

Please state how your organisation is providing a service or benefit to the Rockdale Community

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Please Note

1. Public liability Insurance for \$10 million is required for all sporting field bookings. You must attach a copy of the Certificate of Currency to this booking form.
2. The personal information required on this form may be available for public access under various legislation.
3. Due to the complexity of seasonal allocations the permit allocation process will take a few weeks after the application deadline to process.
4. All sections of this form **MUST** be completed in order for Permit to be processed

Declaration

I have been presented with and have read both the Recreation and Community Facilities Management Policy and the terms and conditions of hire attached and agree to abide by them

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|-----------------------------|-------------------------|
| Applicant's Signature _____ | Date ____ / ____ / ____ |
|-----------------------------|-------------------------|

| Sporting Field Allocation Checklist | Yes | N/A | Office Use |
|---|--------------------------|--------------------------|--------------------------|
| Have you supplied proof of incorporation and your Constitution or alternatively evidence showing affiliation with peak community organisation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Have you supplied proof that your organisation is physically located within the City of Rockdale or at least 50% of your client bases reside within the City of Rockdale? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Have you supplied a Certificate of Currency noting Council as an interested party, with a minimum cover of \$10 million? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Have you supplied proof of your non-profit or registered charity status? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| Office Use Only | | |
|--------------------------|--------------------------------|-------------------------|
| <input type="checkbox"/> | Calculate Fees | Date ____ / ____ / ____ |
| <input type="checkbox"/> | Bond Paid | Date ____ / ____ / ____ |
| <input type="checkbox"/> | Deposit Paid | Date ____ / ____ / ____ |
| <input type="checkbox"/> | Attach Receipts to Application | |
| Additional Comments: | | |
| | | |
| <input type="checkbox"/> | Checked By | Date ____ / ____ / ____ |

Rockdale City Council
 Office Hours - 8.30am to 4.30pm (Mon-Fri), 9am-1pm (Sat)
 2 Bryant Street / PO Box 21 Rockdale NSW 2216
 rcc@rockdale.nsw.gov.au www.rockdale.nsw.gov.au
 DX 25308 Rockdale ABN 66 139 730 052
 Tel 02 9562 1666 Fax 02 9562 1777
 Reviewed July 2010

Recreational, Open Spaces and Sports Grounds Conditions of Use



Permit holders are bound by Rockdale City Council's Recreation and Community Facilities Management Policy. Council will retain ownership and control of all its Recreation and Community facilities, as well as any facility or external sports ground infrastructure items constructed or improved through collaborative arrangements to ensure sustainability of these assets. This policy statement applies to all Recreation and Community facilities owned or managed by Rockdale City Council. A copy of the Recreation and Community Facilities Management Policy is attached to this permit.

It is the responsibility of the hirer to inspect the facility to ensure it meets the requirements prior to booking.

Payment

- 1) The Permit holder shall pay a rental fee and/or administration fee in accordance with Council's Adopted Fees & Charges.
- 2) Failure to pay the required fees prior to the collection of the Permit by its due date will result in the permit being cancelled.
- 3) All fees are to be paid prior to the issuing of any permits.
- 4) A refundable key deposit of \$ 50.00 per key is payable in advance by all users wishing to have keys for Council facilities and amenities blocks.

Risk Management and Work Place Safety

- 5) All hirers are to undertake pre use, pre-practice and pre-game inspections and make decisions on the grounds fitness for use. Hirers must inspect any structures and in ground sprinklers etc for safety prior to use and ensure that all equipment is firmly secured. Any unsafe facilities or grounds should not be used and should be reported immediately to Council. Further, any difficulties with night training lights should be immediately reported.
- 6) Should an accident, injury, loss of property or damage occur whilst using the facilities or grounds, the organiser must notify Council's Coordinator OHS and Risk Management within seven (7) days.
- 7) The organisers must maintain an emergency access at all times.
- 8) Proper supervision to be given at all times to ensure that other park users are not put at risk.

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- 9) In case of Wet Weather, permit holders must ring the Wet Weather Hotline 9562-1637 before games are played. Information on this hotline must be strictly adhered to.
- 10) Unless specified otherwise, a Public Risk Insurance Cover, in the sum of \$10,000,000 is required. The policy must be endorsed to include Rockdale City Council as a joint insured and containing a "cross liabilities" clause, being held by the applicant and the Council for the duration of the season. An updated Certificate of Currency to be forwarded to Council prior to the permit being handed over. Failure to produce proof of such cover will cause this permit to be withdrawn without notice.
- 11) All groups and individuals overseeing activities with children should ensure that they have in place valid working with children approvals.
- 12) All regulations in regards to workplace safety must be met in accordance with the OH&S Act.

Code of Conduct

- 13) Regular complaints as a result of poor behaviour and or misuse of Council facilities or grounds may result in the immediate cancellation of the permit and will impact on any future usage.
- 14) It will be the responsibility of the permit holder to control the conduct of any players, supporters, visitors, spectators or any person associated with the activity on site and comply with all reasonable directions to the satisfaction of the Director of City Services or other authorised officer.
- 15) Permit holders will nominate and provide to Council the names of two representatives who will be Council's point of contact.
- 16) All users of Council's recreation and community facilities are financially liable for any additional cleaning required or damages sustained to Council property or sports fields whether through their own action, or the actions of their contractors, participants and visitors attending any activity they have organised. Damage of a significant nature will result in all future bookings held by the offending organisation being cancelled.

