

Item 9.10**ACCESS TO COUNCIL SPORTS GROUNDS, COUNCIL PARKLANDS AND COUNCIL BUILDINGS****1. Purpose**

At Agenda Item 11.1 of the 3 July 2012 Council Meeting, Council resolved:

(a) *Crs Tang/Pilling*

That a report be prepared detailing:

1. *The activities or functions that may be displaced by a Community Day, including senior football, being held at Princes Park on September 1, 2012;*
2. *The terms of access or allocation, including times, granted to Caulfield Bears Football Club at Koornang Park in 2011 and to the Carnegie Cricket Club for the 2011/2012 season at the same ground; and*
3. *Council's understanding of any arrangements that have been entered into or offered between AJAX Senior Football Club and Caulfield Bears Football Club regarding the use of both or either Princes Park and Koornang Park.*

The report is to be presented to the next Ordinary Council Meeting.

The MOTION was put and CARRIED.

2. Community Plan

Theme 5: *Recreation and Open Space*

Theme 4: *Governance*

3. Background

Council owns public parkland which provides a mix of facilities for active and passive enjoyment.

In years gone by, some parks became dominated by sporting interests to the detriment of passive, recreational and community interests. In some parks, sports clubs fenced grounds in order to charge admission. Pavilions were used solely for sport and, in some cases, activities associated mainly with alcohol and related behaviours.

Over many years, Council has redressed this balance through park master plans, developed through wide public consultation and addressing all interests. Fences have been removed, improvements made for passive users (especially walking paths, playgrounds, trees, lights, benches, drinking fountains etc) and some new pavilions have incorporated community rooms which have enjoyed high use for consultation, training, seminars, annual general meetings, family functions and other events. The effect has been that Glen Eira's parks have been opened to the whole community. As recently reported, there is a higher level of user satisfaction with parks in Glen Eira than in any other municipality (Attachment A).

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For the active sporting community, Council provides and maintains grounds and pavilions for community sport. The system supports more than 240 winter teams playing different sports at different levels and a similar number in summer. (Council does not cater for elite, professional or commercial sport.) Grounds and pavilions are expensive to develop and to maintain. There are significant issues of wear and tear, risk management, capacity, maintenance, irrigation, warm season grasses and so on.

In order to retain public control over public land, Council manages both through a system of allocation for one season at a time. This ensures that clubs realise that they are guests in facilities provided by the Council (at the expense of all ratepayers) and retains Council in a position where an allocation may not be renewed in the event of conduct which may be dangerous or inappropriate or which unreasonably affects the residential amenity of local residents. Grounds and pavilion changing rooms and social facilities are not leased because leases give tenure and exclusivity when Council's aims are public access.

Council has processes for the allocation of sportsgrounds and sports facilities. There are more teams wanting to play in Glen Eira than we can accommodate. Many existing Glen-Eira based clubs and teams are growing and would like more ground allocations, if possible. Opportunities for additional sportsgrounds are rare. (The centre of the racecourse will shortly be developed with one junior sized soccer pitch.) Clubs based outside Glen Eira seek to play here for many reasons, one of which is the quality of facilities which are provided.

Council also allocates use of pavilion changing rooms one season at a time for the reasons set out above. Council has a strategy for the cyclic upgrading of pavilions according to defined criteria. In the current year, Council is redeveloping the most-used pavilion, Duncan Mackinnon, and commencing works on Centenary Park pavilion and Victory Park pavilion. While many clubs would like their pavilions to be upgraded, there is general acceptance that the most efficient approach is a rolling program progressively working through the list in an orderly way according to need.

Clubs which wish to seek an allocation of sports grounds can register their interest. Clubs which would like improvements to be made at pavilions can also register their interests. It is up to Council how best to manage a situation where demand exceeds supply.

4. Response to Council's Request of 3 July 2012.

The three parts of Council's resolution are inter-related and have a considerable history.

There is a financial agreement between two football clubs.

- One is the Ajax Senior Football Club Inc ("Ajax Seniors"). It has ground allocations at Albert Park, owned by the State Government, and located within the municipality of Port Phillip.

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- The other is the Caulfield Football Club (“Caulfield Seniors”, also known as the Bears). It has had successive seasonal allocations for many years at Princes Park. When Oval Number 1 was under reconstruction, Council temporarily relocated the Club to Koornang Park, Carnegie.

Both clubs have confirmed the existence of an agreement between them. The agreement apparently provides that Ajax Seniors will pay a sum of money to Caulfield Seniors in return for two things.

- The first is apparently for Caulfield Seniors to vacate its seasonal allocation at Princes Park.
- The second is apparently that Council gives that allocation to Ajax Seniors by 1 July 2013.

The intended effect would be for Ajax Seniors to move from Albert Park to Glen Eira through the payment to the Caulfield Seniors.

The payment in the agreement is said by one of the clubs to be \$175,000.

The financial agreement has grown out of discussions between the two clubs. It also follows discussions between Maccabi and Council, dating back to 2010. Those discussions include aspirations for acquiring long-term leases giving some exclusivity over sporting facilities as opposed to allocations season-by-season.

It also grows out of a decision by Council to undertake major redevelopment works on the main oval (Oval 1) at Princes Park involving the expenditure of public funds of some \$682,766k. That required Caulfield Seniors to play their matches away from Princes Park while the work was done.

On 7 March 2012, Council responded to a request for Ajax Seniors to be given an allocation at Princes Park. Council addressed ground usage, turf management, current allocations and concluded by stating:

“Your request will remain on file and should any sports grounds become available we will advise your club. However, you should be aware that any potential new allocation would be offered as part of a public Expression of Interest (EOI) process that would be open to all clubs. In such a scenario, it is likely that existing Glen Eira tenants would receive preference over non Glen Eira tenants. I note that there has been some publicity in a local newspaper about the Caulfield Football Club potentially moving away from Princes Park and I can advise you that we have been contacted by a number of clubs seeking to take up a seasonal allocation at Princes Park.”
(Attachment B).

