

## **7 APPOINTMENT OF LANG LANG COMMUNITY RECREATION RESERVE COMMITTEE**

FILE REFERENCE INT1976782

RESPONSIBLE GENERAL MANAGER Tracey Parker

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### **RECOMMENDATION**

That in exercise of the powers conferred by sections 86 and 87 of the *Local Government Act 1989* (the Act), Council resolves that:

1. From the date of this resolution, there be established as a special committee known as the Lang Lang Community Recreation Reserve Committee.
2. The purposes of the Committee are those set out in the schedule to this resolution.
3. Membership of the committee shall be up to 12 members comprised of one representative nominated by each of the:
  - Our community company
  - Lang Lang Football club
  - Lang Lang Cricket club
  - Lang Lang Netball club
  - Lang Lang Junior football club
  - Lang Lang Tennis club (optional until tennis facility is established)
  - Lang Lang Soccer Club (optional until soccer facility is established)
  - Lang Lang Scouts (optional until scouts facility is established, and
  - Up to 3 community representatives
4. The Committee once appointed shall from their number elect a Chairperson, Secretary and Treasurer
5. A quorum for the Committee is a whole number that is an absolute majority of the number of members of the Committee.
6. All members of the Committee have voting rights on the Committee.
7. The Committee is required to report to Council at the intervals specified in the schedule to this resolution.
8. The members of the Committee pursuant to s 81(2A) of the Act, are exempted from being required to submit a primary return or ordinary return.–
9. There be delegated to the Committee the powers, duties and functions set out in the attached Instrument of Delegation (**the Instrument**).
10. The Instrument:
  - a. comes into force immediately the common seal of Council is affixed to the Instrument; and

b. remains in force until Council determines to vary or revoke it

11. The powers, duties and functions conferred on the Committee by the Instrument must be exercised in accordance with any guidelines or policies Council may from time to time adopt.

12. The Instrument be sealed.

### **Attachments**

- |                            |         |
|----------------------------|---------|
| 1 Reserve Masterplan       | 1 Page  |
| 2 Instrument of Delegation | 2 Pages |

### **EXECUTIVE SUMMARY**

Stage 1 construction at the Lang Lang Community Recreation Reserve is nearing completion, with ovals and pavilion expected to be completed by the end of 2019. The future management model of the reserve needs to be determined and resolved by Council.

User groups for stage 1 and stage 2 have voted on their preferred management model, with the majority voting to establish a Section 86 Committee under the Local Government Act, to manage the Lang Lang Community Recreation Reserve.

Council is therefore requested for formally establish a Section 86 Committee under the Local Government Act for the management and maintenance of the new Lang Lang Community Recreation Reserve. The area of responsibility of the committee will exclude the existing house and house paddock and the wetland area.

### **BACKGROUND**

The Lang Lang Recreation Reserve master plan was developed in 2015.

Works to the recreation reserve are staged, with stage 1 works including the establishment of:

- Two football/cricket ovals
- Four netball courts
- Cricket practise nets
- Pavilion for football, cricket, netball and tennis clubs
- Car parking

The car park and cricket practice nets have been completed. The ovals and pavilion are expected be completed at the end of this calendar year. The netball courts have also been completed, however require some rectification works.

A project group was established with representation of users from football, cricket, netball and tennis to work through the scope, concept and detailed design of the pavilion. The Bendigo Community Bank were also represented on the project group.

The project group has since been expanded, with invitations extended to soccer, lawn bowls, and scouts groups to have input into the management model for the reserve. Please note the tennis club have been involved in discussions through stage 1 works.

Council officers have been meeting regularly with the expanded stakeholder group to discuss the implementation of Stage 1 of the development of the new Lang Lang Community Recreation Reserve. As part of these discussions, Council officers have informed users regarding the future management options available and the details and responsibilities of each option.

The two main management options outlined to stakeholders are:

- Council management and maintenance with an Advisory Committee established to facilitate continued user group and community involvement in the reserve, and;
- A Section 86 Committee under the Local Government Act.

All stakeholders involved in the Lang Lang Community Recreation Reserve were asked to consider and advise Council officers of their preferred future management model of the reserve.

The senior football club, junior football club, cricket club, netball club, scouts, soccer club and Our Community Company Ltd (Bendigo community bank) all advised of their preference for the establishment of a section 86 committee. The tennis club voted for Council to manage the reserve. The lawn bowls club have not responded with their preference.