Food and Alcohol

- 17) No alcoholic beverages to be taken onto Council premises, Reserves or adjoining areas. Organisations and sporting clubs with a liquor licence require permission from Rockdale City Council to serve alcohol on the premises. Sports clubs and Organisations cannot under the NSW Liquor Act give permission to, allocate the licence to, or allow groups not named on the licence to serve alcohol on Council premises.
- 18) No food is to be sold without prior permission of Council. Any food sold on the premises must be handled in a manner that complies with the requirement of the Food Act 1989 and the Food Standards Code Standard 3.2.2 – Food Safety Practices. A copy of notice to the Food Authority is required by Council.

Smoking

- 19) Smoking is prohibited in all Council owned and operated buildings and facilities.

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Noise

- 20) The permit holder may only allow amplified sound equipment to be used provided that it does not cause a noise nuisance or unreasonably interfere with the residents of neighbouring properties or other persons not attending this function. Use the designated areas in such a manner that no nuisance is caused and no offensive noise and in particular will not provide or permit any entertainment or operate loudspeakers or transmit music after 10:00pm nightly.

This permit does not allow the permit holder to cause "Offensive Noise" as defined in the Protection of the Environment Operations Act 1997. As a guide to preventing a nuisance arising, the following suggestions may assist:-

- Announcements and music should only be amplified to a level that is sufficient to reach the perimeter of the event.
- Deep base sounds should be avoided as they tend to travel further than higher frequencies.
- Speakers should be directed downwards and inwards and away from surrounding properties.
- The amenity and comfort of the neighbours should be respected.

An instruction given on the day by an Authorised officer of the Council, a Police Officer or an Officer of the Environment Protection Authority to cease making noise which, in the opinion of the officer is offensive, must be complied with. Authorised Officers have the power to serve a verbal Noise Abatement Direction which, if not promptly complied with, can result in the issue of a Penalty Infringement Notice or serious contraventions, prosecution in the Local Court.

Equipment, Other Devices and Line Markings

- 21) The permit holder is to ensure that the manufacture, use and storage of portable soccer goalposts is in accordance with guidelines contained in handbook HB227-2003 issued by Standards Australia." The handbook has been based on guidelines developed by the Department of Fair Trading New South Wales due to concerns about safety aspects of portable soccer goalposts and several deaths occurring through their use or storage. The handbook has been sent to soccer clubs and sports clubs throughout NSW.
- 22) All unsecured equipment is to be removed upon completion of activities.
- 23) Where applicable Council will peg and line mark all fields at the start of the season. If remarking is requested or fields are realigned by clubs during the season, the cost of line marking will be a charge against the club / association, requesting that work.

Subletting of Facilities, Sportsgrounds/ Open spaces

- 24) Approved users of Council's recreation and community facilities , sports grounds and open spaces are not under any circumstances permitted to allocate or sublet any, or part of the facility, sportsground, fields that they have been allocated under a permit to other groups and users whether for financial gain or not without written consent from Rockdale City Council.

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Facility Management, Ground Access and Cleaning

- 25) No vehicles to be taken onto Reserve's / Open Spaces without written permission from Rockdale City Council.
- 26) Following each use, the Reserve is to be left in a clean and tidy condition. Where access to canteens or change rooms has been provided these must similarly be left in a clean and tidy condition. Failure to do so will result in an invoice being sent for cleaning costs incurred by Council.
- 27) Where access to canteens, change rooms or other amenities is provided as part of this permit, the key's are to be returned to Council at the end of the permit period so these facilities may be allocated to other users.
- 28) Where access to canteens, change rooms or other amenities is provided as part of this permit, the permit holder will take all reasonable steps to provide access to Council Officers from time-to-time (if required).
- 29) Permit holder to report all defects and risks to Council.
- 30) If the ground or facility is used for cross country/fun runs, group fitness activities or athletics, care must be taken to ensure the general public utilising parks are not inconvenienced. Failure to comply with this condition may cause this permit to be withdrawn.
- 31) Whilst council endeavours to provide adequate toilet facilities for its grounds, it is the responsibility of Organisations hosting large event/ activities to provide additional porta loos to ensure adequate standards of hygiene are maintained.
- 32) Organisers must maintain an emergency vehicle access at all times
- 33) All parking regulations must be maintained
- 34) Refrain from parking on Public reserves, grass verges and footpaths of any thoroughfare.

Signage, Storage of Equipment, Locks and Security Systems

- 35) All users of Council's recreation and community facilities are not permitted to erect signage on the exterior of any buildings or grounds without the approval of Council. No items are permitted to be stored within a facility or on a sportsgrounds. Items stored within a facility or on a sportsground without the approval of Council will be removed. Moreover, users are not permitted to change locks or security systems (includes pin access codes) without the expressed written approval of Council.
- 36) When seeking to erect banners across road ways permission should be granted in the case of local roads by council all other roads from the RTA. The banners can only be erected and dismantled outside of peak traffic times.

