement
Casual & Seasonal Use of Open Space and Sports Facilities	Applicants must complete and submit an application form and certificate of PLI cover.	Community Facilities Casual Application Form Open Space Commercial Fitness Provider Application
Licence	Applicants must submit a request in writing to Council for consideration	Not Applicable
Lease	Applicants must submit a request in writing to Council for consideration	Not Applicable
Deed of Delegation	Council is no longer accepting new applications	Not Applicable

## 5 COMMUNITY FACILITIES OCCUPANCY ASSESSMENT PROCESS

For applicants wishing to occupy Council owned and managed facilities the following 4 step process will be undertaken by relevant Council Departments and/or delegated management body.

- Step 1** → Applicants are assessed against the occupancy considerations (refer to section 6)
- Step 2** → If approved the appropriate occupancy arrangement is determined (refer appendix 1)
- Step 3** → The length of tenure is determined
- Step 4** → The applicant is referred to the Community Facilities Pricing Policy, Karralyka Pricing Policy or Maroondah Leisure Pricing Policy to determine the appropriate rate of rental.

## 6 ASSESSMENT PROCESS

### STEP 1 - NEEDS ASSESSMENT

All applications for use of Council owned or managed facilities will be considered against the following 5 key questions.

1. *Who is the applicant?*
2. *What are the needs of the organisation / applicant?*
3. *Is the organisation's function / proposed activity suited to the proposed facility?*
4. *What are the needs of the other tenants, neighbouring residents & the wider community?*
5. *Is this the Best Fit? - Should Occupancy be granted?*

### STEP 2 – TYPE OF OCCUPANCY ARRANGEMENT

Once it is determined that the facility is available and appropriate for use by the applicant then the *Occupancy Classification Matrix* will be utilised to determine the appropriate type of occupancy arrangement. The matrix describes the level of access which the occupant is entitled to. Access levels vary from once off hire, to long term lease agreements which offer exclusive access.

Refer to *Appendix 1 Community Facilities Occupancy Policy – Occupancy Classification Matrix*

### STEP 3 – LENGTH OF TENURE

The *Occupancy Classification Matrix* also outlines the tenure options available within each category of occupancy. Tenure refers to the length of the agreement and approved use between Council or the facility management body and the organisation.

The length of occupancy will be negotiated taking into account the particular circumstances of the facility and organisation using information obtained in Step 1.

The length of a lease or licence should generally be no greater than three (3) years with a further two (2) three (3) year options. Extended tenure may be considered only if there is significant financial contribution from the organisation or other significant factors. Organisations that are new to Maroondah or Maroondah organisations that have previously been allocated use of Council's facilities under seasonal allocation, regular or casual hire will be considered for an allocation (Lease or Licence) of no greater than two (2) years with a two (2) year option.

#### **STEP 4 – FEES & CHARGES**

The *Community Facilities Pricing Policy*, *Karralyka Pricing Policy* and *Maroondah Leisure Pricing Policy*, and their associated schedules determine the appropriate fees and charges.

### **7 HIRE AGREEMENTS & CONDITIONS OF USE DOCUMENTATION**

All groups and organisations requiring use of Council owned or managed community facilities must complete a hire agreement, signed and dated by both the facility management body and user prior to use.

Standard agreement documentation has been developed as part of the Community Facilities Occupancy Policy. The standard documents include:

- Standard Licence Agreement
- Standard Lease Agreement
- Casual Hire Agreement template
- Seasonal Hire Agreement
- Deed of Delegation
- Deed of Surrender of a Lease or Licence
- Deed of Variation of a Lease or Licence
- Deed of Renewal of a Lease or Licence

In addition, a range of user information has been developed for users of all Council owned or managed facilities. The documentation may be specific to a certain facility or general information pertaining to all users. For example the *Seasonal User Guide* outlines the usage requirements and maintenance responsibilities for all groups who enter into a Seasonal Occupancy Agreement with Council, whereas the *Maroondah Federation Estate Facility Hire Application Package* details procedures and responsibilities specific to occupancy of Maroondah Federation Estate.

### **8 REVIEW**

The *Community Facilities Occupancy Assessment Process and Occupancy Classification Matrix* will be reviewed every 5 years in conjunction with the *Community Facilities Occupancy Policy*.