

6.3 Policy Reports

6.3.1 Draft Crown Land Hall & Recreation Reserve Policy

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Recommendation(s)

That Council support the draft Crown Land Hall and Recreation Reserve Policy and seek comment from hall and reserve community Committees of Management and DELWP.

Attachments

1. Draft Crown Land Hall & Recreation Reserve Policy [6.3.1.1 - 4 pages]

Executive Summary

A draft Crown Land policy has been developed and applies to Crown Land halls and Crown Land recreation reserves.

Council is not the responsible entity for Crown Land Reserves where it is not appointed as the Committee of Management (COM) under the Crown Land Reserve Act.

Council currently provides support and grants for maintenance and undertakes inspections at the combined 15 Crown Land Recreation Reserves and Crown Land Halls managed by community Committees of Management.

The draft Policy details Council's support of Crown Land halls and reserves moving forward. A funding agreement will outline what Council's maintenance grant can be spent on, requirements for reporting, triggers for payment, consequences of non-compliance, and Council's undertaking of playground audits.

If Council is to undertake any capital works at these sites, a separate funding agreement will be required.

It is proposed that the Crown Land community Committees of Management source their own building insurance, with the Department of Environment Land Water and Planning (DELWP) insurance only covering public and products liability, professional indemnity, and group personal accident (volunteer cover). DELWP provides this insurance through the Victorian Managed Insurance Authority.

Officers will engage with community Committees of Management and DELWP and invite comments on the draft Policy. The results will be reviewed and presented to Council at a briefing session in September.

Background

There are 15 Crown Land recreation reserves and halls located within Cardinia Shire which have community Committees of Management appointed by DELWP under the Crown Land

Reserves Act. Council is not the responsible entity for Crown Land Reserves where it is not appointed as the Committee of Management (COM) under the Crown Land Reserve Act.

These include:

- Bayles Public Hall
- Beaconsfield Recreation Reserve Committee
- Bunyip Auditorium and Recreation Reserve Committee
- Catani Recreation Reserve Committee
- Cannibal Creek Recreation Reserve Committee
- Cora Lyn Recreation Reserve Committee
- Koo Wee Rup Recreation Reserve Committee
- Officer Public Hall
- Pakenham South Community Hall
- Pakenham Upper Recreation Reserve Committee
- Upper Beaconsfield Hall
- Upper Beaconsfield Recreation Reserve Committee
- Tonimbuk East Hall
- Tynong Public Hall
- Tynong Recreation Reserve Committee

Council supports the Reserve Committees and Halls through the provision of maintenance grants, by providing support for governance, with advice on turf maintenance, and by undertaking playground and building audits.

Council has also funded upgrade works or new pavilion works, with recent projects at Koo Wee Rup recreation reserve (\$4M) and Beaconsfield recreation reserve (\$600K).

Oval resurfacing, sports field lighting upgrades, tennis and netball court resurfacing, and cricket net upgrades are also undertaken at crown land recreation reserves.

The draft Crown Land Policy has been reviewed and details the support Council provides to Crown Land Recreation Reserves and Halls managed by community Committees of Management (COM). Council will enter into a funding agreement with each COM that includes criteria for maintenance funding. The funding agreement will outline how Council funds can be expensed, requirements and frequency of reporting, triggers for payment and consequences for non-compliance.

Where Council is undertaking capital works at any Crown Land reserve or hall, a separate funding agreement will be developed and include Council's role and responsibilities.

In the draft Policy Council will continue to undertake playground audits and building condition audits. This is because of the specialised nature of these audits. These tasks will be included in the funding agreement, clearly stating that Council is only responsible for conducting the audit, and any actions that arise from the audits will be the responsibility of the COM.

A 10% increase to the annual maintenance grants has been included in Council's draft 22/23 budget for Crown Land Recreation Reserves. This will support COMs to undertake maintenance that has previously been undertaken by Council and help to offset the cost of insuring buildings and other non-council owned assets.

The implementation of the new governance and risk manual for community asset committees for halls is now commencing. Therefore, any change in annual maintenance grants for halls

will be determined during the 22/23 FY and any increase recommended for the 23/24 FY onwards.

DELWP provides insurance on behalf of committees covering public and products liability, professional indemnity, and group personal accident (volunteer cover). This insurance is provided through the Victorian Managed Insurance Authority (VMIA). DELWP do not insure buildings and contents. All community COMs on Crown Land sites will need to source their own building insurance policy. It is proposed in the draft Policy that Council does not continue to provide building insurance as it is not responsible for any maintenance works on buildings on Crown Land (this includes building valuations and maintenance required through essential safety measures and checks) and Council does not have a governance role and therefore cannot direct the COM regarding these works. There are legal risks to Council if it continues to take responsibility for the provision of building insurance.

Officers will provide the draft Policy to all community Committees of Management, and schedule face to face opportunities for each committee to provide comment. Officers will also engage with DELWP through this process. Feedback will be collected and presented to SLT in August and Council Briefing in September.