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Cancellation

- 37) Ground(s) is/are allocated on the understanding that no refund will be made for non use, once allocated. Council may at its discretion, however, cancel any allocation where further use may cause ground deterioration or unsafe conditions. In this instance an alternative ground may be provided or, should no suitable ground be available, a refund given.
- 38) Council reserves the right to close all facilities and grounds in extreme wet weather conditions, where recommended by the Bureau of Meteorology or relevant emergency service.

General

- 39) There is a possibility that some facilities (amenities, buildings and car parks) may be disrupted during the period of this permit in order for them to be refurbished or upgraded. Although this is not certain at the time this permit is issued, it is Council's intention to give advance notice of any short-term temporary arrangements that may be necessary to ensure
- 40) Council reserves the right to alter any arrangements made in view of future ground maintenance and redevelopment. If this needs to occur it is Council's intention to give advance notice of any short-term temporary arrangements that may be necessary to ensure the safety of ground users.
- 41) The instructions of Council's Inspectors, officers and the Police are to be strictly adhered to.
- 42) Any breach or failure to comply with the above conditions will result in the immediate cancellation of this permit.
- 43) Rockdale City Council reserves the right to include additional conditions to permits were deemed necessary by council.
- 44) Where possible and excluding seasonal allocations and those applications requiring approval of traffic management plans; Council will endeavour to process all applications within three working days following receipt of application.

ADDITIONAL CONDITIONS

- 45) Additional conditions, as specified by Council, will apply to Seasonal Sports, Wedding's, Filming, Picnics, Fitness Activities, Water Sports Activities, Circuses, Fireworks, Festival's and Events.
- 46) **Seasonal Sports:**
 - The Winter Sporting Season will commence in the 1st week of April and ends on the 2nd week of August. Summer sporting season commences in the 1st week of September and ends in the 2nd week of March.
 - There is a two week period between seasons, where the grounds are not available for hire or utilised; enabling recovery of grounds as well as preparation for the following season.

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- Any use of sporting grounds outside the allocated season dates is subject to mutual agreement.
- Confirmed days and times will be as per permit/ reservation list.
- Due to the nature of seasonal allocations, the permit process will take approximately (2) two weeks from the close of seasonal application dates.

47) **Weddings:**

- No confetti or similar materials to be used. The park to be left clean and tidy, failure to do so will result in invoice being sent out or deposit withheld to cover the cost of cleaning incurred by Council.
- No more than two (2) chairs and (1) one small card sized table to be taken into the park.
- No area of the park to be reserved by placement of furniture or ropes etc.
- Alcohol is allowed for the purpose of toasting at wedding ceremonies held within Rockdale Park.

48) **Picnic:**

- No Vehicles to be taken onto reserve without council's prior consent.
- Proper supervision to be provided at all times to ensure that other park users are not put at risk.
- Only one tent, no greater than 4m by 4 m, to be taken onto the reserve.
- Council may at its discretion cancel any allocation where further use may cause ground deterioration or unsafe playing conditions.
- A Risk management plan and a copy of Public liability Insurance certificate is to be provided for all operated devices such as Jumping Castles etc.
- Council does not grant exclusive use to its Parks, Picnic Shelters, Reserves and Beaches for picnics.

49) **Fitness Activities:**

- All activities must comply with there developed and council approved a Risk Management/ Business plan. This plan must include site plans and must be lodged with council at least 14 days prior to commencement of activities on site.
- All fitness providers to have full accreditation.
- All health regulations in regard to workplace safety must be met in accordance with the OH&S act 2000.
- The sale of food and refreshments is prohibited.
- All noise to be kept to a level that does not affect the amenities of adjoining residence areas and shall not exceed 82 decibels at any time.
- Two (2) temporary information signs, there design and location to be approved by the Manager Community and Customer Services or their designated representative, may be erected each day during the permitted times to promote the activity. These signs are to be removed at the end of the activity.

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- Permits are not transferable including to other Franchises holders and providers
- Permit does not give users exclusive access of to fitness provision
- Permit holders may from time to time use other open spaces to run fitness classes providing approval is given in writing by Rockdale City Council.
- Permit holders may run boot camp type activities, providing it does not create a nuisance.

50) **Circuses:**

- A Public Risk Insurance Cover, in the sum of \$ Aus 20 million being endorsed to include Rockdale Council as a joint insured. And containing a “Cross Liabilities” clause, being held by the organisers.
- Circus operator to provide Temporary Toilet Facilities for public use
- The event be conducted in a strict manner and noise emitting from the area be kept to a low degree, as defined in the Protection of Environment operations (noise control) Regulation 2000.
- Only Vehicles connected with the immediate operation of the event are permitted on the grounds.
- No dismantling or erecting of equipment between the hours of 7.00pm and 8.00am.
- The event closing by 11.00pm on weekdays and 11.30 pm on weekends.
- No amusement devices to be used until an appropriate Permit of operation of Premises and Devices used for Public Amusement has been issued by Council.
- Deposit Bond Refunds are subject to
 - a) Forfeiture due to non compliance with conditions set out in permit.
 - b) Settlement of unpaid debits related to the event
 - c) Where the cost of repair and clean up exceeds any remainder of the deposited bonds; the organisation will remain liable for payment of the excess.
 - d) A deduction from the bond of \$ 300.00 per day or part thereof will be made if all equipment is not removed from the area by the specified time
- Council reserves the right to cancel the use of the site at any time for any reason.
- Animals not teetered to park fences, seats , trees or other fixtures and fitting ; are to located in a suitable position as directed by Rockdale City Council.
- A current permit issued by the Department of Agriculture and Primary industries is required
- A valid veterinary certificate is to be produced to prove well being and care of animals in the circus.
- Except when being trained or performing all animals are to be kept caged, tethered within a fenced of area. This is to be sign posted and attended to for the protection of the public.
- Appropriate notification by letter box drop to all residents and businesses in the vicinity is to occur, one week prior to commencement of the event.

