

## COUNCIL POLICY



<b>TITLE:</b>	Recreational Reserves and Recreational Facilities Access Policy
<b>ID NUMBER:</b>	CPO-COM-REC-004 (DocSetID: 2782902)
<b>DEPARTMENT:</b>	Community Services
<b>UNIT:</b>	Community Wellbeing
<b>RESPONSIBLE OFFICER:</b>	Manager Community Wellbeing

<b>ADOPTED DATE AND BY WHOM:</b>	Council 25 June 2024
<b>EXPIRY DATE:</b>	21 March 2028
<b>REVIEW DATE:</b>	This policy will be reviewed every four years or as required by any legislative or council changes.

<b>AVAILABILITY:</b>	Organisation wide	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
	Public	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
	Internet	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
<b>ADVISE AVAILABILITY:</b>	Media Release	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
	Sou Wester (Responsible Officer to prepare article)	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

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## 1. References

Active Your Way Glenelg Sport and Active Recreation Plan (DocSetID: 2560778)

Application for a Licence to use a Recreational Reserve and / or Recreational Facilities (DocSetID: 3091294)

Fair Access Policy Roadmap, Victorian State Government  
(<https://changeourgame.vic.gov.au/leadership-centre/fair-access>)

*Gender Equality Act 2020*

Glenelg Shire Council Recreational Reserves and Recreational Facilities Pricing Policy (DocSetID: 2782903)

Glenelg Shire Council, Records Management Policy OPO-CORPS-RECM-001 (DocSetID: 1933907)

Glenelg Shire Council Conditions of Hire - Casual Use of Council Recreation Reserves and Pavilions (DocSetID: 2459087)

Glenelg Shire Council Plan 2021-2025 (DocSetID: 3001483)

Glenelg Shire Municipal Health and Wellbeing Plan 2021-2025 (DocSetID: 2863283)

Glenelg Shire Organisational Recreational Facilities Access Action Plan (DocSetID: 3202557)

Glenelg Shire Organisational Recreational Reserves and Recreational Facilities Licenced Users Incentivisation Procedure OPO-COM-REC-001 (DocSetID: 3149901)

*Public Health and Wellbeing Act 2008*

Special Conditions for Use of Glenelg Shire Council Recreational Reserves and Facilities (Licence Use) (DocSetID: 3089901)

Special Conditions for Use of Glenelg Shire Council Recreational Reserves and Facilities (Lease Use) (DocSetID: 3089966)

## 2. Purpose

This policy governs access to recreational reserves and recreational facilities that are owned or managed by Glenelg Shire Council. The policy aims to improve health and wellbeing outcomes for our community by promoting access to recreational reserves and facilities for sports clubs, community groups, organisations and individuals, that foster participation in active recreation.

This policy also aims to address the principles identified within the Victorian State Governments Fair Access Policy roadmap, and align with requirements under the *Gender Equality Act 2020*.

The following guiding principles identified by Council have informed the development of the policy:

- Sustainable provision of facilities and services;
- Equity of access;
- Fostering participation;
- Safe and inclusive environments; and
- Shared use of facilities.

The policy establishes

- Minimum requirements for clubs, groups and organisations seeking a licence, lease or casual use agreement for a recreational reserves and recreational facilities that are owned or managed by Glenelg Shire Council;
- The process Council will apply when assessing applications for access to recreational reserves and recreational facilities;
- Principles for determining the most appropriate form of occupancy arrangement;
- Uses and activities that will be given priority of access;
- Uses and activities that are prohibited; and
- Specific conditions related to fees and charges, insurance and the cancellation of licenses and casual use agreements.

This policy must be read in conjunction with the *Recreational Reserves and Recreational Facilities Pricing Policy* and the *Special Conditions for Use of Glenelg Shire Council Recreational Reserves and Facilities*.

### **3. Scope**

#### **3.1 Application**

3.1.1 This policy applies to:

- a) Recreational reserves and recreational facilities owned by Council; and
- b) Recreational reserves and recreational facilities managed by Council as Committee of Management pursuant to the Crown Land (Reserves) Act 1978; and

- c) Buildings, structures, landscaping, infrastructure or other improvements at recreational reserves and recreational facilities including;
  - i. Sports pavilions, club rooms, change rooms, sheds or other buildings;
  - ii. Sports grounds, lawns, greens, courts or other playing surfaces;
  - iii. Tracks and circuits; and
  - iv. Training areas and facilities.