On 21 March 2012, representatives of Ajax Seniors met at their request with Council officers. The meeting discussed Council’s allocation processes, the appropriateness or otherwise of a financial inducements between clubs and the Ombudsman’s Report into Brimbank in 2009 (which examined the allocation or upgrading of sports facilities in exchange for reward).

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At a meeting on 14 June 2012 between AJAX and Council officers, a proposal was put to Council for Ajax Junior Football Club Incorporated to hold a "Community Day" on 1 September 2012. The proposal was not made to Council by the Ajax Junior Football Club. It came from the Ajax Seniors. The principal feature of the proposal was that the Senior Club should be permitted to transfer a scheduled game in the Victorian Amateur Football Association (VAFA) from the currently scheduled venue of Albert Park (within the City of Port Phillip) to Princes Park.

This would partially achieve the same objective as the financial agreement with the Caulfield Seniors. (On 5 July 2012, the author of the proposed Community Day described it as "*belated*".)

Some people associated with Ajax Junior Football Club have expressed a view to Council that the Juniors have managed their own affairs effectively for many years and their best interests lie in continuing to do so.

On 8 June 2012, the Mayor advised the author of the proposal:

"It would be very unusual, and possibly improper, for councillors to seek to exercise the authority of officers to determine allocations or ground hire."

On 27 June 2012 Council wrote a two page letter to Ajax Seniors declining to agree to the proposed "community day" by Ajax Juniors (Attachment C). Last year Council made a \$600k investment of public monies in the ground and playing surface and loads are being managed so as to allow full recovery. There is a changeover period from winter to summer sports. It includes 1 September. The period is used for repairing grounds, removing football features and preparing cricket pitches.

The financial agreement not only affects Princes Park. It also affects Koornang Park. The financial agreement apparently provides that the funds payable under the agreement would be used by the Caulfield Seniors to make alterations to the pavilion at Koornang Park. Both the park and the pavilion are owned by the Council, not the Club. The pavilion is allocated season-by-season.

The proposed alterations include improvements to both the sporting and the non-sporting facilities for the Club.

Caulfield Seniors has a record of inappropriate behaviour which has lead Council to take action. This includes activities at the Bricker Pavilion in Princes Park and the pavilion at Koornang Park (which Caulfield used in 2005-06 when the Bricker Pavilion was being upgraded). For many years there was a culture of drunkenness and inappropriate behaviour. This is amply documented in the Club's own history "*The Bears Uncensored*". (See also Attachment F.) The activities occurred under a brand of the "Bear Cave". The behaviour caused problems for residents, other community groups and Council. Some examples from 1999 (petition from 25 residents), 2005, 2006, 2007 and 2010 are at Attachment D.

Council has gone to considerable lengths to break the old-style association between community sport / drunkenness / sexism and also that behaviour that would not be acceptable in anyone's home is somehow acceptable in a Council-provided building. Council promotes responsible serving of alcohol and aims to ensure that juniors and junior clubs are not exposed to inappropriate cultures.

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Round One of the Southern Football League competition featured a *Footy Record* for spectators and supporters on 14 April 2012 which stated:

“The Caulfield Bears relegated to Division 3 for season 2012 look to the future and rebuilding the club to its former glory – bring back the Bear Cave!”

Koornang Park has been the base for the Caulfield Junior Club. As a junior club, it has no liquor licence, behaviour has been good and the amenity of nearby residents has not been adversely affected.

On 1 March 2012 Caulfield Seniors applied for a liquor licence at Koornang Park pavilion (Attachment E).

- The Club applied for a liquor licence for periods during which the Club does not have an allocation at the pavilion, including week days (see page 2 of their licence application).
- The application form requires applicants to tick a box under the heading: *“Right to occupy premises”*. The applicant ticked a box saying *“I am / we are the freehold owner/s of the premises to which this application relates”*. The premises are the Koornang Park pavilion which is owned by Council. Four representatives signed that *“we certify that the information contained in this application is true and correct”*. It is difficult to see how four representatives of Caulfield Seniors would be under the impression that they owned Council’s pavilion.

On 11 July 2012 the Victorian Commission for Gambling and Liquor Regulation advised that it was auditing some liquor licences of some sporting clubs in Glen Eira.

Caulfield Seniors applied to Council for the following at Koornang Park for 2012:

<i>Sports ground</i>	<i>Saturday</i>	<i>12pm – 5pm</i>
<i>Pavilion</i>	<i>Saturday</i>	<i>10am – 6pm</i>

Their training is held at Princes Park oval 1.

Council approved 100% of the allocation that was requested ie up to 6pm.

The Club has since sought an extension for use of the pavilion into Saturday evening. Council officers consider that the financial agreement and the false application for the liquor licence need to be resolved by Council and the Commission for Gambling and Liquor Regulation before consideration is given to any extension in hours of use (see attachment F).

The comparative information sought in the Council’s request of 3 July 2012 is as follows.

In season 2011 Caulfield Senior Football Club was given a temporary seasonal tenancy at Koornang Park and Koornang Pavillion due to works to upgrade the oval at their home ground at Princes Park. The terms of access or allocation, including times, granted to Caulfield Senior Football Club at Koornang Park in 2011 and to the Carnegie Cricket Club for the 2011/2012 season at the same ground are as follows:

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Caulfield Senior Football Club's 2011 allocation at Koornang Park

Sports ground *Saturday* *12pm – 5pm*

Pavilion *Saturday* *12pm – 12am*

Their training was held at Princes Park oval 3 & 4 as oval 1 was being redeveloped.

Carnegie Cricket Club 2011/2012 allocation at Koornang Park

Sports ground *Tuesday & Thursday* *5pm – 8 pm*

Saturday *1pm – 6pm*

Sunday *10am – 6pm*

Pavilion *Tuesday & Thursday* *5pm – 8pm*

Saturday *10am – midnight*

Sunday *10am – 10pm.*

Council has asked for a copy of the financial agreement between Ajax Seniors and Caulfield Seniors. That has been refused on the basis that

- The agreement is 'confidential' and
- The agreement has nothing to do with Council.