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51) Festival / Events and Structured Beach activities

- Organisers must notify the St George Local Area Command and in cases where the event will impact on the smooth flow of traffic on major roads the RTA of intent to hold the event.
- All fees must be paid in advance prior to any vehicle or equipment being taken onto the grounds
- In cases where the event requires road closures a Traffic Management Plan will be required. The management of such should be conducted by certified traffic controllers. In the case of major roads permission from RTA should be provided. Applicants must refer to council's website for a "Temporary Road closure for special events forms"
- Organisers to notify both the Local fire brigade and Ambulance Services of the event.
- Appropriate notification by letter box drop to all residents and businesses in the vicinity is to occur, one week prior to commencement of the event.
- It is the responsibility of the event organiser to ensure the adequate provision of Toilet facilities for attendees.
- In the case of carnivals the following operational times will be strictly adhered to:
 1. Monday to Friday 5pm – 9pm
 2. Saturday to Sunday 3pm – 9pm

And will be required to produce a copy of their amusement certificate seven days prior to the event.

- A Public liability Cover in the sum of Aus\$20million is required. The policy MUST be endorsed to include Rockdale City Council as a joint insured and containing a "Cross Liabilities" clause, being held by the applicant and the council for the duration of the event. In the case of Carnivals this Public liability Cover is to be in the sum of Aus \$20 million.
- A submission of a Risk assessment plan to council is required four weeks prior to the event.
- All amusement devices/ rides erected are to comply with WorkCover Authority of NSW; safety for Operation of Amusement Devices. (Copies can be obtained through WorkCover)
- All regulations in regards to workplace safety must be in accordance with the OH&S Act 2000.
- All electrics to be placed in accordance with the Australian Standards and certified electrician MUST install the electrics.
- When installing amusement devices a full time supervisor MUST be on site from delivery to removal. No set up or dismantling may occur between the hours of 7pm to 8am.
- Council strongly advises applicants to use alternative power sources other than that of neighbouring properties as council will not accept responsibility in the event of a resultant accident.
- Excluding carnivals all events are to close by 6pm.
- All vehicles, caravans and portable structures placed on council property will be graffiti free. Any graffiti found on the property will be removed by the permit holder within 24 hours. If removal does not occur council reserves the right to remove this graffiti at the expense of the permit holder.
- Due to the specific nature of each event council reserves the right to place additional conditions on the event organisers.

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52) Fireworks / Filming

- Rockdale Council will endeavour to process filming applications within (5) five working days were possible.
- Council can assist with on line payment facilities for complete Filming applications received more than 14 working days prior to filming. Otherwise payment must be made in person at time of collecting permit to Council in the form of either in the form of bankers Cheque, Cash, Credit Card or Eftpos. Irrespective of transaction type all payments must be made in full prior to permit being issued.
- Traffic management plans are to be provided at time of applications. In cases of major road closure approval from RTA is required at time of application. Applicants must refer to Council's website for a "Temporary Road closure for special events forms"
- Ensure no obstruction or interference with the free-flow of traffic including pedestrian in any public thoroughfare
- Where the event interferes with free-flowing traffic the organisers to have an approved Traffic Management Plan in place and notify the police
- Refrain from parking on Public reserves, grass verges and footpaths of any thoroughfare.
- In the case of fireworks advance written approval should be sought from Work cover NSW, with fire work displays being conducted by a registered pyrotechnic company.
- Fireworks organisers MUST notify the local police, fire brigade, ambulance and civil aviation authority of intent, have in place a site plan, risk assessment and Aus \$ 20million Public Risk Insurance. The risk plan should be lodged with council 28 days prior to the event.
- No fireworks displays can occur after 9.30pm or during a total fire ban
- In the case of Filming, any footage produced as a result of the conduct of the filming in this location, must be used in good faith and cannot be used for malicious purposes that could result either in litigation against Council or bring Council into disrepute.
- In both cases appropriate notification by letter box drop to all residents and businesses in the vicinity is to occur, one week prior to commencement.
- All Filming applicants must refer to the code of conduct outlined in the Local Government Filming Protocols.

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| <p>POLICY TITLE:</p> <p>Recreation and Community Facilities Management Policy</p> | |
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1. POLICY STATEMENT

The City of Rockdale has made a commitment to create a City with leisure opportunities that are both accessible and valued by the community. The provision of quality recreation and community facilities is integral to achieving this goal. As such, Council encourages private sector organisations and sporting and community organisations to contribute to the improvement and management of facilities via the entering into a lease, licence or permit agreement where appropriate.

Council will retain ownership and control of all its recreation and community facilities, as well as any facilities or external sportsground infrastructure items constructed or improved through collaborative arrangements to ensure the sustainability of these community assets.

2. POLICY INTENT

The purpose of this policy is to establish a framework for the allocation and management of Council's recreation and community facilities to support the efficient and effective usage of facilities thereby ensuring the sustainability of these community assets.

