

CULTURAL & RECREATIONAL LANDS ACT POLICY

June 2018

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1. Cultural and Recreational Land Act 1963 (CRLA)

The *Cultural and Recreational Land Act 1963* (CRLA) requires that Council undertake a separate process for the purpose of setting an applicable Charge 'in lieu of Rates' for eligible properties. The purpose of this policy is to set parameters for setting the CRLA charge.

If land is 'recreational lands' within the meaning of the CRLA, rates under the *Local Government Act 1989* are not levied. Instead, there is payable to Council charges being such amount as Council thinks 'reasonable'. Council considers each year as part of its planning and budget setting process the services utilised by each property occupier and the benefit their land provides to the community. This process effectively levies a 'charge in lieu of rates' that provides a discount of approximately 60%¹ for these properties compared to the equivalent municipal rates they would otherwise pay.

2. Determining eligibility

Definition of eligibility is determined in accordance with the CRLA under Section 2, most particularly in Monash part (a) (I) and (II), namely:

2. Definitions

"recreational lands" means-

(a) lands which are-

- I. vested in or occupied by anybody corporate or incorporate which exists for the purpose of providing or promoting cultural or sporting recreational facilities or objectives and which applies its profits in promoting its objects and prohibits the payment of any dividend or amount to its members; and*
- II. used for out-door sporting recreational or cultural purposes or similar out-door activities;*

Written submissions are invited from those property owners identified as being eligible for consideration under the CRLA. Property owners can also make verbal submissions to Council.

Properties will be regarded as eligible for consideration as CRLA properties subject to satisfying the criteria as outlined in Section 2 of the CRLA which also provides the land is predominantly used for out-door sporting use.

3. Setting the Charge

Council is required to consider, in accordance with the CRLA, an appropriate charge in lieu of rates for each of the above named properties. The Act refers at Section 4, particularly at Part 1:

4. Rates

- I. Notwithstanding the provisions of any Act or enactment relating to the making and levying of rates that would otherwise be payable to the municipal council in respect of recreational lands there shall be paid to the municipal council as rates in each year such amount as the municipal council thinks reasonable having regard to the services provided by the municipal council in relation to such lands and having regard to the benefit to the community derived from such lands.*

¹ The 60% discount is derived by applying a 50% discount (Re: Part 3.1 outlined in this policy) and then applying a further 20% (Re: Part 3.2) to the residual amount; effectively a 60% discount applied against an amount that would otherwise have been applied if that property was rated under the *Local Government Act 1989*.

There are, therefore, two items that Council must ultimately determine:

3.1. The amount of the charge “*having regard to the services provided*”.

Each year Council determines that the following services are “provided” either directly or indirectly to cultural and recreational land in the municipality. This encompasses all services with the exception of:

- Waste Collection;
- Aged & Disability;
- Childcare;
- Maternal & Child Health; and
- Youth & Family

Some services such as Public Libraries and Cultural services are only included at a 50% allocation². This generally equates to approximately 50% of total Council expenditure being applicable to the land; and

3.2. The amount of the “Community Benefit provided by the land”.

Council has identified ten potential community benefits:

- Social interaction;
- Sporting programs;
- Coaching opportunities;
- Cultural promotion;
- Environmental benefits;
- Provision of Uniforms;
- Subsidised entry fees;
- Provision of premises;
- Employment opportunities; and
- Community Development/Meeting Places.

This generally results in a 20% reduction of the amount payable applied to each property in consideration of the benefit each provides to the community.

4. Table of Charges for incorporation into the Draft Budget

The proposed charges, included in the Budget document, are calculated on the basis that each property has been charged with the services provided to the land, having made suitable allowance for the community benefit each provides. This equates to each property being charged an amount approximating 39% of the charge that would have been payable had they been rated under the *Local Government Act 1989*.

5. Consultation & Appeals

Each year written submissions can be submitted from those property owners identified as being eligible for consideration under the CRLA. Property owners can also make verbal submissions to Council. The Act also determines how those properties that might be aggrieved of the amount charged may appeal to the Minister as per Section 4 part (2) of the CRLA.

² The above “rules” have been determined by analysis of Council services provided and have also been the outcome of negotiations with Metropolitan and Huntingdale Golf Clubs when setting the 2004 and 2006 charges and further endorsed following the review of the CRLA Policy in June 2018.

6. Policy Review

This policy will be reviewed by Council by 30 June 2021.

