

Community Facilities Occupancy Policy

Date adopted: 22 November 2021

Responsible Service Area: Sport & Recreation

Purpose

It is Maroondah City Council’s intention that when it allocates a community facility for use, the allocation will be reasonable, transparent and equitable. This Policy framework contains the rationale and principles that will guide the assessment of requests for use of Council owned or managed land and buildings and the subsequent development and management of agreements for occupancy. It is Council’s expectation that community organisations that are operating from Council owned or managed properties share Council’s values of inclusiveness, diversity, engagement, transparency, ethics, accessibility and safety. Occupancy agreements have certain obligations which organisations must meet, to support these values and to protect the Maroondah community.

Background / Context

Maroondah City Council (Council) owns or manages an extensive network of sports fields, pavilions, open space, halls, meeting rooms and other facilities on behalf of the community. Council views the sustainable use of these facilities as integral to the Maroondah community having equitable access to a wide range of leisure, cultural and educational opportunities and to enhancing the sense of community within Maroondah. Council encourages the use of these facilities by supporting and subsidising the many groups that use them. When an organisation enters into a Lease or Licence agreement with Council it is the expectation of Council that all participants involved in the organisation’s activities conduct themselves in a manner that would not cause harm or be likely to bring Council or the organisation into disrepute or damage the interests of Council. These expectations are detailed in the tenancy agreement.

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
- Karrylyka Facilities

Policy Control Schedule

Policy Title: Community Facilities Occupancy Policy		Policy type:
Current version approved: 22 November 2021		Current version number: 4
		Policy review date: March 2024
Parent policy: << Insert text >>	Child policy/policies: << Insert text >>	Policy responsibility: Sport & Recreation

- Maroondah Leisure Facilities (Aquahub, The Rings, Maroondah Nets, Croydon Memorial Pool, Aquanation, Dorset Golf and Ringwood Golf)
- Other Community Facilities

Leases and Licences may relate to land or land and facilities owned by Council, managed by Council on behalf of another government department where Council has been appointed the Committee of Management e.g., VicRoads or Crown Land.

Leases that have a component of commercial activity are also covered by the Policy where the group holding the lease is a registered not for profit community organisation.

Exclusions

This Policy does not include commercial property.

Objectives

The objectives of the Policy are:

1. To establish principles and criteria for the determination of appropriate occupancy arrangements.
2. To enhance opportunities to participate in community life through the planning and distribution of subsidised leased, licensed and seasonal facilities and community meeting space with appropriate concessions that encourage greater participation.
3. To ensure accountability to the community through an equitable and transparent occupancy structure.
4. To articulate a consistent and transparent process to manage alleged breaches of an occupancy agreement.

Policy Principles

The principles set out below will be used by Council to underpin the development of agreements for occupancy of Council owned or managed land and buildings within the scope of this policy.

1. Appropriate

Occupancy arrangements will reflect the best fit for the needs of the facility, the needs of the intended occupant and those of the wider Maroondah Community.

2. Transparent

The allocation of facilities and associated responsibilities will be documented in a manner that users and the community can understand (e.g., how and why the arrangement was determined.)

3. Fair and Equitable

In the development of occupancy agreements, the type of arrangement and tenure of such facilities will be consistent with other users of the same or similar facilities where those users are in similar circumstances.

4. Promote Participation

Occupancy arrangements will reflect Council's commitment to supporting and promoting the participation of population groups that are usually under-represented in civic and community life.

5. Maximise Usage

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

6. Local Priority

Priority will be given to Maroondah based community organisations and/or organisations that demonstrate direct benefit to Maroondah residents.

Relationship to the Maroondah 2040 Community Vision

Community Outcome: **A safe healthy and active community**

Key Directions:

1. A healthy community

1.5 - Facilitate the provision of affordable, accessible and responsive services, resources and initiatives that support the physical and mental health and wellbeing of the community

2. A Learning Community

2.1 Facilitate and encourage places, spaces and programming that provide for a third place of community connection beyond home and work

6. A thriving and well built community

6.15 Coordinate and advocate for the increased utilisation, longevity and availability of fit-for-purpose public, private and not-for-profit buildings and spaces that can act as key places for neighbourhood connection

Alignment with Council's mission and values

The Policy supports Maroondah City Council's mission to work in partnership with the community to foster quality, accessible and sustainable lifestyles for the community by ensuring that usage of Council's community facilities is the best fit for the facility, existing tenants and neighbouring residents.

The Policy articulates to Council employees and the wider community, the assessment framework for determining suitability, type of arrangement and length of tenure to ensure consistency and transparency. The policy also outlines Council's process for the management of an alleged breach of agreement obligations.

Policy position

The Policy states Council's commitment to ensuring a consistent and transparent approach to the approval and management of occupancy agreements for community facilities and that consideration is given to the needs and protection of both the intended occupant and the wider Maroondah Community.

