

Sporting Fees, Charges and Occupancy Agreement Policy

Adopted 2024

Policy Owner/ Sponsor	Manager Recreation and Libraries General Manager Community
Date Effective	1 September 2024
Next Review	2025
Version Number and Document ID	V6 (A7668853)

Section 1	Introduction
<p>Purpose</p>	<p>The <i>Sporting Fees, Charges and Occupancy Agreement Policy</i> (Policy) seeks to encourage and support participation, access and use of Darebin’s community sports infrastructure and contributes to building a stronger, healthier and happier community where everyone is welcome, valued and respected.</p> <p>Council’s <i>Towards Equality Framework</i> strengthens this Policy to support people and groups who experience discrimination and disadvantage, including Aboriginal and Torres Strait Islander peoples, children, older people, culturally and linguistically diverse people, migrants and refugees, women and girls, lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) people, people with a disability, young people and people experiencing poverty, including intergenerational disadvantage.</p> <p>This Policy aims to deliver a clear, consistent, transparent and equitable approach to allocating and charging applicable fees for the use of community sports fields, pavilions and facilities in the City of Darebin.</p>
<p>Scope</p>	<p>This Policy applies to the allocation and related occupancy agreements, fees and charges of Council’s sports fields, pavilions and facilities.</p> <p>The Policy’s Performance Subsidy Program and allocation criteria supports Council to take positive action through tenant clubs and organisations to achieve equitable and inclusive access and participation, leadership and governance roles regardless of age, background or ability.</p>
<p>Objectives</p>	<p>Council resolved this Policy for fees, charges and occupancy agreements for Council-owned sporting and recreational venues based on the following broad objectives:</p> <ul style="list-style-type: none"> • To provide greater transparency and correspondence between the fees that are levied and the venue facilities provided. • To provide incentives for sporting clubs to achieve increased participation focused on social inclusion and gender equity, good governance and financial sustainability targets. • To balance the need for sustainable and equitable revenue collection with incentives to achieve participation targets. • To encourage shared use of sporting infrastructure by other community groups. • To reflect the organisation’s capacity to generate revenue, and make sustainable payments for venue access, and to encourage capital co-contributions. <p>To achieve these objectives, this Policy was developed and is based on the size and quality of the venue provided and incorporates performance subsidies targeting increased social inclusion and participation by people and groups who experience discrimination and disadvantage, while rewarding good governance and financial sustainability.</p>
<p>Background</p>	<p>Participation in sport and recreation has a number of benefits which address Council’s Health and Wellbeing Priorities including the impacts of sedentary lifestyle and physical health, mental health and wellbeing, loneliness and social isolation, and community safety.</p> <p>Darebin City Council caters to a wide range of sports and currently maintains a diverse portfolio of outdoor sporting venues.</p>

Section 1	Introduction
	<p>These include:</p> <ul style="list-style-type: none"> • 29 outdoor sporting reserves servicing outdoor sports such as cricket, Australian rules football, soccer and rugby. • 2 lawn bowling facilities. • 1 outdoor asphalt track cycling velodrome. • 8 tennis facilities comprising 41 separate courts. • 1 six-lane athletic track with provision for jumps, javelin and shot-put field events. • 1 baseball facility with one hard surface and one turf diamond. • 1 hockey facility with synthetic pitch. • 7 outdoor netball courts. <p>The Policy sets out the fees applicable for the hire of all sports and leisure facilities, pavilions and ovals within the City of Darebin.</p> <p>The sports ground fee structure used for this policy assumes the recovery of a percentage (approximately 15%) of the maintenance costs for the reserve.</p> <p>A suite of occupancy agreements have been created to meet the needs of user groups while providing Council with a level of monitoring and control with respect to user performance and community access.</p>

Section 2	Policy Statements
<p>Casual Bookings & Occupancy Agreements</p>	<p>Casual use agreements and allocations allow persons or organisations to use parkland, buildings and sporting facilities for a one-off or limited number of daily usages.</p> <p>Casual access eligibility criteria</p> <p>To be eligible for a casual occupancy agreement:</p> <ul style="list-style-type: none"> • Applicant must be an incorporated body with an appropriate level of public liability insurance. • Access must be for the purposes of sport and recreation or other use deemed appropriate by Council. <p>Key access conditions</p> <ul style="list-style-type: none"> • Access between 9am and 4pm unless otherwise approved in writing by an appropriate Council officer. • Access to grounds will be subject to ground condition, relevant ground usage caps and availability. • Access to the playing surface and public toilets only. • No access to change rooms and amenities unless negotiated with an appropriate Council officer and the tenant club. • Approved casual access will also be subject to Sporting Reserves Conditions of Use Casual Ground Hire. <p>Fees for casual access</p> <p>Casual access fees are based on the following bookable venue types:</p> <ul style="list-style-type: none"> • Turf ovals or pitches – Neighbourhood, Local, District or Regional. • Athletics track at Edwardes Lake Park, Reservoir. • Hockey pitch at KP Hardiman Reserve, Kingsbury. • Outdoor netball courts at JE Moore Park, Merri Park. • Tennis courts at McDonnell Park, Northcote.