3. POLICY OBJECTIVES

- 3.1 Establish the principles that will guide the allocation and management of Council's recreation and community facilities.
- 3.2 Establish a management model that defines the criteria, which must be met to enter into a lease, licence or permit for the use of Council's recreation and community facilities.
- 3.3 Establish responsibilities and accountabilities for the maintenance of buildings and grounds allocated under a lease, licence or permit agreement so as to ensure the provision of quality facilities and the effective management of risk.
- 3.4 Establish the ownership arrangements for existing facilities and any new buildings or upgrades constructed on Council owned or controlled land that has been allocated under a lease, licence or permit agreement.
- 3.5 Establish the protocols for accepting and assessing applications and applying fees to ensure the optimal usage of Council's recreation and community facilities.

4. POLICY SCOPE

This policy applies to all recreational and community facilities owned by Rockdale City Council or under the control of Council.

5. PRINCIPLES

The principles stated below will guide all practices associated with the allocation and management of Council's recreation and community facilities.

Principle 1 – Fairness and Impartiality

“Fairness and Impartiality” is the key principle that will guide ethical behaviour in all dealings with applicants for, and users of, Council's recreation and community facilities. All applicants and users will be treated equally and no preferential treatment will be given to applicants or users.

Principle 2 – Transparency of Process

“Transparency of Process” is the core principle that ensures procedural integrity. All processes and procedures established for the allocation and management of Council's recreation and community facilities will be created and implemented in a transparent and open manner.

Principle 3 - Equitable Usage

“Equitable Usage” underpins the fair allocation of facilities to recreation and community groups to allow a degree of continuity of usage without permitting one user group to monopolise a ground or facility, unless under an exclusive lease agreement.

Principle 4 – Co-location and Sharing of Facilities

“Co-location and Sharing of Facilities” is vital to ensuring optimal usage of Council's recreation and community facilities, so as to prevent the unnecessary duplication of facilities and wastage of community resources.

Principle 5 – Multi-purpose

“Multi-purpose” will be a key design consideration when assessing applications /requests from clubs or organisations to upgrade, expand or replace existing recreation and community facilities, thereby ensuring the long term sustainability of facilities.

Principle 6 – Financial Sustainability

“Financial Sustainability” is a critical factor in ensuring the maintenance of Council's recreation and community facilities to a high standard and as such, all regular and long term users are required to make ongoing financial contribution towards the upkeep and replacement of facilities and grounds.

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Principle 7 – Priority of Need

“Priority of Need” will be a key consideration when assessing applications and allocating recreation and community facilities, particularly in relation to changes in the demographics of an area. Due regard will also be given to ensuring equitability of usage when determining priority of need. Moreover, priority will be given to applicants that principally provide services to residents that live within the City of Rockdale.

Principle 8 – Best Value Return on Asset

“Best Value Return on Asset” will be an important criterion when assessing applications for long term usage of facilities, particularly those requests that will result in the entering into a lease or licence agreement.

Principle 9 - Ownership of Assets

“Ownership of Assets” is a critical factor in preserving the public and private contributions to the development and construction of public recreation and community facilities. As such, the City of Rockdale will retain ownership and control of all buildings and other infrastructure (include sportsground lighting) constructed on Council owned land, or land under its control.

6. DEFINITIONS

- 6.1 **“Recreation Facilities”** refers to Council owned or controlled buildings, sports fields, and sportsground infrastructure items that are made available for active recreation activities (e.g. amenities buildings, club houses, sports fields, sportsground lighting, parks, reserves, aquatic facilities, indoor facilities, bowling clubs, golf clubs etc.)
- 6.2 **“Community Facilities”** refers to Council owned or controlled buildings that are principally used to support community services, leisure and cultural activities (e.g. town hall, senior citizens centres, community halls, meeting rooms, community centres, child care facilities, pre-schools).
- 6.3 **“Lease”** refers to a legal agreement issued by the City of Rockdale that grants exclusive control/occupancy over all, or part of, a recreation or community facility owned or under the control of Rockdale Council.
- 6.4 **“Licence”** refers to a legal agreement issued by the City of Rockdale that grants non-exclusive occupancy over all, or part of, a recreation or community facility owned or under the control of Rockdale Council.
- 6.5 **“Permit”** refers to a legal agreement issued by the City of Rockdale for non-exclusive, seasonal or casual hire of all, or part of, a recreation or community facility owned or under the control of Rockdale Council.
- 6.6 **“Sporting Association”** refers to an incorporated, principal, regional or state organisation that governs the terms of operation, or conduct of sporting clubs from a particular code of sport (e.g. Soccer Association). Sporting Associations are usually incorporated under the Associations Incorporation Act or the Companies Act.
- 6.7 **“Sporting Club”** refers to an incorporated club that has been established to run a sporting activity/s.
- 6.8 **“Community Organisation”** refers to an incorporated organisation that has a charitable status and principally provides community services for the aged, disabled, youth, children, families and multi cultural communities.

