

Community Leasing Policy

Head of Power

Local Government Act 2009

Related Legislation

Land Act 1994

Objective

To ensure the equitable and appropriate allocation of tenure over Council owned or controlled land and facilities to community organisations, for conducting activities that benefit the community, whilst recognising the importance of the role played by these organisations.

Definitions

Association means an incorporated association under the *Associations Incorporation Act 1981*, or similar legislation and a company limited by guarantee.

Community organisation means an association whose primary object is cultural, sporting, recreational, educational or community service purposes and whose constitution or rules provide that its income, profits and assets may only be applied to the promotion of its objects and may not be applied to the payment of dividends or distributions to its members.

Council controlled land means land for which Council is the trustee.

Lease includes a trustee lease under the *Land Act 1994*.

Licence means a contractual right to occupy or use Council owned land without any legal right to exclude all others.

Permit to Occupy means a trustee permit to occupy under the *Land Act 1994*.

Specialist Facility means land on which activities conducted by lessees are considered by Council to be specialist or unique in nature, or are akin to commercial operations. Examples include, lawn bowl greens, golf courses, showgrounds, historical villages, residential or aged care accommodation and kindergartens.

Tenure means a lease, licence or permit to occupy.

Application

This policy applies to the granting of tenure over Council owned or controlled land and facilities to community organisations.

Policy Statement

Council recognises and is committed to meeting the needs of community organisations to have access to Council owned or controlled land through appropriate and consistent tenure arrangements.

Community organisations require access to community land to conduct a range of activities that enhance the physical activity, social interaction and cultural development of the community. Community organisations are often volunteer-based and have objectives focussed on community development and the provision of community services.

Organisations eligible to apply for leases, licences and permits to occupy include sporting, recreational, educational, cultural and other not for profit community service and volunteer based organisations. Consideration is given to organisations that demonstrate the principles and practices of multi purpose use, shared use, flexibility in activities and can demonstrate community benefit or fulfil a community need where there is a gap in service provision.

The purpose of the policy is to ensure the equitable, fair and appropriate allocation of Council facilities whilst optimising use of the land, buildings and structures and to maximise community benefit.

Leases, licences and permits to occupy contain clearly defined rights of use and access to Council owned or controlled land for the period of the tenure arrangement, including responsibility for the care of, development and maintenance of the site, ensuring that Council owned or controlled facilities are appropriately maintained.

It is recognised that community organisations are often comprised of volunteers acting in the individual's discretionary time, however organisations need to value, protect and preserve the community assets they enjoy for the ongoing benefit of the community.

Council is committed to ensuring fair and consistent tenure conditions between organisations, however it is acknowledged that some conditions and terms may be negotiated between Council and individual organisations in extenuating circumstances.

Applications for tenure will be considered in accordance with the processes and granted on the terms specified in Appendix A to this policy.

Related Documents

This policy complements and is to be implemented in conjunction with other Council policies and directive but not limited to:

Form - Request for Tenure of Council land

Form - Community Leasing Renewal Application – Community Organisations and Sporting Groups

Review and Evaluation

This policy will be reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents.

Reviews of this policy will occur as required, or at least once every four years.

Responsibility

This Policy is to be:

- (1) Implemented by the Manager Community Services, Sport & Recreation; and
- (2) Reviewed and amended in accordance with the "Review Triggers" by the Director Community & Environmental Services.

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