Section 2	Policy Statements
	<p>Fee structures are determined by hiring organisation type:</p> <ul style="list-style-type: none"> • Community group, club or organisation. • Commercial or elite organisations or clubs. • Local schools – no charge. <p>It should be noted that:</p> <ul style="list-style-type: none"> • Synthetic surface charges reflect the higher replacement and maintenance costs associated with the venues and are in line with similar fees charged by other Councils. • Fees are reviewed and set annually as part of Council’s budget process and published on Council’s website.
<p>Seasonal Occupancy Agreements</p>	<p>Seasonal agreements allow persons or organisations to use parkland, buildings and sporting facilities for the duration of a winter and/or summer season of competition over a period of six to twelve months. Seasonal changeover occurs annually in March (summer to winter) and September (winter to summer).</p> <p>The seasonal agreement is the preferred base arrangement for sporting club access to facilities in Darebin, with conditions outlined in Darebin’s Club Kit.</p> <p>Seasonal access eligibility criteria</p> <p>To be eligible for a seasonal occupancy agreement allocation:</p> <ul style="list-style-type: none"> • Applicant must be an incorporated body with an appropriate level of public liability insurance. • Applicant’s previous utilisation of facilities must have conformed to Council’s behavioural, maintenance, waste and litter management expectations, strategic priorities including fair access and Club Kit Conditions of Use. • Applicant must have no unpaid user charges. This includes utilities, ground fees and overdue capital co-contributions. • Applicant must be registered with and play within a competition run or sanctioned by the relevant State Sporting Association (SSA). • Applications by deliverers of junior development or starter programs (e.g. AFL Auskick, Cricket Blast, Soccer Mini Roos) may be submitted and processed under the umbrella of an affiliate tenant club. <p>Priority for allocation of seasonal access agreements</p> <p>Where there is a competing demand for access to a particular sporting facility, allocation will be determined by a panel of Council officers convened by the Senior Coordinator Recreation and Leisure.</p> <p>Allocation will be guided by the following criteria:</p> <ul style="list-style-type: none"> • Proportion of participants residing in Darebin. This criterion will attract a weighting of 35%. • Demonstrated inclusive practice and increasing participation of under-represented target groups from Council’s Towards Equality Framework. This criterion will attract a weighting of 50%. • Capital contributions made to developing and improving the facility within the past four seasons. This criterion will attract a weighting of 15%. • Not-for-profit community groups will be given priority of access over any commercial applicants. <p>Ground allocations encourage sharing resources, space and/or times of use where the demand for facilities is strong.</p>

Section 2

Policy Statements

Fees for seasonal access

The fee structure for seasonal access is based on three components – a pavilion access charge plus a ground charge that forms the base fee. The base fee may be reduced by a performance subsidy component. The diagram below demonstrates how seasonal fees are calculated.



Pavilion access charge

The pavilion access charge establishes a link between the fees paid by the user group and the quality, amenities and size of the pavilion.

A figure of 0.15 per cent of the building's insurable value has been calculated to retain revenue recoup of approximately 15 per cent of maintenance. Larger, better-appointed facilities record a higher value and, therefore, attract a higher pavilion access charge.

User groups accessing sporting pavilions on a seasonal basis will pay 50 per cent of the annual pavilion access charge where access is limited to a summer or winter season.

To further encourage sharing of pavilion facilities, the pavilion access charge will be apportioned between sharing parties where pavilion facilities are co-tenanted in the same season. Apportionment will be based on the number of user groups using the facility simultaneously.

The insurable value of Council owned buildings is reviewed annually by Council officers.

Ground charge

Ground charges reflect the amenity, service level and support infrastructure at each category level of the reserve hierarchy. All grounds in the City of Darebin have been assigned a ground rating and respective fee by Council:

- Regional
- District
- Local
- Neighbourhood

For each ground rating, there are four fee types based on the number of tenants sharing the use of the ground and/or facility:

- Sole use – 100% of the fee.
- Shared use – 75% of sole use fee.
- Additional oval sole use – 50% of sole use fee.
- Additional oval shared use – 38% of sole use fee.

