

# **CULTURAL & RECREATIONAL LANDS ACT POLICY**

**May 2018**



# CULTURAL & RECREATIONAL LANDS ACT POLICY

## Table of Contents

1. Cultural and Recreational Land Act 1963 (CRLA).....	4
2. Determining eligibility.....	4
3. Setting the Charge .....	4
4. Table of Charges for incorporation into the Draft Budget .....	5
5. Consultation & Appeals .....	5
6. Policy Review .....	6
7. Addendum to CRLA Policy.....	7

## 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%<sup>1</sup> 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.*

---

<sup>1</sup> 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% allocation<sup>2</sup>. 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.

---

<sup>2</sup> 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 May 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 2018/19 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 agreement<sup>i</sup>;

Tenant	Assessment Number	Street name	Suburb
Mount Waverley Bowling Club Inc	100275	6 Alvie Road	Mount Waverley
South Oakleigh Bowling Club Inc	26078	1216 North Road	Oakleigh South
North Oakleigh Tennis Club Inc	148277	14-16 Atkinson Street	Chadstone
Oakleigh Bowling Club Inc	153301	87-93 Drummond Street	Oakleigh
Glen Waverley Bowls Club Inc	124008	690 Waverley Road	Glen Waverley
Glenburn Tennis Club Inc	174667	5 Mulgrave Street	Glen Waverley
Oakleigh Tennis Club Inc	161539, 161540, 161546	4 (2A, 2B, 2C) Park Road	Oakleigh
Wellington Tennis Club Inc	143830	27 Rupert Drive	Mulgrave
Bayview Tennis Club (Chadstone) Inc	104725	313 Huntingdale Road	Chadstone
Essex Heights Tennis Club Inc	184106	2 Federal Street	Mount Waverley
Gladeswood Reserve Tennis Club Inc	184543	24-56 Maygrove Way	Mulgrave
Glen Waverley Tennis Club Inc	123991	626-658 Waverley Road	Glen Waverley
Legend Park Tennis Club Inc	184144	85-95 Capital Avenue	Glen Waverley
Lum Reserve Tennis Club Inc	142046	231-259 Lum Road	Wheelers Hill
M.P. Tennis Club Inc (Mayfield Park Tennis Club)	184444	34-38 Mayfield Drive	Mount Waverley
Mount Waverley Tennis Club Inc	113964	8-26 Charles Street	Mount Waverley
Tally Ho Tennis Club Inc	112355	42 Bennet Avenue	Mount Waverley
Wheelers Hill Tennis Club Inc	184131	65-73 Jells Road	Wheelers Hill
Whites Lane Tennis Club	134811	58A Watsons Road	Glen Waverley
Notting Hill / Pinewood Tennis Club Inc	174604	1-9 Baker Avenue	Glen Waverley
Glenvale Tennis Club Inc	132900	96 Shepherd Road	Glen Waverley
Waverley Hockey Club Inc	184110	106 High Street Road	Ashwood
Waverley Night Netball Association Inc	129869	2-30 Jells Road	Wheelers Hill

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

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

<sup>i</sup> 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.