(The agreement grew out of negotiations going back to 2010 and may reflect some sensitivities of that time - see Attachment G).

That is notwithstanding that it appears that all key elements of the agreement appear to be contingent upon Council making favourable decisions.

A copy of Council's correspondence seeking a copy of the agreement (8 May 2012, 15 May 2012 and 22 June 2012) is at attachment H.

It is not clear to what extent the agreement has been disclosed to members of the clubs.

The agreement would appear to constitute a contingent liability on the part of one club and a contingent asset on the part of the other club and would need to be reflected in the clubs' financial statements from the time that the agreement came into effect.

There is a voluminous amount of emails and other documents concerning the matters addressed in this submission and related matters. This included emails which have been forwarded several times and emails which have been blind copied.

It is understandable for clubs to have aspirations of various kinds. But to the extent that clubs wish to use Council facilities, provided at public expense, clubs need to respect the Council's processes and decision-making. It is not appropriate for clubs to seek to circumvent Council's processes. In particular, it is fundamental that community sport be managed on a community level and not commercialised.

The financial agreement potentially affects every sporting club in Glen Eira. While it appears to provide advantages to two clubs, it disadvantages other clubs which pursue ground allocations or pavilion improvements within the system. If the current system is displaced, rights to play on publicly-owned land may be bought, sold or traded. There is ample evidence that the Community does not want privatisation of the use of Public Open Space.

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Council officers have sought to protect the interests of community sport and the integrity of Council's objectives and processes.

5. Recommendations

That Council

- a. note that a financial agreement between a Glen Eira based club and a non-Glen Eira based club has not had any effect on Council's systems of allocation of grounds or improvements to pavilions;
- b. note that the Recreation Department is writing to clubs to advise them that the Victorian Commission for Gambling and Liquor Regulation is auditing the liquor licences of some sporting clubs in Glen Eira.

Glen Eira tops park user survey

Results of the *Benchmark Park Users Satisfaction Survey* have been released, with Glen Eira City Council ranked number one for its parks and reserves.

Seventeen metropolitan councils participated in the annual *Survey*, which has been developed to measure park users' satisfaction with the level of park maintenance and to provide a means for comparison of results with other park managers.

The *Survey* was conducted by Integrated Open Space Services (IOSS) between November and December 2011.

The *Survey* process involved interviewing park users in a number of parks of different sizes and types within the municipality — in Glen Eira's case, IOSS surveyed 134 park users across 17 parks.

Participants were asked to rate their level of satisfaction on a scale of one to 10 in regard to 24 park elements.

Out of the 24, Glen Eira was top in 11 categories, including tree health, quality of grass, removal of graffiti, fences and barriers, pathways and trails, signs and recreation facilities.

Glen Eira Mayor Cr Jamie Hyams said upgrading the City's parks has been one of Council's key priorities for a number of years.

"The results of this *Survey* are supported by the results of the annual *Local Government Community Satisfaction Survey*, which show consistently high levels of community satisfaction with Glen Eira's parks and gardens," Cr Hyams said.

Cr Hyams said these types of surveys are useful in providing feedback on what areas can be improved.

"The *Benchmark Park Users Satisfaction Survey* indicated that the main areas for improvement are for further provision of shade/shelter, drinking fountains, seating and table facilities," Cr Hyams said.



Enquiries: Linda Smith
Telephone: 9524 3388
Facsimile: 9524 3424

7th March, 2012

Dear ,

Thank you for your letter and emails requesting an allocation for Ajax Senior Football at Princes Park, South Caulfield.

As you know, Ajax Senior Football Club is not a tenant in Glen Eira they are tenanted in the City of Port Philip and have been for a number of years.

Princes Park is currently at full capacity and your request cannot be accommodated. Indeed your approach has brought to light the fact that Ajax Junior Football Club has exceeded the number of capped teams they were allowed at Princes Park.

Council's sports turf consultant advises on the recommended usage capacity of each sportsground. This ensures that usage volumes are appropriate and the surface can sustain the allocated usage without deteriorating to a point where short term recovery is not achievable. Excessive use, particularly during winter, will result in damage to the turf cover and often major damage to the surface structure and levels.

The Caulfield Football Club's decision to relocate their matches for the coming season to Koorngang Park has resulted in there potentially being no games scheduled on Saturdays at Princes Park although this may change as the season develops.

The current allocations on the ground exceed the recommended level; additionally there is an expectation from the community that sports grounds are available for informal casual activities.

Your request will remain on file and should any sports grounds become available we will advise your club. However, you should be aware that any potential new allocation would be offered as part of a public Expression of Interest (EOI) process that would be open to all clubs. In such a scenario, it is likely that existing Glen Eira tenants would receive preference over non Glen Eira tenants. I note that there has been some publicity in a local newspaper about the Caulfield Football Club potentially moving away from Princes Park and I can advise you that we have been contacted by a number of clubs seeking to take up a seasonal allocation at Princes Park.

Yours sincerely

Linda Smith
Manager Recreation and Youth Services
Glen Eira City Council

3

Glen Eira City Council

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and much more

Glen Eira City Council
Corner Glen Eira and Hawthorn Roads,
Caulfield, Victoria

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27 June 2012

President
Ajax Senior Football Club

Via email:

Dear Mr

I refer to your latest enquiry as to whether your club which is currently tenanted at Albert Park in the City of Port Phillip can play their scheduled match on 1 September 2012 at Princes Park in the City of Glen Eira as part of a community day for the Ajax Junior Football Club.

As we have discussed on previous occasions, the teams that you are associated with are not seasonal tenants in Glen Eira City Council and the ground you wish to use at Princes Park is operating at capacity. The time you wish to use the ground also falls within the changeover period when Council undertakes the works to move from winter to summer sports.