3.1.2 This policy also applies to

- a) Applications for a license, lease or casual hire agreement for recreational reserves and recreational facilities owned or managed by Glenelg Shire Council;
- b) Licensed users of recreational reserves and recreational facilities owned or managed by Glenelg Shire Council;
- c) Tenants of recreational reserves and recreational facilities owned or managed by Glenelg Shire Council;
- d) Casual hirers of reserves and recreational facilities owned or managed by Glenelg Shire Council; and
- e) Council officers administering recreational reserves and recreational facilities owned or managed by Glenelg Shire Council.

## 4. Council Policy

### Access to Recreational Reserves and Recreational Facilities

#### 4.1 Applications for access to recreational reserves and recreational facilities

##### 4.1.1 Casual Access Applications

Applications for casual access and use of Council's recreational reserves and facilities are to be submitted online via the current booking system accessible via the Council website, [Sports and Recreation | Glenelg Shire Council](#). If required, Council's Recreation Coordinator or delegate can provide support with the completion of the online casual booking application form.

#### 4.1.2 New Licence or Lease Access Applications

Applications for access to recreational reserves and recreational facilities must be made in writing to Council's Recreation Coordinator using Council's application form (refer to Appendix B), developed by Council for this purpose. As appropriate, Council can assist with the completion of the application form.

### 4.2 Assessment of applications for access to recreational reserves and recreational facilities

#### 4.2.1 When assessing an application for access to a recreational reserve or recreational facility, Council shall have regard for:

- a) The availability of the recreational reserve and recreational facilities during the season, days and times requested by the applicant;
- b) The nature of the activities the applicant wishes to conduct at the recreational reserve and recreational facilities and whether the activities are inclusive;
- c) The suitability of the recreational reserve and recreational facilities for the activities the applicant wishes to conduct;
- d) The capacity of the recreational reserve and recreational facilities to accommodate the requested use with regard to access and inclusion;
- e) The applicant's contribution to the development, maintenance and improvement of the recreational reserve and recreational facilities;
- f) The impact of the applicant's activities on other users;
- g) The applicant's prior use of recreational reserves and recreational facilities;
- h) Whether the applicant's activities will contribute to the achievement of strategic goals identified by Council in the *Glenelg Shire Council Plan*, the *Glenelg Shire Health & Wellbeing Plan* and the *Active Your Way Glenelg Sport & Active Recreation Plan*;
- i) Whether the applicant's activities encourage inclusive participation of women and girls; and/or with participants that identify as Aboriginal or Torres Strait Islander; and/or identify as non-binary; and/or are living with a disability.

- j) Whether the applicant demonstrates commitment to encourage participation of women and girls and other underrepresented groups including but not limited to participants that identify as Aboriginal or Torres Strait Islander; and/or identify as non-binary; and/or are living with a disability;
- k) Whether the activities the applicant wishes to conduct are already provided by another user at the same location;
- l) Whether the applicant has previously breached the conditions of a Council lease, license or hire agreement or the *Special Conditions for Use of Glenelg Shire Council Recreational Reserves and Recreational Facilities*, including the payment of fees and charges;
- m) The level of risk associated with the activities the applicant will conduct at the recreational reserve or recreational facility;
- n) The applicant's capacity to fulfil its obligations pursuant to a lease, license, or casual hire agreement and any applicable terms or conditions; and
- o) The most appropriate form of occupancy arrangement.

#### **4.3 Granting access to recreational reserves and recreational facilities**

4.3.1 Council via the Recreation Coordinator may, at its absolute discretion:

- a) Grant an applicant access to a recreational reserve or recreational facility or part of a recreational reserve or recreational facility;
- b) Determine the most appropriate form of occupancy arrangement having regard for Appendix A to this policy; and
- c) Determine the season, days and times the recreational reserve and recreational facilities shall be allocated to the applicant for its use.