It should be noted that:

- Fees are reviewed and set annually as part of Council's budget process and published on Council's website.
- Council may re-classify grounds to Regional Level and levy the associated ground fees where facilities are required to be prepared to premier or state-level competition standards – i.e. National Premier League (NPL), Victorian Football League (VFL) and Victorian Premier Cricket (VPC).

Section 2	Policy Statements
-----------	-------------------

Performance Subsidies	<p>Upon clubs meeting specific performance requirements, they become eligible for performance subsidies. The level of performance subsidy applicable is based on the following criteria:</p> <ol style="list-style-type: none"> 1. Women and girls' participation 2. Inclusive participation 3. Participation 4. Women's committee and capacity building 5. Club Governance 6. Council Engagement 7. Community Engagement <p>Sporting fee performance subsidy application process</p> <p>Tenant clubs will be annually assessed for performance subsidies based on the criteria. Clubs will be required to complete an online sporting fee performance subsidy application form by the specified due date to determine the performance subsidy applicable for each season.</p> <p>Council officers will assess and score club performance against the criteria to determine the subsidy level (discount) and fees payable for a season.</p> <p>Note:</p> <ul style="list-style-type: none"> • Late applications will not be accepted, unless an extension has been granted by Council officers. • Evidence must be provided where required. • All membership/participation data must relate to the current playing season. • Any activities recorded must have been undertaken in the past 12 months. • Council officers maintain the final right of authority in determining the subsidy level (discount) and fees due. <p>Scoring</p> <p>Based on the assessment criteria, tenant clubs will receive a total score, and the level of performance subsidy for which the group may be eligible will depend on the number of points gained. The levels of performance subsidy discount are shown below:</p> <p>Levels of fee subsidies</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr style="background-color: #1a4d4d; color: white;"> <th>Level</th> <th>Score</th> <th>Fee subsidy</th> </tr> </thead> <tbody> <tr style="background-color: #f1c40f;"> <td>Gold</td> <td>85+</td> <td>50%</td> </tr> <tr style="background-color: #a6a6a6;"> <td>Silver</td> <td>70-84</td> <td>25%</td> </tr> <tr style="background-color: #8e8e8e;"> <td>Bronze</td> <td>55-69</td> <td>10%</td> </tr> <tr style="background-color: #f1f1f1;"> <td>No subsidy</td> <td>0-54</td> <td>0%</td> </tr> </tbody> </table> <p>Eligibility for subsidies</p> <ul style="list-style-type: none"> • Community sporting clubs with seasonal, licence or lease sporting occupancy agreements with Council are eligible. • Only not-for-profit community sporting clubs are eligible to apply for, and receive, performance subsidies. 	Level	Score	Fee subsidy	Gold	85+	50%	Silver	70-84	25%	Bronze	55-69	10%	No subsidy	0-54	0%
Level	Score	Fee subsidy														
Gold	85+	50%														
Silver	70-84	25%														
Bronze	55-69	10%														
No subsidy	0-54	0%														

License Agreements	<p>A licence is a form of permission to enter and use land or a facility for an agreed purpose for a stated period. The licensee does not have exclusive use of the facility, allowing Council to allocate to other user groups at different times and for access by the general public.</p>
---------------------------	--

Section 2 | **Policy Statements**

Licence Agreement access eligibility criteria:

A licence will be the preferred arrangement where user groups:

- Have an exemplary access history over at least five seasons, including gender inclusive equitable access and inclusive participation outcomes.
- Wish to secure a longer period of tenancy in exchange for a partnership program or capital contribution to develop a facility. Capital contributions made by the club towards a project must be paid in full before the commencement of the project.
- Demonstrate financial resources to ensure continued operational viability and sustainability.
- Not-for-profit community groups will be given priority of access over any commercial applicants.

Length of tenure

License agreements will be for a standard period of three years, with options to extend for a further one or two periods of three years (3 + 3 or 3 + 3 + 3). This will depend on the duration of the partnership program and/or the extent of capital contribution.

The following contribution threshold will be used to determine the length of tenure for longer-term license agreements:

Capital contribution	Length of agreements
<\$10,000	Season
\$10,000 - <\$50,000	Three years
\$50,000 - \$100,00	Six years
Over \$100,000	Nine years

Where clubs negotiate longer-term agreements based on participation partnership programs, the tenure of the agreement would match the expected duration of the participation program.

Fees for licenced access

Fees for licenced access to sporting facilities are calculated as per seasonal access above.