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- 6.9 **“Community Group”** refers to an unincorporated club / group of people engaged in a hobby, and or social and cultural exchange that provides some community benefit.
- 6.10 **“Schools”** refers to pre-primary, primary and secondary educational institutions that are operated by the state government, private sector, or religious organisations.
- 6.11 **“Private Organisation”** refers to incorporated private or commercial organisations that operate on a for profit basis.
- 6.12 **“Government Organisation”** refers to a state or federation government department or authority.
- 6.13 **“Individual”** refers to a person or group of people that are not operating as a community group or any other type of organisation.
- 6.14 **“Poor Public Citizen”** refers to individuals, sporting associations, sporting clubs, community organisation, community groups, schools, private organisations, or any other type of organisation that has been the subject of regular complaints, as a result of their misuse of a Council recreation or community facility.

7. POLICY PROVISIONS

7.1 Types of Agreements

Council will use three types of agreements namely leases, licences and permits to assign and manage the usage of its recreation and community facilities. It should be noted that leases will only be used in exceptional circumstances. The criteria that must be met to enter into a lease, licence or permit, and the entities eligible to enter into these types of agreements with Council, are documented below:

| Legal Instrument | Types of entities that can apply | Criteria/Conditions to be met | Term of Agreement |
|------------------|---|--|--|
| Lease | <ul style="list-style-type: none"> Community Organisations Sporting Associations Private Organisations Government Organisations | <ul style="list-style-type: none"> The proposed use of the facility supports the stated principles for this policy and has the potential to address the priority needs of the community. The lease will return a market rental to Council. The potential lessee will upgrade the facility at their own expense, where it would have otherwise remained in the same condition. The potential lessee must be able to undertake the necessary maintenance to ensure the facility and associated grounds are maintained to an agreed standard. The potential lessee must be incorporated under the Companies Act and able to demonstrate financial capabilities to meet the financial obligations of the lease. The potential lessee must submit an acceptable business plan for the operation and development of the facility under | Min. 1 year Max. 5 years with two renewal options |

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| | | <p>consideration.</p> <ul style="list-style-type: none"> The proposed use and development of the facility must comply with the relevant plan of management for the reserve, planning controls and policies of Council, as well as the State and Commonwealth governments where the land is publicly owned. The proposed lessee must not be a reformed legal entity that previously owed monies to Council under its prior legal entity. The proposed lessee must not have been a "poor public citizen" that was the subject of regular complaints. | |
| Licence | <ul style="list-style-type: none"> Community Organisations Sporting Associations Sporting Clubs Private Organisations Government Organisations Schools | <ul style="list-style-type: none"> The proposed use of the facility supports the stated principles for this policy and has the potential to address the priority needs of the community. The Licence will return market rental to Council. The potential licensee must be able to undertake necessary maintenance to ensure the facility and associate grounds are maintained to an agreed standard. The potential licensee must be incorporated under the Companies Act and able to demonstrate financial capabilities to meet the financial obligations of the licence. The potential licensee must submit an acceptable business plan for the operation and maintenance of the facility under consideration. The proposed use of the facility must comply with the plan of management for the relevant reserve, planning controls and policies of Council, as well as the State and Commonwealth governments where the land is publicly owned. The proposed licensee must not be a reformed legal entity that previously owed monies to Council under its prior legal entity. The proposed licensee must not have been a "poor public citizen" that was the subject of regular complaints. | <p>Min. 1 year Max. 3 years with two renewal options</p> |
| Permit | <ul style="list-style-type: none"> Community Organisations Sporting Associations Sporting Clubs Community Groups Private | <ul style="list-style-type: none"> The proposed use of the facility supports the stated principles for this policy and has the potential to address the priority needs of the community. The Permit will return the stated Council fees for the facility applicable to the relevant user group category. The applicant must demonstrate financial | <p>Min. 2 - 4 hours Max. 1 year If booking is for entire year, then must re-apply through annual/seasonal</p> |

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| | Organisations <ul style="list-style-type: none"> • Government Organisations • Schools • Individuals | capabilities to meet the financial obligations of the permit, when the permit is for a period greater than 6 months. <ul style="list-style-type: none"> • The proposed use of the facility must comply with the plan of management for the relevant reserve, planning controls and policies of Council, as well as the State and Commonwealth governments where the land is publicly owned. • The applicant must not be a re-formed legal entity that previously owed monies to Council under its prior legal entity. • The applicant must not have been a “poor public citizen” that was the subject of regular complaints. | allocations process |
|--|--|---|---------------------|

7.2 Form of Agreement

The standard proforma licence, lease and permit agreements developed from time to time must include as a minimum, clauses relating to ownership of assets, subletting, term (period of time) and area granted within the facility/s, type of activities permitted, authority required to undertake extensions or alteration to the facilities, maintenance responsibilities, dispute resolution mechanism, financial obligations and insurance requirements. The relevant standard proforma agreement document must be used, however, additional clauses can be included to cover specific situations.

7.3 Assigning Exclusive Use

Exclusive use of recreation or community facilities owned by Rockdale Council, or under its control, can only be granted if it can be established that the proposed use of the facility will achieve the “Best Value Return on Asset” for both Council and the community. Exclusive use can only be granted under a lease agreement and as such, exclusive use clauses must not be included in licence or permit agreements. The maximum period an exclusive lease agreement can be entered into with an organisation is 5 years with two renewal options. All lease agreements must be reviewed at least every 5 years in conjunction with the plan of management for the facility and Council’s strategy plans.