4.3.2 The granting of access to a recreational reserve or recreation facility or part of a recreational reserve or recreational facility shall be subject to:

- a) Payment of applicable fees and charges as per section 4.8;
- b) Fulfilment of applicable insurance requirements as per section 4.9;

- c) The applicant's acceptance of the terms and conditions ((*Licence / Lease Use*) *Special Conditions for Use of Glenelg Shire Council Recreational Reserves and Facilities* (*Licence / Lease Use*) OR *Glenelg Shire Council Conditions of Hire - Casual Use of Council Recreation Reserves and Pavilions*) on which Council grants access to the recreational reserve or recreational facility, and their ongoing adherence to these terms and conditions; and
- d) The applicant's contribution to the achievement of strategic goals identified by Council in the *Glenelg Shire Council Plan*, the *Glenelg Shire Health & Wellbeing Plan* and the *Active Your Way Glenelg Sport & Active Recreation Plan*; and the applicant's contribution to inclusivity and gender equity; will be given priority of access to recreational reserves and recreational facilities.

4.3.3 Leases or licences may only be established with incorporated associations that are based in the Glenelg Shire; and

4.3.4 Leases or licences established pursuant to this section must be approved by the Director Community Services or their delegate; or

4.3.5 Casual booking applications pursuant to this section must be approved by the Recreation Coordinator or their delegate.

#### **4.4 Refusing access to recreational reserves and recreational facilities**

4.4.1 Council via the Recreation Coordinator may, at its absolute discretion, refuse to grant an applicant access to recreational reserves and recreational facilities if, in the opinion of Council:

- a) The activities the applicant wishes to conduct at the recreational reserve and recreational facilities pose an unacceptable risk to the safety of participants, spectators or the public;
- b) The activities the applicant wishes to conduct at the recreational reserve and recreational facilities pose an unacceptable risk of damage to the recreational reserve and recreational facilities;
- c) The applicant lacks the capacity, skill or resources needed to fulfil its obligations under the access arrangement and any applicable terms or conditions;
- d) The applicant has previously failed to fulfil its obligations under an occupancy agreement for recreational reserves and recreational facilities or the terms and conditions attached to an occupancy agreement for recreational reserves and facilities; or

- e) Granting the applicant access to the recreational reserve and recreational facilities would be contrary to the best interests of the Glenelg Shire or Council.

#### **4.5 Preservation of access to public open space**

As a general principle, Council will not establish leases over public open spaces such as ovals, soccer pitches, parks, sports fields, or other places that are open to the public for informal active recreation.

#### **4.6 Allocation of licensee or casual hire access times**

- 4.6.1 Council shall, at its absolute discretion, allocate the season, days and times recreational reserves and recreational facilities will be available for use by a licensee.
- 4.6.2 Council will prioritise the allocation of recreational reserves and recreational facilities to licensees or casual hirers that contribute to the achievement of strategic goals identified by Council in the *Glenelg Shire Council Plan*, the *Glenelg Shire Health & Wellbeing Plan* and the *Active Your Way Glenelg Sport & Active Recreation Plan*, and contribute to increasing inclusivity and gender equity.
- 4.6.3 Council will endeavour to allocate access to recreational reserves and recreational facilities in a manner that maximises opportunities for participation in sports and active recreational activities and minimises disruptions to the established access arrangements of sporting clubs and other incorporated associations.
- 4.6.4 At its absolute discretion, Council may vary, suspend or cancel the allocated seasons, days or times a licensee is authorised to use a recreational reserve and recreational facilities if, in the opinion of Council:
  - a) Casual hire access is required for a casual hire application that provides a significant contribution to the achievement of strategic goals identified in the *Glenelg Shire Council Plan*, the *Glenelg Shire Health & Wellbeing Plan*, and the *Active Your Way Glenelg Sport & Active Recreation Plan*, and contributes to increasing inclusivity and gender equity;
  - b) The recreational reserve and recreational facilities are no longer able to sustain the current level of use;
  - c) The level of risk associated with the licensee's use of the recreational reserve and recreational facilities has become unacceptably high;
  - d) The current level of use is causing undue damage to the recreational reserve and recreational facilities; or



- e) Such changes are necessary for the purpose of maintenance, repairs or improvement works.
- 4.6.5 In exercising its discretion under section 4.6.4, Council shall endeavour to:
  - a) Minimise disruption to the activities of licensees; and
  - b) Prioritise the use of recreational reserves and recreational facilities for recreation activities that demonstrate inclusivity and alignment with Council's strategic goals.