As you will be aware, your enquiry began as a request to play not one but a number of Ajax Senior Football Club matches at Princes Park. When our interaction began you undertook to accept whatever decision Council arrived at. However, since then when decisions have been conveyed to you that have not provided the responses that you have demanded of Council you have simply resorted to submitting variations of your initial enquiry. The latest variation that you have put to Council is that the Ajax Senior Football Club match that is currently scheduled to be played at Albert Park on 1 September 2012 should be played at Princes Park as part of a recently thought of community day for the Ajax Junior Football Club.

You will recall that during our interactions I provided you with information about an earlier approach that was made to Council in 2009/10 in relation to the very same facilities at Princes Park by people representing the Maccabi organisation.

Again, as you will know, Council understands the genesis of your enquiry to be an arrangement that Ajax Senior Football Club entered into with the Caulfield Football Club. Council understands your arrangement to involve the Ajax Senior Football Club organising for a substantial financial inducement to be paid to the Caulfield Football Club in return for the Caulfield Football Club being required to seek a relocation of their sides away from Bricker Pavilion at Princes Park to Koornang Pavilion at Koornang Park on the understanding that their allocation at Princes Park was to be handed over to the senior sides of another particular Club exclusively, namely your club.

Glen Eira City Council

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Bricker Pavilion, Koornang Pavilion and Princes Park and Koornang Park are public assets and facilities owned by Council and managed and administered by Council on behalf of all members of the community. They are not assets to be allocated or traded by any other person or body.

When you have been asked to provide details, including the terms and conditions of the financial inducement, you have declined to provide them to Council.

As you have requested, on behalf of Council I have again considered the latest of your enquiries to play your 1 September 2012 Ajax Senior Football Club game at Princes Park and wish to advise you that Council will not be agreeing to your enquiry.

In communicating this decision to you I wish to reiterate to you that Council requires that all details in relation to the financial inducement offered to the Caulfield Football Club and all details in relation to the commercial arrangement involving changes to ground allocations in return for a commercial benefit to the Caulfield Football Club are to be fully disclosed to Council, the owner of the facilities.

Finally, If you are not satisfied with this decision it is open to you to formally lodge a complaint with the Ombudsman Victoria in relation to Council's conduct in this matter and given that you have made it clear that you believe that if you do not get the outcome you are demanding it can only be because Council Officers are discriminating against you and your club I recommend that you seriously consider lodging a complaint with the Ombudsman. The contact details for the Victorian Ombudsman are:

Mail:

Victorian Ombudsman
Level 9, 459 Collins Street (North Tower)
Melbourne Victoria 3000

Telephone:

03 9613 6222 (international callers + 61 3 9613 6222)
Toll Free: 1800 806 314 (regional only)

Reception hours:

9.00am - 5.00pm.

Yours sincerely,



PAUL BURKE
DIRECTOR COMMUNITY RELATIONS

Street
SOUTH CAULFIELD 3162



13th. July '99

Manager Recreation Services
Glen Eira City Hall
SOUTH CAULFIELD 3162

Dear Ms. Smith,

(25)

I am writing on behalf of a group of concerned residents, whose signatures appear below, to protest about the volume of noise issuing from the Bricker Pavillion, when social events are held there during the evening.

This has been an ongoing problem for many years, particularly some years ago when a function was held in this venue every **second** Saturday night. Several times my neighbours and I rang the police who explained to us that from experience they knew that although the volume would be turned down once they appeared, it was always turned up again once they had left the vicinity. Hardly an effective answer!

I speak in particular of the latest episode, Saturday 3rd. July when the volume all evening was particularly high, making sleep impossible but once 11.30 pm. arrived it was further increased at half hourly intervals until it ceased at 1.30 pm. My son, who works the early morning shift on Sundays said it was pointless going to bed and a neighbour who works shift work is periodically required to commence work at 6 am. Overseas visitors staying with neighbours expressed disgust at the level of noise and the time at which it ceased. Given our experience we view with some concern the inclusion of a Function Centre in the **proposed** Maccabi plan for this area.

We feel it is imperative that Council look into this matter and action be taken accordingly.

We also consider that the granting of a liquor licence to this venue will only acerbate the problem and we strongly oppose this.

From:
Sent: Monday, 29 August 2005 11:38 AM
To:
Cc:
Subject: Function at Bricker Pavilion

D2

Hi All,

This morning Council has received a range of complaints from a number of residents concerning the late night function held on the night of Friday 26 August.

The complaints relate to the general level of noise and loud music during the night and the fact that the function went on until approximately 3am in the morning.

This is a clear breach of the Conditions of Use as well as various Local Laws and Environmental Health Laws.

- Your club did not have a booking to hold this function. Any future function outside your club's allocated hours must be booked through Recreation.
- No function is to continue after 12am sharp.
- No excessively loud music is to be played in pavilions.
- This type of activity is not suited to a sports pavilion and should have been held at a private function centre.
- This type of behaviour does nothing to foster good relations between the club, local residents and Council.
- The club is not permitted to hold this type of function within the pavilion in the future.

As a result of investigations surrounding this function it has been noted that your liquor license hours of operation does not comply with your allocation at the pavilion. Therefore the club is required to alter the licensed hours to mirror the hours of allocation at the pavilion. This will result in the following licensed hours:

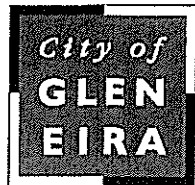
Tuesday	6pm-9pm
Thursday	6pm-10pm
Saturday	12Noon-11pm

This complies with instructions to other clubs within Glen Eira and their licensing requirements. Your club will not be granted an allocation in 2006 until a copy of the updated license is supplied to Recreation.

Clubs must strictly adhere to all requirements laid out in the Conditions of Use document. Continued failure to do so would raise fundamental concerns about the ability of Council to allow public land and buildings to remain under the control of the club.