7.4 Subletting of Facilities and Sportsgrounds

Approved users of Council’s recreation and community facilities and sportsgrounds are not permitted to sublet any, or part of, the facility or sportsground they have been assigned under a lease, licence or permit, unless approval to do so has been granted through the inclusion of a relevant clause in their formal agreement with Council.

7.5 Optimal Usage of Facilities and Sportsgrounds

The maintenance of Council’s recreation and community facilities at an acceptable level requires the facilities and sportsgrounds to be made available for maintenance and remedial works. As such, facilities and sportsgrounds will be periodically closed to allow required works to be completed. The optimal level of usage for Council’s facilities and sportsgrounds is deemed to be 90%.

7.6 Approval to Extend or Alter a Facility

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No extensions or alterations can be undertaken to recreation and community facilities owned by Rockdale City Council, or under its control, without the prior written approval of Council. All extensions or alterations (includes buildings, grounds, picnic shelters, pergolas, floodlights etc.) must be inline with the stated principles in this policy, or other relevant Council strategic plans, or plans of management. The applicant (the organisation or club) must obtain Owner's Consent from the relevant owners (including Council), which must also be accompanied by a business case justifying the benefits to be achieved from the proposed development together with details on how the club will fund the works.

It is expected that all works be fully funded by clubs/organisations. Applicants without the financial means to undertake the works, can forward the application for improvements to Council for consideration in conjunction with the normal priorities associated with the annual capital works programme. No guarantee can be given that funding will be made available. Requests deemed as not being a priority will not be considered for funding.

7.7 Ownership of Existing Facilities and any Building or Ground Improvements

Council will retain ownership of all existing facilities and sportsground infrastructure items, as well as any new buildings, infrastructure items (including flood lighting), and ground and building improvements undertaken on Council owned land, or land under its control, unless otherwise agreed. Approval to divest Council of ownership of any of the abovementioned assets or improvements can only be granted by a resolution of Council.

7.8 Maintenance of Facilities and Sportsgrounds

All lessee, licensee and permit holders that have been allocated a Council recreation and/or community facility must contribute to the maintenance of the buildings and sportsgrounds allocated under the lease, licence or permit. The minimum maintenance obligations that must be met by lessee, licensee, and permit holders are as follows:

| Legal Instrument | Minimum Building Maintenance Obligations | Minimum Sportsgrounds Maintenance Obligations |
|------------------|--|---|
| Lease | <ul style="list-style-type: none"> • Payment of utilities including water, gas and electricity. • Payment of rates, phone and all insurances. • Undertake all major and minor maintenance of fittings and fixtures includes replacements where necessary. • Clean, repair and replace all external guttering as needed. <ul style="list-style-type: none"> • Clean carpets and floor coverings as necessary. • Keep buildings in a clean and tidy condition at all times. | <ul style="list-style-type: none"> • All grass areas (includes sports fields and grassed banks) must be mowed. • Fertilise and top dress sports fields in accordance with Council's standards. <ul style="list-style-type: none"> • Water grounds. • Replace grass and maintain turf as necessary. • Remove and implement a program to eradicate weeds. <ul style="list-style-type: none"> • Mark out playing areas. • Maintain surrounding gardens. • All sports fields and surrounding areas must be kept in a good playable condition. |

| Legal Instrument | Minimum Building Maintenance Obligations | Minimum Sportsgrounds Maintenance Obligations |
|------------------|--|--|
| Licence | <ul style="list-style-type: none"> • Payment of utilities including water, gas and electricity. • Payment of phone and contents and public | <ul style="list-style-type: none"> • Fertilise and top dress sports fields in accordance with Council's standards. • Water grounds |

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| | liability insurances. <ul style="list-style-type: none"> • Undertake all minor maintenance of fittings and fixtures. • Clean and repair all external guttering as needed. • Clean carpets and floor coverings as necessary. • Report all major maintenance requirements. • Keep buildings in a clean and tidy condition at all times. | <ul style="list-style-type: none"> • Mark out playing areas. • All sports fields and surrounding areas must be kept in a clean and tidy condition at all times. • Placement of rubbish in the bins proved. • Report all defects and risks. |
| Permit | <ul style="list-style-type: none"> • All buildings and surrounding areas must be kept in a clean and tidy condition at all times. • Placement of rubbish in the bins proved. • Report all maintenance requirements. | <ul style="list-style-type: none"> • All sports fields and surrounding areas must be kept in a clean and tidy condition at all times. • Placement of rubbish in the bins proved. • Report all defects and risks. |

7.9 **Preservation of Sports Fields and Grounds**

The preservation of sports fields and grounds in a good condition is critical to ensuring sporting clubs and schools have access to grounds that are stable and safe to play on. Accordingly, Council will close all sports fields and grounds periodically to allow grounds to recover, undertake maintenance work, and in extreme wet weather or where it is recommended by the weather bureau, or relevant emergency services. All lessees, licensees, and permit holders must observe an instruction from a Council Officer to not use a Council owned, or controlled, sports fields or grounds that have been deemed closed by the Manager Operations or their nominee. Failure to observe this instruction may result in the lease, licence or permit being terminated.