Should an organisation on a Community Facilities Lease or Licence agreement not comply with all of its obligations under their agreement, that failure of compliance is considered a breach or default. Council will issue written notice under the terms of the Lease or Licence requesting resolution within 14 days. If no remedy and/or good reason is provided for the default, the breach constitutes a strike. If an organisation is in breach, and does not remedy, the terms of their Lease or Licence three times (**three strikes**) within a 24-month period, a decision to terminate tenancy may be taken. These infringements may not be the same on each occasion.

If a breach was considered to expose Council or the community to further risk, Council may make a decision to terminate the Lease or Licence outside of the three strikes policy.

Policy implementation

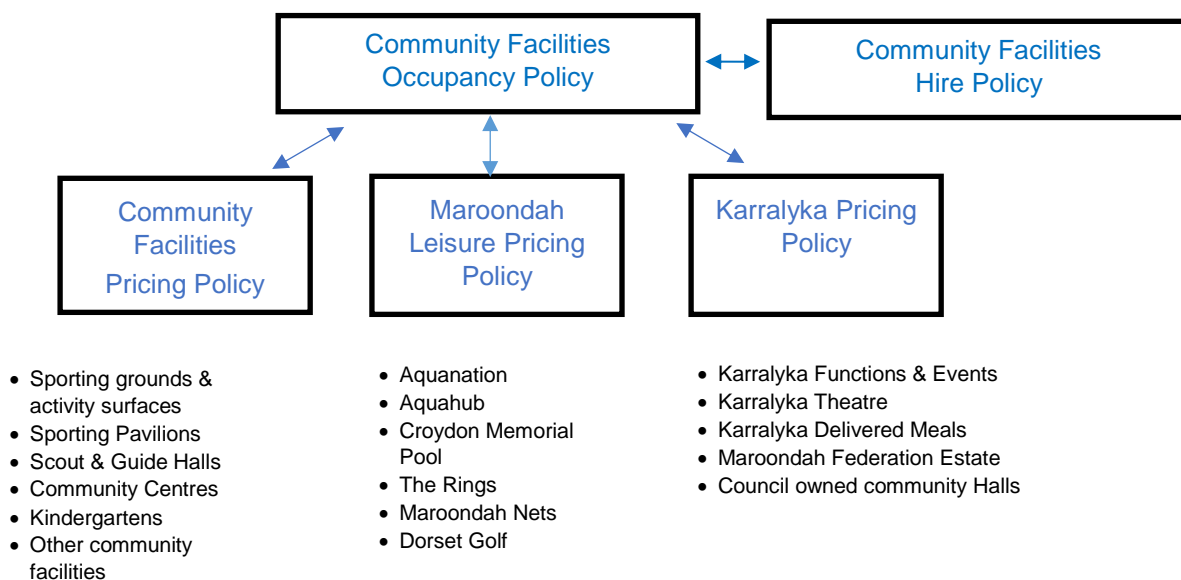
This Policy should be referenced for all utilisation of Council owned and/or managed Community Facilities with the exception of those facilities excluded under the Policy Scope.

Roles and responsibilities

This Policy and its supporting documentation is the responsibility of Sport and Recreation. The documentation will be reviewed every five years in conjunction with the Community Facilities Pricing Policy.

Related policies, strategies, procedures and guidelines

The Policy directly aligns with Council's Community Facilities Pricing Policy and the Community Facilities Hire Policy. All applications for use of a Council owned or managed facility are initially assessed against the Community Facilities Occupancy Policy to determine suitability, type of arrangement and length of tenure. Once this process has been undertaken then applications are referred to the Community Facilities Pricing Policy to determine the rate of rental. The Community Facilities Hire Policy stipulates that all use of Council facilities must be under a lease, seasonal agreement or hire agreement and outlines minimum standards for hire.



Definitions

Terms within the Policy requiring definition or explanation are:

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.

Membership

Formal agreement between Council and user for the use of specified Community facilities under specific conditions.

Regular Hire

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

Lease

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.

Licence

A licence is a form of permission to enter and use land or land/facility 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.

Season Allocation

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

Commercial

An organisation, including incorporated body, co-operative society, partnership or sole trader conducting activities for the purposes of deriving a financial return to the proprietors or shareholders.

Community

A not for profit-organisation that exists exclusively for charitable purposes or as an amateur sporting group, arts, craft or other special interest group established for the benefit of the community of the Maroondah City Council. Primarily voluntary staff and/or committee.

Community Service Not for profit

An organisation which provides services to the Maroondah Community, consisting of primarily paid staff and returns all profits into the operation of the organisation to carry out its purposes.

Supporting documents

Maroondah City Council (2020) Community Facilities Pricing Policy

Community Facilities Occupancy Policy Assessment Process

Community Facilities Occupancy Policy - Process for addressing non-compliance.

Community Facilities Occupancy Policy Classification Matrix