Regards,

Recreation Facility Coordinator
Glen Eira City Council
Ph: 9524 3455
Fax: 9524 3424



Enquiries: Josie Crea
Telephone: 9524 3455
Fax: 9524 3424

27 June 2006

Secretary
Caulfield Football Club

WAVERLEY GARDENS VIC 3170

Dear

Social Function at Koornang Pavilion

As per my earlier conversation with you I write to advise that we have received complaints from residents regarding the social function held by the club on Saturday 24 June.

The complaints were centred around a group of players leaving the pavilion at 3am. There are reports that these players were consuming alcohol upon departing the pavilion and generally making a lot of noise and disturbing residents from their sleep.

I would appreciate the club responding in writing to the following points:

- What time did the function cease?
- What time did the last person lock up and leave the pavilion?
- What time did the bar close?

It is disappointing to hear complaints such as these levelled against Caulfield Football Club as the club was granted permission to use the facilities at Koornang Park, in good faith. The club's previously good track record at Koornang Park and their relationship with Caulfield Junior Football Club were the contributing factors in the decision to allow the club to change their home game from Princes Park to Koornang Park.

I would appreciate a response from the club outlining the points above and also explaining why the club should be allowed to continue to use Koornang Park on an ad hoc basis. I would also appreciate an explanation as to what steps the club are going to take to ensure that this does not occur again either at Koornang Park or Princes Park.

Yours sincerely

Recreation Facilities Co-ordinator

Glen Eira City Council

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enough footpaths to reach Sydney
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\$150m of town planning projects
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Bricker Pavilion Function Room

Linda Smith
Manager Recreation and Youth Services
15 May 2007

Caulfield Football Club leaves the Bricker Pavilion Function Room in a mess requiring commercial cleaning

The Caulfield Senior Football Club have hired the new Bricker Pavilion social room on two occasions and have used a portable bar in this room. The result has been stained carpet from beer spilling from glasses. The carpet was stained so badly following the last function the club held on Saturday 12 May that Council staff had to have the new carpets steam cleaned at the clubs expense (see attached photos). The room smelt of beer and the portable bar was again left in the kitchen rather than being stored in the club's store room. As well as the beer stains there were cigarette burns in the new carpet and mud marks on the walls.

As this function room is utilised by the community for a variety of functions such as older adults exercise classes, holiday programs and birthday parties, it is unacceptable for the club to continue to leave the facility in this manner.

Sunday community bookings would be adversely affected if the club continue to leave the room in a mess after their Saturday night functions. Council could also be subject to negative criticism from the community if the room is left in such a poor state.

If the club continue to stain the carpet it may be necessary to insist that only packaged liquor be used in the function room and/or the carpet will be steam cleaned at the clubs expense after every function.

Due to the size of the portable bar, the club have difficulty getting it in to their store room and have left the bar in the kitchen and also in the change rooms. This is an unacceptable practice as junior football clubs use this facility and do not want change rooms smelling of beer or junior players having access to the beer dispenser.

Recreation Services have a caretaker inspect all facilities after every booking.

> Subject: DC Bricker Pavilion
> Date: Mon, 24 May 2010 15:12:01 +1000
> From: ;@gleneira.vic.gov.au
> To: m @hotmail.com
>
>
> Hi
>
> Please find attached photo taken by the Hall keeper on Sunday morning
> after your function on Saturday at the DC Bricker Pavilion, I will
> organise the repairs to the men's toilet wall and will be invoicing the
> club for the damages.
>
> Regards
>

2

can you please send an email onto everyone on our data base with the photo I sent with the following:

Dear Caulfield Members,

I have just been informed by the Glen Eira council that after Saturday 22nd May home game a hole had been punched into the men's toilet wall of the social room (see photo attached).

Application

Renewable limited club licence

Liquor Control Reform Act 1998

OFFICE USE ONLY

RLCLB-02/12

Date Rec'd 21/3/12

Receipt No. 252728

File No. 5335/AO1

This licence authorises the club to supply liquor on the licensed premises to a member or guest of a member for consumption in the licensed clubrooms and may include additional approvals. Liquor supplied under this licence must be purchased from the holder of a general licence or a packaged liquor licence.

Applicant details

Name of applicant (club)

CACCIFIELD FOOTBALL CLUB INC

Australian Company No. (ACN) or Incorporated association registration number

A0042980N

Details of each director, executive committee member, company secretary, public officer.

(please attach an extra sheet of paper if necessary)

Name

Position held

COMMITTEE

Residential address

Name

Position held

PRESIDENT

Residential address

Name

Position held

TREASURER

Residential address

Name

Position held

SECRETARY

Residential address

Declaration of associates

An application for a liquor licence or BYO permit must provide the names, dates of birth and addresses of the applicant's associates. If the applicant is a body corporate, this should include associates of the directors. Before completing this application for a liquor licence, ensure that you read and understand the explanation of what is meant by 'associate' on the last page of this form.

☒ The applicant has no associates as defined in the Liquor Control Reform Act 1998 (tick if applicable), OR

☐ The names of the applicant's associates are:

Name

Date of birth

Address

Postcode

Name

Date of birth

Address

Postcode

Name

Date of birth

Address

Postcode

Name

Date of birth

Address

Postcode

Nominee details (if applicable)

A body corporate may apply for approval of a person as nominee of the licensee.

Name of proposed nominee

Privacy – the Victorian Commission for Gambling and Liquor Regulation is committed to responsible and fair handling of personal information consistent with the Information Privacy Act 2000 and its obligations under the Liquor Control Reform Act 1998. All information provided in this application is available for public viewing, except for the questionnaire form (if applicable) which is forwarded to and retained by Victoria Police.



2 of 4

Approvals

Do you wish to apply for any of the following approvals?

- ☒ **Underage approval.** This approval is required if persons under the age of 18 years who are not accompanied by a responsible adult will be on the licensed premises. Approval may be sought in relation to preparation for and participation in sporting events only, including training, team meetings and presentations. Participation in social activities of the club is not included.

Specify the days and times for which the underage approval is sought.