Policy Implications

This report is referencing the establishment of a new policy.

Relevance to Council Plan

1.1 We empower our communities to be healthy, connected and resilient

1.1.4 Facilitate a partnership approach to create safer communities.

2.1 We support the creation of liveable spaces and places

2.1.1 Advocate, plan for and deliver accessible community infrastructure and services that address community need.

2.1.2 Plan and maintain safe, inclusive and connected open spaces, places and active travel routes.

Climate Emergency Consideration

N/A

Consultation/Communication

Prior to the development of the draft policy, consultation was undertaken with the Crown Land Recreation Reserve community Committees of Management:

- Beaconsfield Recreation Reserve Committee
- Bunyip Auditorium and Recreation Reserve Committee
- Catani Recreation Reserve Committee
- Cannibal Creek Committee
- Cora Lyn Recreation Reserve Committee
- Koo Wee Rup Recreation Reserve Committee
- Pakenham Upper Recreation Reserve Committee
- Tynong Recreation Reserve Committee
- Upper Beaconsfield Recreation Reserve Committee

Four local governments were consulted for benchmarking purposes:

- City of Casey

- Moorabool Shire Council
- Wellington Shire Council
- Baw Baw Shire

Internal consultation has also been undertaken.

It is proposed to seek comment from Crown Land halls and reserves community Committees of Management and DELWP regarding the draft Crown Land Hall Recreation Reserve Policy and report back to Council. The draft Policy will be sent to all hall and reserves committees and an opportunity for a face to face meeting to discuss provided. Hall and reserve committees will be given a 6 week period to provide comment. Direct communication will also be undertaken with DELWP and an opportunity to provide feedback provided.

Financial and Resource Implications

Maintenance Grants

The proposed annual recreation reserve maintenance contribution for Crown Land Reserves with community Committees of Management in 22/23 will increase from \$191,659 to \$210,826, reflecting the 10% increase.

The total annual cost to Council of the six Crown Land Hall community Committees of Management maintenance allocations is \$10,800.

Insurance

Council funds the building insurance for 15 crown land recreation reserves and halls through its annual budget. This current cost is \$43,000.

Climate change and the recent pandemic have resulted in significant increases in insurance premiums. This year an increase of 11.06% was applied across Council's portfolio. If Council no longer funds the building insurance, COM will be required to source their building valuations in addition to the building insurance. Officers estimated that the annual cost would be greater for COM compared to Council.

Committees can obtain an industry special risk policy, which would include a lower premium and allow the committees to each pay a portion of the policy costs. This will be further discussed with the community Committees of Management for reserves and halls and DELWP as part of seeking feedback on the draft Policy.

Conclusion

The draft Crown Land Hall and Recreation Reserve Policy clarifies how Council interacts with and supports Crown Land Recreation Reserves and Halls.

Funding agreements will detail Council and each committees' responsibilities moving forward.

All tasks outside of the funding agreement will be the responsibility of each committee including the requirement for community Committees of Management to obtain insurance for the building assets at each site.

The draft Policy will be used to engage with all reserve and hall committees and DELWP and the results presented back to Council.



The Crown Land Hall & Recreation Reserve Policy

Record ID	Enter record ID		
Policy owner	Active and Connected Communities Business Unit		
Adopted by	Please select appropriate		
Adoption date	Select date	Scheduled review date:	Select date
Publication	Please select		
Revision/version number	Update with each formal review and adoption – Version 1.0, 2.0. Draft versions and revisions 0.1, 0.2		

A policy is a broad statement of intent that enables decision making by providing clear direction of what will or will not be done. A policy defines Council's position and role, provides the framework for a consistent approach, and guides decision making. This template contains the minimum requirements; you may need to include additional sub-headings to cover specific policy requirements.

If you are looking to develop an 'approach' document, and/or an action plan, you need a strategy not a policy; please use the 'General strategy' template instead.

1 Policy alignment

This policy aligns with the Our People Strategic Objective of the Creating the future - Council Plan 2020.

1. Our people: We support a variety of needs and lifestyles through programs and activities that promote and develop the wellbeing of Cardinia Shire's people.

1.5 Variety of recreation and leisure opportunities

1.5.1 Provide active and passive recreation facilities to meet the needs of residents.

1.5.2 Increase opportunities for residents to participate in a range of sport, recreation and leisure activities.

2 Purpose

This policy outlines the roles and responsibilities of Council in supporting Crown Land Community Halls and Crown Land Recreation Reserves, with community Committees of Management appointed by DELWP under the Crown Land Reserves Act.

