

## COMMUNITY LEASING AND LICENSING POLICY

### 1. INTRODUCTION

The Community Leasing and Licensing Policy provides a framework to ensure Council has an equitable, consistent and thorough approach to the leasing and licensing of Council owned and Council managed Crown Land properties for community use, whilst maximising benefit to the community.

Council holds a large and varied portfolio of community and recreation properties and is committed to ensuring that tenancies are provided to community groups in a transparent manner that is appropriate to the type of property and the proposed use.

### 2. POLICY STATEMENT AND SCOPE

#### POLICY STATEMENT

Council supports the leasing and licensing of Council owned and Council managed properties for community use.

Due to the increasing demand for Council owned premises Council encourages the maximisation of the use of community facilities and encourages tenancies to be shared between groups wherever possible, rather than accommodating groups in individual premises.

Groups are encouraged to be inclusive and to provide a range of services to the community, whilst meeting their obligations under the relevant legislation. This includes many community groups comprising of volunteers who are still required to manage their facilities in an open and accountable manner to Council and the wider community.

#### SCOPE

This Policy applies to leasing and licensing arrangements for Council owned or Council managed properties made available to not-for-profit community organisations for physical, cultural, social and intellectual purposes.

This policy does not apply to:

- Council owned and managed commercial and residential properties.
- Short term agreements under 12 months.
- Casual agreements.
- Outdoor Dining and Trading approvals.
- Hiring of Council properties.

#### PRINCIPLES

During the assessment of new and existing lease or licence arrangements Council will:

- Determine the appropriate management model for the facility - exclusive, shared and / or general community use.
- Determine the appropriate rent and other fees and charges to be applied using the equity contribution model.
- Ensure the proposed arrangement will utilise the site in a manner that delivers maximum benefit to the local community.
- Ensure the proposed arrangement contributes to a wide range and diversity of activities and essential services provided to the community.
- Ensure the proposed arrangement is consistent with other similar facilities.
- Ensure the proposed arrangement allows Council to maximise cost recovery as well as providing an affordable tenure to the lessee / licensee.

- Ensure appropriate exit strategies are in place should the lessee/licensee be unable to achieve the agreed outcomes.

## **OBJECTIVES**

The objectives of the leasing and licensing of Council property for community use are to:

- Ensure the use of all facilities is aligned to the relevant Plan of Management and Council's Community Strategic Plan.
- Ensure all use complies with town planning requirements including zoning and development consents.
- Reduce the risk to tenants, the public and Council by having comprehensive and current tenancy documents in place for Council properties that clearly outline each party's responsibilities.
- Ensure that tenanted properties are adequately insured and maintained to required standards.
- Ensure that all Council owned tenanted properties are captured in Council's Assets system.
- Maximise the occupation and use of community facilities.
- Support for a wide range of community services and activities from the facilities.
- Clarify ownership of the property and improvements.
- Ensure clarity and consistency of the process for determining the type of agreement and terms for use and by whom.
- Levy fees, rent and outgoings in balance with Council cost recovery and any commercial income being derived.
- Use the tenancy data to aid in assessment of Council financial assistance grants.

## **3. RESPONSIBILITIES AND AUTHORITIES**

The Property Section is responsible and accountable to:

- Implementing and communicating this policy
- Monitoring compliance of this policy
- Ensuring this policy is reviewed and updated to meet external compliance.

## **4. REFERENCES**

*Crown Land Management Act 2016*  
*Environmental Planning & Assessment Act 1979*  
*Local Government Act 1993*

## **5. DEFINITIONS**

Nil.

## **6. PROCESS OWNER**

Property and Leasing Coordinator is responsible for the process this policy refers to, also the policy owner. This is the role to be contacted for any information in relation to this policy.

## **7. AMENDMENTS**

This is a new policy.

[Kirsty Callander](#)