ALL LICENCED HOURS.

- ☒ **Point of sale.** This approval is required if the club intends to supply liquor from a point of sale such as a canteen or marquee during a sporting event for consumption off the licensed premises. A point of sale will only be approved for match days and sales must cease not later than 30 minutes after the event ceases.

Describe the location and times for supply of liquor from the point of sale e.g. "Booth 15m north of clubrooms, sale of liquor Saturday match days between noon and 6pm."

Note: You must include this information about the point of sale in your Public Display of Application.

BOOTH OUTSIDE CLUBROOMS
SAT 12PM TO 5PM.
BOOTH IMMEDIATELY OUTSIDE
CLUB ROOM DOORS. (SEE MAP)

- ☐ **Non-member functions.** This approval is required if the club intends to hire out the premises for pre-booked functions (e.g. weddings, birthdays, etc) at which the club will supply the liquor.

Note: The times for non-member functions must not exceed the regular trading hours sought in the "Trading Details" section above, and must not exceed 12 midnight on Sunday or 1am on any other day.

Indicate the frequency of non-member functions (e.g. weekly, monthly, four times a year).

Approvals

Specify the days and times during which the non-member functions will be held.

Note: You must include this information about non-member functions in your Public Display of Application.

Club rules

I/we certify that

- ☒ the rules of the club to which this application relates comply with the Schedule 1 of the *Liquor Control Reform Act 1998*; AND

- ☒ I/we further understand that it is a condition of any liquor licence issued to that club that its rules remain consistent with that schedule.

Right to occupy premises

I/we certify that

- ☒ I am/we are the freehold owner/s of the premises to which this application relates; or
- ☐ I/we have an exclusive right to occupy the premises to which this application relates

Signature/s of applicant/s

I/we certify that the information contained in this application is true and correct.

<input checked="" type="checkbox"/>	<u>11/11/12</u>	Date	<u>11/3/12</u>
Name			
<input checked="" type="checkbox"/>	<u>11/11/12</u>	Date	<u>11/3/12</u>
Name	<u>C</u>		<u>2</u>
<input checked="" type="checkbox"/>	<u>11/11/12</u>	Date	<u>11/3/12</u>
Name	<u>T</u>		<u>21</u>
<input checked="" type="checkbox"/>	<u>11/11/12</u>	Date	<u>11/3/12</u>
Name	<u>D</u>		

Club licence

Schedule 1

of the Liquor Control Reform Act 1998

OFFICE USE ONLY

02/12

Date Rec'd / /

File No. _____

The *Liquor Control Reform Act 1998* provides that the rules of a club that holds or seeks to hold a club licence must comply with Schedule 1, except as otherwise determined by the Victorian Commission for Gambling and Liquor Regulation.

Failure to ensure that the rules of a club continue to comply with the Schedule is a breach of the conditions of licence. Please use this form to check that your rules comply with Schedule 1 requirements prior to signing the "Club Rules" declaration on the application form.

Schedule 1 Clauses

- ☒ (a) The rules of a club must preclude the payment of any amount to an officer or servant of the club by way of commission or allowance from the receipts of the club for the sale and disposal of liquor;
- (b) The rules of a club must provide that a visitor to the club must not be supplied with liquor in the club premises unless the visitor is:
- ☒ (i) a guest in the company of a member of the club; or
- ☒ (ii) an authorised gaming visitor admitted in accordance with the rules of the club.
- (c) The rules of a club must provide that a person shall not:
- ☐ (i) be admitted as an honorary or temporary member of the club; or
- ☐ (ii) be exempted from the obligation to pay the ordinary subscription for membership of the club unless the person is of a class specified in the rules and admission or exemption is in accordance with the rules.
- ☐ (d) The rules of a club, except in the case of a club primarily for sporting purposes, must provide that a person under the age of 18 years shall not be admitted to membership of the club.
- ☐ (e) The rules of a club must provide for a Management Committee of the club with responsibility for the affairs of the club.
- ☐ (f) The rules of a club must provide that the members of the Management Committee of the club be elected for a term or not less than 12 months by members of a class of members that constitutes not less than 60 per centum of the total membership of the club, excluding temporary or honorary members and persons who are members by reason only of reciprocal arrangements with another club and persons whose rights as members are limited to rights as social, gaming or neighbourhood members.

(g) Unless the club is a corporation or is registered under the *Associations Incorporation Act 1981*, the rules

- ☐ (i) must provide that the facilities of the club are provided and maintained from the joint funds of the club;
- ☐ (ii) except as otherwise permitted under the *Liquor Control Reform Act 1998*, must not enable any person to receive a greater profit, benefit or advantage from the club than that to which any member is entitled;
- ☐ (iii) must provide for periodic meetings of the Management Committee and the recording of minutes of the meetings;
- (iv) must provide -
- ☐ (a) that not less than two weeks shall elapse between the date of nomination and the date of election of ordinary members; and
- ☐ (b) that the names and addresses of persons proposed for election as members of the Management Committee of the club shall be displayed in a conspicuous place in the club premises for not less than one week before the date of the election; and
- ☐ (c) for the election of members of the Management Committee by the general body of members; and
- ☐ (d) for the keeping of records of members voting at an election of members.

☐ (h) Must provide for the keeping of records of guests.

(i) In the case of a club in respect of which a venue operator's licence is in force, must provide that an authorised gaming visitor must:

- ☐ (i) produce evidence of his or her residential address before being admitted to the licensed premises; and
- ☐ (ii) carry identification at all times whilst on the licensed premises; and
- ☐ (iii) comply with any relevant rules of the club whilst on the licensed premises.





22 June 2012

President
Caulfield Football Club
PO Box 121
CARNEGIE VIC 3163

Dear Mr

The Chief Executive Officer has asked me to respond to your email to him of 19 June.