The advantage of establishing a Section 86 Committee for the ongoing management and maintenance of the new Lang Lang Community Recreation Reserve is that it continues the very strong user group and community involvement in the planning and development of this new reserve.

The Instrument of Delegation under Section 86 of the Local Government Act and Council resolution of appointment and delegation to the Lang Lang Community Recreation Reserve committee is attached to this Council report.

The area of responsibility of the committee will exclude the existing house and house paddock and the wetland area.

## **POLICY IMPLICATIONS**

Nil.

## **RELEVANCE TO COUNCIL PLAN**

The proposal to establish as Section 86 Committee for the new Lang Lang Community Recreation Reserve aligns with the following sections of the Council Plan:

### **Our People**

- 1.4 Improved health and wellbeing for all
- 1.5 Variety of recreation and leisure opportunities

### **Our Community**

- 2.3 Increased levels of community participation

### **Our Environment**

- 3.4 Natural and built environments supporting the improved health and wellbeing of our communities

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## **CONSULTATION/COMMUNICATION**

Consultation with stage 1 users and the Our Community Company Ltd have been ongoing since the establishment of a project group as part of the design of stage 1.

As part of the implementation of stage 1 works, stage two user groups have also been invited to attend regular meetings with Council officers.

Extensive consultation has been undertaken with user groups and other stakeholders regarding the management options for the new Lang Lang Community Recreation Reserve.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

If Council resolves to establish a Section 86 Committee for the management and maintenance of the new Lang Lang Community Recreation Reserve, funds will be transferred to enable the payment of the agreed maintenance allocation to the Committee.

## **CONCLUSION**

The management model for the new Lang Lang Community Recreation Reserve needs to be decided upon. Six of the seven user groups/stakeholders involved have advised of their preference for the establishment of a Section 86 committee of management.

Council is requested to endorse the establishment of a Section 86 committee under the Local Government Act to manage the new Lang Lang Community Recreation Reserve. The area of responsibility of the committee will exclude the existing house and house paddock and the wetland area.



**Cardinia Shire Council  
Instrument of Delegation  
Lang Lang Community Recreation Reserve Section 86 Committee**

Cardinia Shire Council (**Council**) delegates to the special committee established by resolution of Council passed on 21 October 2019 and known as the "Lang Lang Community Recreation Reserve Section 86 Committee" (**the Committee**), the powers and functions set out in the Schedule, and declares that:

1. this Instrument of Delegation is authorised by a resolution of Council passed on 21 October 2019;
2. the delegation:
  - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
  - 2.2 remains in force until Council resolves to vary or revoke it; and
  - 2.3 is to be exercised in accordance with the guidelines or policies which Council from time to time adopts; and
3. all members of the Committee will have voting rights on the Committee.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2019

THE **COMMON SEAL** of the  
**CARDINIA SHIRE COUNCIL**  
was hereto affixed in the presence of:

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Chief Executive Officer



## **SCHEDULE**

### **Powers and functions**

To exercise Council's functions and powers to perform Council's duties in relation to the management of the Lang Lang Community Recreation Reserve, and for those purposes:

1. to promote, develop, manage and operate the Lang Lang Community Recreation Reserve
2. to keep the Council informed on the operations, improvements and advancements of the Lang Lang Community Recreation Reserve by forwarding copies of all minutes of all ordinary and extraordinary meetings and the annual report.
3. to set, maintain and collect appropriate user charges.
4. to ensure that the Lang Lang Community Recreation Reserve's capital assets are adequately maintained.
5. to provide advice to Council on matters relating to the Lang Lang Community Recreation Reserve

### **Exceptions, conditions and limitations**

The Committee is not authorised by this Instrument to:

1. make amendments to this Instrument of Delegation. The committee may propose amendments to Council.
2. the committee may not expend without the written approval of the Council, total expenditure in any one financial year in excess of the approved annual budget, or expenditure on any single purchase order or item in excess of \$5,000, or the sponsorship of any program or special event with a budget in excess of \$5,000.
3. except as otherwise provided herein, the special committee does not have power to;
  - a. delegate its functions.
  - b. declare a rate or charge (except the fixing and collection of user charges, admittance fees to functions or events and registration fees).
  - c. borrow money or obtain other advances from or on behalf of Council.
  - d. enter into contracts or leases for or on behalf of Council.