Fees are reviewed and set annually as part of Council’s budget process and published on Council’s website.

Maintenance obligations for tennis and sporting club tenants of tennis courts and synthetic playing surfaces

Tennis or sporting club tenants of tennis or synthetic playing surfaces have specific maintenance and capital infrastructure obligations, in some cases in partnership with Council.

The tenant club and Council have specific obligations to maintain, repair or renew assets such as court/synthetic surfaces, sports lighting, fencing and gates. These are to be clearly outlined in the respective License Agreement with Council.

Lease Agreements

A Lease is a contract under which a tenant (or lessee) is granted exclusive possession of property for an agreed period in return for rental fees.

Leases will be restricted to a relatively small number of venues where single users, such as bowls clubs, have exclusive use or management responsibilities for the entire year.

Section 2

Policy Statements

Leases are subject to relevant laws and regulations, in particular:

- The *Local Government Act 2020* legislates restrictions on the maximum duration of leases and specifies advertising requirements for leases of 10 years or more and for properties with rental fee value of more than \$100,000 per annum.
- The *Retail Leases Act 2003* controls leases for premises that are used wholly or predominantly for retail goods and services.

Lease agreement access criteria

Eligibility for the granting of lease agreements will be determined by the following:

- Where the facility is occupied by one user group exclusively.
- That the organisation is a legal entity registered under appropriate legislation such as the Associations Incorporations Act 2012.
- That the organisation has an Australian Business Number (ABN).
- That the organisation is financially viable, with annual financial statements provided to Council, audited according to relevant legislative requirements.
- That the organisation complies with relevant legislation governing its activities and holds any licenses or registration certificates required for continued operation.
- That the organisation has a committee or team of management and appropriate governance arrangements with established accountability and reporting methods to the Council, its members and/or the community.
- That the organisation has a business plan for the period of the lease detailing current and projected access hours, participation and memberships, social inclusion and gender equity initiatives, revenue and expenditure forecasts.
- That there are reasonable grounds to believe a need or demand exists for the service or activity to be provided.
- That the facility use is consistent with Council's vision, mission and goals as stated in the Council Plan.
- That the service or activity can be accessed by groups targeted in Council's *Towards Equality Framework*, with strategies in place to review and remove barriers to participation.
- That the proposed use of the facility is suitable for the nature and location of the site.

Length of tenure

Length of tenure will be negotiated taking into account the particular circumstances of the facility and tenant, including capital investment and long-term planning, and the intended use of the facility in line with the vision and goals of the Council Plan and Leisure Strategy. Length of tenure will be guided by the following principles:

- The preferred lease term will be five years. Terms longer than five years may be offered where a prospective tenant invests or has invested significantly in a fixed asset (such as a building or playing surface) and/or assumes a portion of maintenance of the asset. The term offered will be calculated with reference to the projected asset life and the capital contribution by the tenant.
- Options to extend will be broken into periods of no longer than five years, with options for the tenant to review on the same terms and conditions dependent on meeting community benefit criteria and continued demand for the activity and service.
- Terms up to ten years or longer may be offered for categories of tenants who do not meet these criteria but are identified by the Council from time-to-time as requiring long-term planning certainty.

Section 2	Policy Statements												
	<p>Fees for lease access</p> <p>The rental fees for lease access will be calculated as per the following table.</p> <table border="1" data-bbox="451 394 1197 781"> <thead> <tr> <th>Category</th> <th>Users type</th> <th>Basis for rental calculation</th> </tr> </thead> <tbody> <tr> <td>Category 1</td> <td>Lease for commercial purposes only – no community benefit</td> <td>Market rental plus 50% for loss of community benefit</td> </tr> <tr> <td>Category 2</td> <td>Lease for commercial purposes with community benefit</td> <td>Market rental – no discount</td> </tr> <tr> <td>Category 3</td> <td>Lease for non-profit community use</td> <td>As per Seasonal and Licence Agreements</td> </tr> </tbody> </table>	Category	Users type	Basis for rental calculation	Category 1	Lease for commercial purposes only – no community benefit	Market rental plus 50% for loss of community benefit	Category 2	Lease for commercial purposes with community benefit	Market rental – no discount	Category 3	Lease for non-profit community use	As per Seasonal and Licence Agreements
Category	Users type	Basis for rental calculation											
Category 1	Lease for commercial purposes only – no community benefit	Market rental plus 50% for loss of community benefit											
Category 2	Lease for commercial purposes with community benefit	Market rental – no discount											
Category 3	Lease for non-profit community use	As per Seasonal and Licence Agreements											
<p>Miscellaneous Charges</p>	<p>Utility charges</p> <p>All tenant clubs will continue to be responsible for the payment of utilities in accordance with the occupancy agreement terms and conditions.</p> <p>Security bonds</p> <p>A key security bond of \$50 will be payable for casual users wishing to be issued a key to public toilets attached to pavilions, repayable on the return of keys.</p> <p>A security bond of \$400 per season will be payable by seasonal and licence agreement holders as an incentive for user groups to maintain venues in good order. The bond will be repaid at the completion of the season following the return of all keys, an inspection of the venue and a review of the club’s record of behaviour.</p> <p>Where a security bond is revoked due to behavioural issues, non-return of keys or unsatisfactory cleaning or maintenance, the bond will be increased by \$100 in the following season. Clubs with a continual poor record may be denied a ground allocation in the following season.</p>												