You say that you are having difficulties in communicating with me and that you are disappointed that I do not appear to respond to you. As you will know, I wrote letters to you on 8 May 2012 and 15 May 2012. You chose to respond to my letters by sending an email dated 11 June 2012 (about one month later) to another Council Officer and asked her to pass the contents of your email onto me. My address appears on both of the letters I sent you. I do not regard an email from you to another Council Officer to be a satisfactory way to respond to Council's letters that were sent to you under my signature. In my view I believe it is perfectly reasonable for me to expect to receive written signed responses from you, particularly given the content of my letters to you.

It is my understanding that the extension of time you are seeking to midnight on Saturdays is not for the playing of football but for commercial and social activities and an opportunity for your club to recreate and bring back the "Bear Cave". I am aware of an article that appeared in the SFL Record, Round 1, dated 14 April 2012 which says: *"The Caulfield Bears FC has relocated its home base from Princes Park to return to its spiritual home at Koornang Park. The Bears relegated to Division 3 for season 2012 look to the future and rebuilding the club to its former glory – bring back the Bear Cave!"* I am further aware of articles that appeared in the SFL Record of 5 May 2012 and 19 May 2012.

The book on your Club, 'The Bears Uncensored' devoted Chapter 7 to the Bear Cave and states:

- *"There was drinking, sex, strippers and general mayhem."*
- *"Girls danced on podiums in a various state of undress."*
- *"The friskier ones who couldn't wait simply did it in the car-park..."*
- *"It was commonplace for 500 to cram into an area meant for just 100. Beer sales in four hours often matched those taken over a whole week at the local pubs. Noise was always a problem and neighbours would regularly complain only to be told, sorry all the officers were out. They left it unsaid that they were already at Princes Park, in the committee room enjoying jugs of free beer."*

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and much more

- *"Everyone assumed the club had a late night liquor licence, a rarity for Melbourne in those days. But it didn't...not at all and despite complaints, local police cast a benign eye, not wanting to harm their Sunday night routine".*

And on and on the statements go in Chapter 7.

You will be aware that Council recently opposed a Liquor Licence Application submitted by your club for the Koornang Park Pavillion and that Council had been greatly disturbed to find that the application your Club submitted to the Victorian Commission for Gambling and Liquor Regulation (VCGLR) stated that the Club was the owner of the land.

For some considerable time nearby residents have grown used to a Junior Football Club operating at Koornang Park Pavillion during the winter months. The pavilion at Koornang Park is closer to residents than the pavilion at Princes Park. Council will not be supporting – or allowing – activities which compromise residents' amenity. Council also has concerns at the impact a 'Bear Cave' culture would have on the operations of a Junior Club and Council's promotion of the Good Sports program.

Council operates an allocation system through which grounds and facilities developed by the Community over many years at Community expense are made available for community recreation on a non-commercial basis. Council understands that your Club appears to have entered into a commercial arrangement involving changes to ground allocations in return for a commercial benefit to the Club. My letter to you of 8 May 2012 refers. Council has asked for details of this arrangement but the Club has refused, citing confidentiality requirements.

Council will not be addressing any other commercial matters in relation to your Club until that matter is disclosed and resolved.

It is open to you to formally lodge a complaint with the Ombudsman Victoria in relation to Council's conduct in this matter and I recommend that you seriously consider doing so. The contact details for the Victorian Ombudsman are:

Mail:

Victorian Ombudsman
Level 9, 459 Collins Street (North Tower)
Melbourne Victoria 3000

Telephone:

03 9613 6222 (international callers + 61 3 9613 6222)
Toll Free: 1800 806 314 (regional only)

Reception hours:

9.00am - 5.00pm

Yours sincerely,



PAUL BURKE
DIRECTOR COMMUNITY RELATIONS

61
Paul Burke

From: Paul Burke
Sent: Monday, 27 September 2010 3:06 PM
To:
Cc:

Subject: Bricker Pavillion - Princes Park

Dear Mr

I refer to the meeting we had on Wednesday 22 September 2010.

We agreed that I would email you my contact details, hence this email.

However, for the sake of clarity I also think that it is important that I take this opportunity to restate to you the advice that I provided to you and your colleagues at the meeting when I responded to the matters that you put to me. Mr had undertaken to provide me with copy of your proposal prior to our meeting but unfortunately this did not occur.

At the outset I advised that Council has not sought any proposals from any party in relation to the community/public facilities at Bricker Pavillion or at Princes Park more generally. Council is not seeking to expand the Bricker Pavillion by adding a floor to provide a function room, spectator facilities and other facilities. (I note that Bricker Pavillion already provides a function room, a meeting room and spectator facilities.) I advised that Glen Eira City Council provides community sports facilities and not elite level facilities.

I referred to the earlier advice that I had provided to Mr that given that DC Bricker Pavillion has only recently been 'rebuilt' at a cost in the millions of dollars to serve community sport and provide a multi-purpose room for the whole community, I could not envisage a need for Council to commission further works. You made the point that you were not expecting Council to fund any further works as Maccabi would provide the funds. I responded saying that if that were the case then Maccabi would expect some exclusive use for some considerable time of what is currently a community asset - a point you agreed with.

Council has not sought any expressions of interest from any clubs or teams that are not currently tenants in Glen Eira to take up tenancy in the Bricker Pavillion. In particular, Council has not sought any expression of interest from Ajax Senior Football Club who are currently tenanted in Parks Victoria facilities in the City of Port Phillip. I explained that if there was any spare capacity at Princes Park that it would be used to relieve pressures on existing Glen Eira tenants.

I explained that Council has never compelled a club to surrender its tenancy to allow other clubs/teams to take over that tenancy. (To do so would be likely to provoke all clubs with allocations or tenancies and create a wide spread problem for the Council). Council has previously articulated this position when it has been suggested that the Sandringham Dragons and the South Melbourne Junior Football (soccer) club should be actively moved out of Princes Park and tenanted elsewhere at locations more related to the names of their clubs.