3 Scope

This policy relates to the following Crown Land Halls & Reserves with community Committees of Management:

- Bayles Public Hall
- Beaconsfield Recreation Reserve Committee
- Bunyip Auditorium and Recreation Reserve Committee
- Catani Recreation Reserve Committee
- Cannibal Creek Recreation Reserve Committee
- Cora Lyn Recreation Reserve Committee
- Koo Wee Rup Recreation Reserve Committee
- Officer Public Hall
- Pakenham South Community Hall
- Pakenham Upper Recreation Reserve Committee
- Upper Beaconsfield Hall

- Upper Beaconsfield Recreation Reserve Committee
- Tonimbuk East Hall
- Tynong Public Hall
- Tynong Recreation Reserve Committee

This policy does not apply to Crown Land Reserves where Council is the appointed Community of Management under the Crown Land Reserves Act, including where Council subsequently appoints a Community Asset Committee to manage the reserve on Council's behalf.

The majority of Crown Land reserve committees of management are legally incorporated as organisations through the Crown Land (Reserves) Act 1978. The Crown Land (Reserves) Act 1978 is the key legislation governing Crown land reserves in Victoria. The Act has various sections of direct relevance to committees of management including appointment of committees of management and powers of committees of management.

4 Policy description

This policy outlines the roles and responsibilities of Council in supporting the Crown Land Hall and Recreation Reserve Committees of management (COM) who oversee the provision of community sporting infrastructure.

The nature of the support provided recognises that committees are made up of volunteers who are contributing to their local communities, however, need support to ensure sustainability.

4.1 Intent

Council understands the importance that all halls and recreation reserves play in the Community, along with the sporting clubs and user groups that access those reserves. For this reason, Council provides financial support to COMs to assist with maintenance tasks and will continue to invest in capital improvements where possible and appropriate.

Council acknowledges that it has no role on Crown Land Reserves where it is not appointed as the Committee of Management (COM) under the Crown Land Reserve Act. It is not the responsible entity in anyway and has no power.

4.2 Funding Agreement

Where Council is advancing money to COMs a funding agreement must be executed, clearly outlining how that money will be spent. A funding agreement will include the following.

4.2.1 *How money is to be expensed*

- Building insurance
- Playing field maintenance (including ovals, pitches, courts, greens, arenas).
- Building maintenance
- Reserve surrounds maintenance (including car parks and access roads)
- Recreation facilities (including playgrounds, skate parks, BMX tracks)
- Secondary infrastructure maintenance (limited to):
 - Sports field lighting

- Playing field fencing
- Reserve fencing
- Coaches boxes and shelters

4.2.2 Triggers for Payment

- Provision of insurance certificates meeting minimum expectations
- Signed and returned funding agreement annually, meeting the deadline specified in written communication
- Completed, signed, and returned user agreements
- Provision of an annual report, including financial report (showing all income/expenses) by 1 August for the previous financial year
- Written understanding and agreement from the committee that all Council money is to be allocated to areas prescribed in funding agreement

4.2.3 Committees that do not observe their obligations

- Until insurance certificates (meeting minimum requirements) have been provided, no further payment will be made (note an allocation will be paid to committees to allow for this insurance payment)
- Until funding agreement has been signed, no payment will be made.
- If triggers for payment or deadlines have not been met, one written reminder will be provided with a renewed deadline.
- If triggers for payment or deadlines continue to be outstanding, committee maintenance contribution will be reduced by 25%. There will be no opportunity for committees to recoup these funds at a later stage.
- If triggers for payment are repeatedly not met, committee maintenance contribution will be entirely withheld for the year. It will then be at Council's discretion to provide the maintenance contribution in future years.

4.2.4 Council support

The following support will be provided by Council to Crown Land Hall & Recreation Reserve Committees to assist with maintenance, ensuring reserves meet the needs of the Cardinia community.

1. The advancement of money by Council to the committee for a particular purpose, as outlined in 4.2.1
2. Increase the existing operational grant provided to each committee by 10% per year for the next five years.
 - a. This support only applies to Crown Land Recreation Reserves. An operating review of Crown Land Halls is required before any amendment in maintenance grants.
3. Conducting playground audits
 - a. The results of playground audits will be provided to the Committee of Management to action at their discretion.
4. Council Officers to provide support by informing Committees of relevant grant opportunities as well as assisting with the grant application where possible.

5. Council to undertake building condition assessments on Crown Land Halls and Recreation Reserves.
 - a. The results of building condition assessments will be provided to the COM to action at their discretion.
6. Council to work proactively with Committees to prepare recreation reserve masterplans and consider future facility developments.
7. Council to continue to invest in upgrading and replacing as appropriate, and where possible, facilities located on Crown Land Recreation Reserve, by way of a separate funding agreement.

5 Compliance

This policy will be reviewed and updated every 5 years.

6 Related documents

Type of document	Title and/or RMC link
Commonwealth/Victorian legislation	(List relevant legislation)
Strategic directions paper	(If developed)
Policies	DELWP Committee of Management Guidelines
Strategies	Draft Active Cardinia Strategy Building and Facilities Maintenance Policy Open Space Management Framework Playspaces Strategy Equestrian Strategy Skate and BMX Strategy Open Space Strategy (currently under development)
Guidelines	
Procedures	

7 Glossary of terms

Enter details. Use this section to identify and define any key terms that might have a specific connotation for use in this policy or may need to be given a specific context.