Governance	
Parent Strategy/ Plan	Leisure Strategy
Related Documents	<p>This Policy complements other key Council strategic documents for the delivery of sport and recreational opportunities across the municipality. These include:</p> <ul style="list-style-type: none"> • <i>Leisure Strategy</i> • <i>Outdoor Sports Infrastructure Framework</i> • <i>Council Plan</i> including Municipal Health and Wellbeing Plan • <i>Breathing Space – The Darebin Open Space Strategy</i> • <i>Toward Equality Framework</i>
Supporting Procedures and Guidelines	<ul style="list-style-type: none"> • <i>Club Kit: A guide for sports clubs in Darebin</i> for operational procedures and processes relating to sporting allocations and agreements, fees and charges.
Legislation/ Regulation	<p>This Policy enables integration of relevant requirements of the:</p> <ul style="list-style-type: none"> • <i>Local Government Act 2020</i> • <i>Gender Equality Act 2020</i> • <i>Retail Leases Act 2003</i> • <i>Public Health and Wellbeing Act 2008</i> • Tenants are legal entities registered under appropriate legislation such as the <i>Associations Incorporations Act 2012</i> • and other relevant legislative frameworks.

Addendum: 2024-25 Action Plan

Actions	Fair Access principle/s	Timeframe	Key Performance Indicator (KPI)	Responsibility, Stakeholder/s
<p>Sports Club Education:</p> <p>Educate and communicate to sports clubs Fair Access principles, gender equity challenges in sport, and practical examples of implementation of change.</p>	3, 5	2024-25	<p>Deliver 1 workshop on Fair Access Policy Roadmap and gender equity in community sport</p> <ul style="list-style-type: none"> 90% of Darebin tenant sports clubs attend 5+ of Darebin non-tenant sports clubs attend 3+ relevant articles in The Leisure Review 1+ relevant item on Darebin webpage 	<p>Recreation Development Officer</p> <p>All sports clubs in Darebin</p>
<p>Sports Club Gender Action Plans:</p> <p>Each sports club supported to develop a Gender Action Plan to support women and girls participation as an outcome from sport club development workshops</p>	5, 6	2024-25	<p>Each (65) tenant club with a seasonal, license or lease agreement provided support to undertake and submit a gender impact assessment as part of their allocation or performance subsidy application.</p> <p>At least 40% of tenant clubs develop a gender action plan and submit via IMS by June 2025.</p>	<p>Recreation Development Officer</p> <p>Tenant sporting clubs</p>
<p>Capacity Building Partnerships:</p> <p>Initiate partnerships with leagues and SSAs to support and educate clubs on gender inclusivity, connect to training/accreditation and leadership courses/programs.</p>	5	2024-25	<p>Initiate partnership discussions with Football Victoria, AFL, Cricket Victoria, Tennis Victoria, Proud to Play, VicSport.</p> <p>Identify and promote 3+ women's training and leadership programs to sports clubs if available.</p>	<p>Recreation Development Officer</p> <p>State Sporting Associations, local leagues and industry bodies.</p>
<p>Champions of Change:</p> <p>Highlight success stories in gender equity in sport through social media and The Leisure Review.</p>	4	2024-25	<p>Create and publish at least 4 articles and/or videos by June 2025.</p>	<p>Recreation Development Officer</p> <p>Sports clubs</p>
<p>Supporting Increased Participation:</p> <p>Support sport clubs to deliver gender inclusive participation, good governance, and safe and welcoming environments.</p>	1, 3	2024-25	<p>Partner with or develop 1+ campaigns, event or activation to encourage increased participation</p> <p>4+ sports club driven programs in Get Active in Darebin to target women and girls' sport.</p>	<p>Recreation Development Officer</p> <p>Participation and Inclusion Officer</p> <p>Sports clubs</p>