During the meeting one of your colleagues referred to the Caulfield Football Club being temporarily housed at Koornang Park for the twelve months that Princes Park Oval No.1 will be out of action whilst it is being improved with the implication that the temporary move could become permanent. It was explained that Council has not yet finalised the arrangements in relation to where the Caulfield Football Club will be temporarily housed during the improvements at Princes Park Oval No.1. I also wish to make it clear that Council would not be a party to any attempt to deceive the Caulfield Football Club into thinking that their temporary re-housing is anything other than temporary and that they will remain a permanent tenant at Bricker Pavillion.

Members of your delegation spoke of creating a centre of excellence and educational opportunities.

Whilst we agreed that you might take the opportunity to submit a 'draft' proposal to Council, I think that for the sake of clarity should you wish to submit a proposal it would be preferable to receive a 'firm' proposal so that any ambiguity is eliminated from the outset and everybody can be clear about what it is you are proposing.

G2

My contact details are as follows:

email: pburke@gleneira.vic.gov.au

My direct telephone number is 03

I would be grateful if you could pass this email onto the other members of your delegation that I have not carbon copied.

Kind regards.

Yours sincerely,

Paul Burke
Director Community Relations

From: .
Sent: Wednesday, 22 September 2010 5:10 PM
To: '
Cc:
Subject: RE: Princes Park
Importance: High

Hi Guys

Please do not be dismayed by our meeting today.

It is exactly what I expected.

What we now need to do is go away and prepare a whiz bang presentation and not only sell ourselves but also compete the full picture for them.

We MUST explain our full intentions and plans clearly.

In the presentation we need to explain that we are not asking for more usage of the ground.

Simply we move Caulfield to Koornang Park to be with the juniors (which they MUST do for 2011 anyway) and Ajax seniors replace them in 2012 so we can be with our juniors.

We need to explain how we are going to facilitate this process and that is put money towards or pay for Caulfield's relocation and upgrade of Koornang Park.

Then we just pretty it up by talking about community programs and a multicultural centre.

From:
Sent: Monday, 27 September 2010 3:28 PM
To: Paul Burke
Subject: Bricker Pavillion - Princes Park
Importance: High

Dear Paul,

Thank you for the summary of our 22/9/'10 meeting and your contact details as requested.

We look forward to working with you and your colleagues regarding the possible extension of the Bricker Pavilion and associated facilities at Princess Park. When we have firm details developed and documented I will be in touch to further explore the topic with you.

I will forward your email to my colleagues as requested.

Many thanks,

From: Paul Burke
Sent: Thursday, 7 October 2010 9:49 AM
To: '
Cc: '
Subject: RE: Bricker Pavillion - Princes Park

Dear

Thank you for your email.

Again, in the interests of clarity I want to be clear with you that Council is not working with you or any other individual or group in relation to any proposals to extend the Bricker Pavillion or other facilities in Princes Park. Additionally, Council is not seeking expressions of interest from from clubs who are not currently tenants in Glen Eira and is not considering urging or compelling any current tenant at Bricker Pavillion, including the Caulfield Football Club, to surrender their tenancy and move out of the Bricker Pavillion in favour of the Ajax Senior Football Club or any other club or teams.

Could I prevail on to you to also forward this email onto the other members of your delegation that I have not carbon copied.

Regards,

Paul



8 May 2012

President
Caulfield Football Club
PO Box 121
CARNEGIE VIC 3163

Dear Mr

I understand that your club has been offered monies to seek a relocation of your senior sides away from Bricker Pavilion at Princes Park to Koornang Pavilion at Koornang Park on the understanding that your allocation at Princes Park was to be handed over to the senior sides of another particular Club exclusively.

Bricker Pavilion, Koornang Pavilion and Princes Park and Koornang Park are public assets and facilities owned by Council and managed and administered by Council on behalf of all members of the community. They are not assets to be allocated or traded by any other person or body.

Within seven days of this letter I would be grateful to receive from you a copy of any 'Agreements' between your club and the other club and, if the amount of monies is not included in the 'Agreements, your advice on the amount of monies offered to your club.

Yours sincerely,

PAUL BURKE
DIRECTOR COMMUNITY RELATIONS

Glen Eira City Council

80 MCGs of parklands
enough footpaths to reach Sydney
enough drains to reach Mildura
enough roads to reach South Australia
\$170m of town planning projects
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and much more

Glen Eira City Council
Corner Glen Eira and Hawthorn Roads,
Caulfield, Victoria

PO Box 42 Caulfield South 3162
ABN 65 952 882 314

Telephone 03 9524 3333

TTY 03 9524 3496

Facsimile 03 9523 0339

Email mail@gleneira.vic.gov.au

Website www.gleneira.vic.gov.au

Bentleigh • Bentleigh East • Carnegie
Caulfield • Elsternwick • Gardenvale • Glen Huntly
McGillfield • Murrumbeena • Ormond • St Kilda East



42

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15 May 2012

President
Caulfield Football Club
PO Box 121
CARNEGIE VIC 3163

Dear Mr

I refer to my letter to you dated 8 May 2012. As seven days have now elapsed I reiterate to you my request:

"to receive from you a copy of the 'Agreement' between your club and the other club and, if the total is not included in the 'Agreement, your advice on the amount of monies offered to your club."

Additionally, I would be grateful if you will inform me of any plans or strategies discussed, developed or agreed between your club and any other club or individual or parties with the objective of influencing Council's pavilion ranking strategy with the aim of elevating Koornang Pavilion to a higher position in the strategy or to otherwise have works undertaken at Koornang Pavilion. Please clearly identify all the individuals or parties.

Yours sincerely,

PAUL BURKE
DIRECTOR COMMUNITY RELATIONS

Glen Eira City Council

Corner Glen Eira and Hawthorn Roads,
Caulfield, Victoria

PO Box 42 Caulfield South 3162

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22 June 2012

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Melbourne Victoria 3000

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Toll Free: 1800 806 314 (regional only)

Reception hours:

9.00am - 5.00pm

Yours sincerely,



PAUL BURKE
DIRECTOR COMMUNITY RELATIONS