7.10 **Conditions of Use**

'Conditions of Use' schedules prepared for facilities or sportsgrounds must include as a minimum, clauses pertaining to compliance with health, smoking and alcohol regulations; buildings and grounds maintenance obligations; respecting residents living in neighbouring properties; storage of items; locks and security systems; and signage. All users of Council's recreation and community facilities must comply with the terms and conditions issued for the relevant facility. Moreover, all persons attending an activity held at a Council recreation or community facility must also abide by these terms and conditions and other relevant Council regulations. Failure to observe the relevant "Conditions of Use" or being a "Poor Public Citizen" may result in the lease, licence or permit being terminated.

Council will conduct regular compliance inspections to assess whether approved users are observing the required "Conditions of Use" or the terms and conditions of the relevant lease, licence or permit agreement.

7.11 **Signage, Storage of Equipment, Locks and Security Systems**

All users of Council's recreation and community facilities are not permitted to erect signage on the exterior of any buildings or grounds without the approval of Council. No items are permitted to be stored within a facility or on a sportsgrounds unless this has been agreed to via the inclusion of a relevant clause in the user's formal agreement with Council. Items stored within a facility or on a sportsground without the approval of Council will be removed. Moreover, users are not permitted to change locks or security systems (includes pin access codes) without the expressed approval of Council.

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7.12 Damage to Council Recreation and Community Facilities

All users of Council's recreation and community facilities are financially liable for any additional cleaning required or damages sustained to Council property or sports fields whether through their own action, or the actions of their contractors, participants and visitors attending any activity they have organised. Damage of a significant nature will result in all future bookings held by the offending organisation being cancelled.

Any damage that can be directly attributed to third party vandalism shall be the responsibility of Council, subject to the verification of evidence to support the claim.

7.13 Fees

All users of Council recreation or community facilities must pay the stated fees, for the relevant usage, as published in Council's annual fees and charges schedule. Failure to pay the required fees by the due date will result in casual bookings being cancelled, and seasonal bookings being suspended until the outstanding fees are cleared. Failure to meet lease or licence payments by the due date will result in the lease or licence agreement being terminated, unless an approved repayment schedule is implemented within 21 days from the date the payment was due.

7.14 Granting of Discounts and Waiving of Fees

All subsidies or waiving of fees must be granted in accordance with Council's Rental Subsidy Policy. Any variation of the hire fees for an event by way of discounts, concessions, or sponsorships must be applied for and approved prior to the event by the Council Officer granted the delegated authority.

7.15 Submission of Applications to Hire Council Recreation and Community Facilities

All applications to enter into a lease, licence or permit agreement for the use of a Council recreation or community facility must be submitted to Council on the required application form together with a copy of their insurance currency certificate and any additional documentation requested. Advertisements inviting applications for annual and seasonal usage of facilities and sportsgrounds are placed in the local newspaper periodically.

7.16 Refusal of Applications to Hire Council Recreation and Community Facilities

Council reserves the right to refuse any application to hire a Council recreation or community facility, if the proposed usage is judged to be inappropriate for the relevant venue, or exceeds the approved capacity for the venue, or conflicts with Council's mission, goals or values, or may bring Council's reputation into disrepute.

7.17 Cancellation of Bookings Without Notice

Council may cancel a confirmed booking, or relocate a confirmed booking to an alternative facility without notice, if extraordinary or unusual circumstances warrant such action. The relevant hire fees will be reimbursed in such instances where the booking is cancelled.

7.18 Change in Use of Facility or Extension of Use

All organisations or groups that have entered into a lease, licence or permit for the use of a Council recreation or community facility must only use the facility for the agreed activity, at the assigned times, as stated in the agreement document. All requests for change in usage, or additional time allocation, must be submitted to Council on the relevant application form, together with a business plan or case justifying the change in usage or additional time requested. All additional usage will be charged in accordance with

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Council's fees and charges schedule. Council reserves the right to decline requests for changes in usage of a facility or additional usage.

7.19 Access to Facilities and Sportsgrounds

Council reserves the right to enter a Council owned, or controlled, facility or sportsground without the approval of the lessee, licensee, or permit holder. Council will where possible advise the lessee and licensee of its intention to enter the facility, and give a reasonable period of notice. Visiting a facility or sportsground when the approved user is present is exempt from this clause.

7.20 Compliance with Council Policies, Laws and Procedures

All users of Council owned or managed recreation and community facilities must comply with the relevant Council policies, bylaws and legislation that Council is obligated to observe, as well as all instructions from a Council Officer. Failure to comply with Council policies etc. or an instruction from a Council Officer could result in the user's lease, licence or permit being terminated.

8. BREACHES OF THE POLICY

8.1 Reporting of Breaches

All breaches of this policy should be reported to the Unit Manager that is responsible for managing the lease, licence or permit for the particular facility.

8.2 Penalty for Breaches

Penalties for breaches of any clause in this policy will be implemented as stated in the relevant clause. Breaches of a serious nature that result in significant damage to a Council facility or sports field, or the conduct of illegal activities, or an activity that brings the Council's reputation into disrepute, will result in the immediate cancellation of the relevant organisation's booking, together with any future bookings held by that organisation.

All breaches will be recorded against the relevant user's file. Applications for use of a Council recreation or community facility from applicants that have three prior breaches recorded against their record will be declined.

9. EXCLUSIONS TO THE POLICY

Licensed clubs.

Council commercial properties, including cafes and restaurants.

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RELATED POLICIES, PLANS OF MANAGEMENT AND GUIDELINES

Policies

Management Plans

Guidelines

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