7. Addendum to CRLA Policy

Properties will be regarded as eligible for consideration as CRLA properties subject to satisfying the criteria as outlined in Section 2 of the CRLA which also provides the land is predominantly used for outdoor sporting use.

For 2019/20 rating year the following properties will be charged a CRLA charge amount “in lieu” of municipal rates;

7.1. Clubs occupying Council owned land and under a lease agreement³;

- a) Mt Waverley Bowling Club;
- b) South Oakleigh Bowling Club;
- c) North Oakleigh Tennis Club;
- d) Oakleigh Bowling Club;
- e) Glen Waverley Bowling Club;
- f) Glenburn Tennis Club;
- g) Oakleigh Tennis Club;
- h) Wellington Tennis Club;
- i) Bayview Tennis Club;
- j) Essex Heights Tennis Club;
- k) Gladeswood Reserve Tennis Club;
- l) Glen Waverley Tennis Club;
- m) Legend Park Tennis Club;
- n) Lum Reserve Tennis Club;
- o) Mayfield Park Tennis Club;
- p) Mt Waverley Tennis Club;
- q) Tally Ho Tennis Club;
- r) Wheelers Hill Tennis Club;
- s) Whites Lane Tennis Club;
- t) Notting Hill Pinewood Tennis Club;
- u) Waverley Basketball Association Inc (for indoor use);
- v) Waverley Hockey Club; (for outdoor use); and
- w) Waverley Night Netball Association Inc.

7.2. Clubs on private land eligible for CRLA charges “in lieu” of municipal rates ;

- a) Huntingdale Golf Club
- b) Riversdale Golf Club
- c) Glen Iris Valley Recreation Club, and
- d) Hawthorn Football Club (Waverley Park oval and sporting rooms)

³ Clubs occupying Council owned land and under a lease agreement will be rated under this policy for the first time in 2018/19 and will likely require a supplementary rating/valuation process to determine a separate assessment for CRLA charge setting purposes. Council will pay any charges levied under this Act

8. ATTACHMENT

Following its review of the arrangements in place for properties in Monash that are rated under the Cultural Recreation Lands Act 1963, Council resolves:

1. *On an in principle basis, that it supports the revised Cultural Recreation Lands Policy (CRLA Policy) attached to this report to be implemented on and from 1 July 2019, incorporating:*
 - a) *retaining the current discount for:
the Riversdale Golf Club, Metropolitan Golf Club and Huntingdale Golf Club and the clubs be advised that Council is agreeable to discussions regarding an agreement (to apply from 2019/20) which may provide for;*
 - (i) *a greater/lesser discount subject to the clubs meeting conditions which may include increased community benefit, recognition of the economic benefit to the local area, local purchasing, social procurement and profile/branding for the Council;*
 - b) *retaining the current discount for:*
 - (i) *Glen Iris Valley Recreation Club; and*
 - (ii) *Hawthorn Football Club Ltd (Waverley Park);*
 - c) *noting that the following Clubs, as from 1 July 2019, will not qualify for Cultural Recreation Lands status and therefore will be rated under the provisions of the Local Government Act 1989:*
 - (i) *Victorian Homing Association Inc.;*
 - (ii) *Mulgrave Country Club;*
 - (iii) *Oakleigh Rifle Club Inc.; and*
 - (iv) *Oakleigh and Caulfield District Angling Club;*
 - d) *That an amount, equivalent to the CRLA discount, be applied as a waiver, under the Local Government Act 1989, to the municipal rates for 2019/20 and in all subsequent rating years unless Council resolves otherwise, for:*
 - (i) *Victorian Homing Association Inc.;*
 - (ii) *Oakleigh Rifle Club Inc.; and*
 - (iii) *Oakleigh and Caulfield Districts Angling Club;*
2. *On an in principle basis, that it endorses the review findings that determines Council owned leased properties, used exclusively for outdoor recreation use (including ancillary buildings):*
 - a) *be rated under the CRLA Policy; and*
 - b) *commence processes to vary the current property leases to include provision for Council to fund all CRLA charges, Municipal rates, fire services property levies and water rates from 1 July 2019; and*
3. *To write to each of the affected Clubs to advise of the above in-principle determinations and to invite any Club to make a submission to Council if they believe that the determinations will create undue financial burden or are unreasonable; and*
4. *Its intention to make a final decision on this matter at the Council meeting to be held on 26 August 2018.*