#### **4.7 Cancellation or suspension of access arrangements**

- 4.7.1 The Director Community Services may cancel or suspend an access arrangement established pursuant to this policy if in the opinion of Council, the tenant, licensee or user of the recreational reserve and recreational facilities has refused or failed to comply with this policy or the terms and conditions of their occupancy agreement.
- 4.7.2 Tenants, licensees and users of the recreational reserve and recreational facilities shall not be entitled to access the recreational reserve and recreational facilities while their access arrangement is cancelled or suspended.
- 4.7.3 The Director Community Services may reinstate an access arrangement suspended pursuant to clause 4.7.1 upon rectification of the non-compliance by the tenant, licensee or user of the recreational reserve and recreational facilities.
- 4.7.4 The Director Community Services may cancel a license suspended pursuant to clause 4.7.3 if the licensee fails or refuses to rectify the non-compliance.

#### **4.8 Fees and charges**

- 4.8.1 Tenants, licensees and hirers of recreational reserves and recreational facilities are responsible for the payment of rent, annual licence fees, hire fees and other charges determined by Council by the due date.
- 4.8.2 Rent, annual licence fees and hire fees shall be determined by Council in accordance with Council's Recreational Reserves and Recreational Facilities Pricing Policy CPO-COM-REC-005 (DocSetID: 2782903), and Council's Annual Fees and Charges Schedule ([Annual Budget and Reports | Glenelg Shire Council](#)) for casual hire.

- 4.8.3 The rent, and/or annual licence fees payable by any Lessee or Licensee may also be subject to the Recreational Reserves and Recreational Facilities Licenced Users Incentivisation Procedure OPO-COM-REC-001 (DocSetID: 3149901).
- 4.8.4 Rent, annual licence fees and hire fees must be approved by the Director Community Services or their delegate.
- 4.8.5 In accordance with section 4.2 and 4.3 of Council's Recreational Reserves and Recreational Facilities Pricing Policy CPO-COM-REC-005 (DocSetID: 2782903), under special circumstances Council's Director Community Services or their delegate, may waiver or reduce rent, annual licence fees or hire fees .
- 4.8.6 Tenants, licensees and hirers of recreational reserves and recreational facilities shall not be entitled to a refund of any part of any rent, fee or charge on the basis that they did not use the time allocated to them under their access agreement or allocation.

#### **4.9 Insurance**

- 4.9.1 Tenants, licensees and hirers of a recreational reserves and recreational facilities must maintain public liability insurance of at least \$10,000,000 or as otherwise specified in the lease, licence or hire agreement for the duration of the access arrangement.
- 4.9.2 Prior to the commencement of the access arrangement and upon request by Council the tenant, licensee or hirer of the recreational reserve or recreational facility must provide Council with a certificate of currency for the public liability insurance policy required by section 4.9.1 of this policy.
- 4.9.3 Casual hirers of recreational reserves and recreational facilities may be eligible to participate in Council's public liability insurance scheme, however exemptions apply as per the scheme.
- 4.9.4 The tenant, licensee or hirer must ensure any person accessing the recreational reserve or recreational facility under its access arrangement complies with the conditions of its insurance and the ongoing adherence to the terms and conditions of its occupancy agreement.

## **5. Records Management**

All Council records created and managed as a result of implementing this policy will be managed in accordance with the Council's Records Management Policy.

The Records Management Policy assigns responsibilities for records management to employees, supervisors, volunteers and other specific positions.

No Council records are to be destroyed without consideration of the requirements of the Act(s) that govern the functions relevant to this policy. Prior to destruction, advice must be sought from the Records Management Unit, with consideration to the requirements of the appropriate Retention and Disposal Authority (RDA).

## 6. Appendices

### Appendix A - Occupancy Arrangements for Recreational Reserves and Recreational Facilities

Occupancy arrangement	Features	Level of access	Tenure
<b>Casual hire</b>	<ul style="list-style-type: none"> <li>Individuals or organisations</li> <li>Ad-hoc use</li> <li>Public liability insurance available through Council</li> <li>No ongoing commitments</li> <li>Must ensure safe use / conditions of hire</li> </ul>	<ul style="list-style-type: none"> <li>Exclusive access to the hired space for the duration of the booking</li> <li>Available when not allocated to licensed users subject to section 4.6.2 and 4.6.4(a) of the policy.</li> <li>Short term loan of keys</li> </ul>	<ul style="list-style-type: none"> <li>Single booking</li> <li>No ongoing access rights</li> </ul>
<b>Licence</b>	<ul style="list-style-type: none"> <li>Organisations</li> <li>Regular use</li> <li>Must obtain own insurance</li> <li>Some responsibilities for maintenance / security / cleaning</li> <li>Must ensure safe use / Special Conditions</li> <li>Council may access as needed</li> </ul>	<ul style="list-style-type: none"> <li>Reserve or facility may be shared with other users when not allocated to the licensee</li> <li>Exclusive use at allocated times</li> <li>Keys allocated for the duration of the season/allocation period/licence period</li> </ul>	<ul style="list-style-type: none"> <li>Licence duration of up to 3 years</li> <li>Usage allocation reviewed seasonally / annually</li> <li>Ongoing right to access and use in accordance with licence terms</li> </ul>
<b>Lease</b>	<ul style="list-style-type: none"> <li>Organisations</li> <li>Permanent occupancy for duration of lease</li> <li>Special purpose facilities and / or major contribution to facility development</li> <li>Must obtain own insurance</li> <li>Agreed / negotiated responsibilities for maintenance / security / cleaning</li> <li>Must ensure safe use / lease conditions</li> <li>Council entry with permission/by appointment</li> </ul>	<ul style="list-style-type: none"> <li>Exclusive use for duration of lease</li> <li>Keys allocated for duration of lease</li> </ul>	<ul style="list-style-type: none"> <li>Lease duration of up to 10 years</li> <li>Ongoing right to access and use in accordance with lease terms</li> </ul>

## Appendix B – Application for a Licence to use a Recreational Reserve and / or Recreational Facilities (DocSetID: 3091294)



### Application for a Licence to use a Recreational Reserve and / or Recreational Facilities

This form is to be completed by any incorporated association ('applicant') wishing to apply for licenced access to a Council managed recreational reserve or facility pursuant to Section 17(2)a of the *Crown Land (Reserves) Act 1978*.

Before applying for a licence to utilise a Recreational reserve and / or Recreational facilities, applicants should be familiar with the requirements of Council's Access Policy (DocSetID: 2782902), the Special Conditions for Use of Recreational Reserves and Facilities (Licence Use) (DocSetID: 3089901), and Section 17(2)a Licences issued pursuant to the *Crown Land (Reserves) Act 1978*. Copies of this information is available via request from Council's Recreation Unit.

For further information or assistance with this form please contact Council's Recreation Unit either via email [recreation@glenelg.vic.gov.au](mailto:recreation@glenelg.vic.gov.au) or via contacting customer service via phone 1300 453 635.

Applicant Details			
Name of Incorporated Association:			
ABN (if applicable):		Number of Members:	
Is the incorporated association based in the Glenelg Shire?		Yes / No	
Address:			
Telephone:			
Email:			
Website:			

Name of person lodging application:			
Position held:		Signature:	

Recreational Reserve and /or Facilities requested for Licenced Use:
Preferred days / times for Licenced Use:

Describe the activities the applicant wishes to conduct at the nominated Recreational Reserve and / or Recreational Facility
Describe how these activities will benefit the local Glenelg Shire community?
Additional Information (if required)

What is the applicant's governing or controlling association or peak body (if applicable)
Applicants are to provide evidence of their membership, affiliation or registration with a recognised Victorian or national association or peak body.

Applicants for a Licence to use a Council Recreational reserve or Recreational facility are required to participate in an insurance program that offers public liability insurance of at least \$20 million. If applicants do not have public liability insurance, applicants must obtain public liability insurance to at least this amount prior to submitting this application.

Insurer:		Limit of Liability:	
Applicants must provide a copy of certificates of currency for public liability insurance policies.			

Applicant Office Bearers	
President:	
Address:	
Telephone:	
Email:	

Secretary:	
Address:	
Telephone:	
Email:	

Treasurer:	
Address:	
Telephone:	
Email:	

Upon completion, application forms including applicable supporting documentation are to be submitted to Council's Recreation Unit via one of the following options:

- **Email:** [recreation@glenelg.vic.gov.au](mailto:recreation@glenelg.vic.gov.au)
- **Mail:** Glenelg Shire Council, Attention: Recreation, PO Box 152, Portland, Victoria, 3305
- **Hand delivered** to a Glenelg Shire Council Customer Service Centre:  
Portland, 71 Cliff Street  
Casterton, 67 Henty Street  
Heywood, 77 Edgar Street