



# Section One: Accessing Facilities and Tenure

## Overview

Community, sport, and recreation organisations generally operate from public facilities, although in some instances facilities may be on private land owned by either the organisation or another entity. Public facilities may include sites that are:

- owned and controlled by Council;
- managed and controlled by Council as trustee but owned by another entity (usually the Queensland Government);
- owned and controlled by the Queensland Government such as forest reserves and water bodies with adjacent land parcels.

All organisations should be familiar with the owner and controlling entity of the land on which they operate, as each will have different requirements for usage and approval processes for development. **The following section only applies to land for which Council is the owner or Trustee.** If another situation applies to your organisation, please contact the owner to obtain relevant information.

## Community Leasing Policy

All not-for-profit organisations operating on Council owned or controlled land are offered tenure in accordance with the Community Leasing Policy and Terms and Conditions of Tenure Guidelines. All new or renewed tenure agreements will be executed in accordance with the conditions of the Community Leasing Policy and Terms and Conditions of Tenure Guidelines.

Features of the policy include:

- Council pays all standard water, sewerage and rubbish collection costs, whilst users pay trade waste electricity, telephone, internet and licensing fees;
- Council maintains structural building elements, roofing, selected legislative fire and electrical safety elements except at specialist facilities;
- Council maintains internal roads except at specialist facilities;
- Council undertakes standard sports field maintenance, including irrigation and weed control;
- Users are responsible for sports-specific infrastructure, specialised surfaces and all other items not maintained by Council, for example, goal posts and player shelters.

Leases are generally executed over the footprint of buildings and specialised surfaces (for example, tennis and netball courts, racing tracks, synthetic surfaces, baseball, or softball diamonds for a period of up to ten (10) years.

Sports Field Permits are issued over the sports turf surface for a period of up to one (1) year.

Visit <https://www.moretonbay.qld.gov.au/Services/Community-Support/Community-Leasing> for a copy of the Community Leasing Policy and Terms and Conditions of Tenure Guidelines.



## Fees and Charges

The current annual fee for a lease under the Community Leasing Policy and Terms and Conditions of Tenure Guidelines is \$1.00, payable upon invoice. Council does not impose a fee for any other item, however, may seek reimbursement for excessive water consumption, repairs for intentional damage to the facility and rectification costs of items that are a lessee's responsibility but not adequately addressed by the organisation.

Lessees are responsible for direct payment to the relevant provider for utilities and services such as electricity, gas, pest control and cleaning. Other items relating directly to use by the organisation will be at lessee's cost, including trade waste permits, food licensing costs, sanitary services and other consumables used within the lease area.

## Lease and Permit Renewals (Current Tenants)

Organisations that hold tenure with Council, or are a recognised user of a Council facility, may be offered the opportunity to renew a lease, permit to occupy and/or a permit to occupy - sports field in accordance with Council's Community Leasing Policy and Terms and Conditions of Tenure Guidelines. Community Leasing will commence the renewal process approximately nine months out from the current agreement's expiry. Council will liaise with the organisation regarding the options for renewal.

## New Lease and Permit Requests (Prospective Tenants)

Council facilities are very well utilised and there is limited capacity to accept additional users at existing facilities. Five options are available to new users to be considered at a facility:

1. Contact Community Leasing to register your organisation's details on Council's tenure enquiry register. Generally, when a facility becomes available Council will notify organisations listed on the tenure enquiry register of the expression of interest process;
2. Make application for a permit to occupy - sports field for the organisation's preferred site. Council officers will assess the availability and suitability of the fields and liaise further with the applicant;
3. Construct a new facility on public land. If the organisation has identified a property that it believes will be suitable for the proposed use and has financial capacity to develop, they should contact Council regarding the proposal.
4. Directly engage with an existing lessee to obtain a sub-lease for a building. All such requests must be approved by Council prior to being progressed.
5. Directly engage with an existing lessee to hire a building. All such requests must meet the requirements of the Community Leasing Policy and Terms and Conditions of Tenure Guidelines.

Visit <https://www.moretonbay.qld.gov.au/Services/Community-Support/Community-Leasing> for more information in relation to Community Leasing arrangements. Organisations will need to demonstrate not-for-profit status and their ability to meet the eligibility criteria outlined in the Community Leasing Policy and Terms and Conditions of Tenure Guidelines.

## Sub-letting of Facilities

### Buildings

Some buildings leased by community, sport and recreation organisations are unoccupied during business hours, may have an area that is unused, or may have capacity to accommodate additional users when not in use by the lessee. A permanent arrangement with another not-for-profit organisation may occur, pending approval of the conditions by Council. An arrangement with a commercial entity is generally not supported.



A formal sub-lease provides exclusive access to another organisation for a defined space within a building. It is a legal document that must include certain items in a set format. Therefore, it should be developed by a qualified person, at the expense of the lessee. Under a sub-lease, the lessee will forego any access rights to this space. A sub-lease must be registered with the Queensland Government if the building is located on Crown Land.

An access license can provide another organisation with access to the entire facility for part of the time, for example, during weekdays when not in use by the club. Council is unable to provide legal advice regarding the preparation of these documents.

Alternatively, the lessee may prefer to offer access to a leased facility via a hire agreement for either occasional or longer-term arrangements. Hire agreements do not require registration with the Queensland Government. Hire arrangements must be in accordance with the conditions of Council's Community Leasing Policy and Terms and Conditions of Tenure Guidelines. Where required, long-term hirers may be subject to approval by Council's Community Leasing Unit. Sample hire agreements for community facilities are available from Council. Please contact the Sport & Recreation Unit.

Lessees may charge an appropriate access fee to any other user to cover the proportionate cost of cleaning, consumables and repairs and replacement of assets. Determining the hire fee can be a challenging task, as the club will want to attract external users to generate income but cannot do so at the detriment of its own use or financial situation.

To assist organisations with determining an appropriate fee, contact your Sport and Recreation Officer. Details of the specific financial arrangement are to be provided to Council as part of the request to sub-let the facility.

## Turf Fields

Organisations have no authority to provide another organisation access to turf fields either within or outside of their allocated permit times. Organisations have access rights to sports fields only during the times specified on the permit to occupy - sports field. If the holder of a permit to occupy-sports field wishes to provide access to another organisation during its permitted times, prior approval from Council is required. Council will consider the suitability of the activity for the particular sports field and an assessment will be undertaken regarding the potential impact on the primary sport. The use of fields by incompatible sports can severely damage the playing surface resulting in closure of the fields. All requests for sub-letting fields must be made by the permit holder to the Sport and Recreation Unit of Council.



## Specialised Surfaces

Organisations that have a lease over specialised playing surfaces such as tennis and netball courts, lawn bowls greens and croquet lawns are responsible for administering access to those areas. Appropriate hire or access fees may be charged by the organisation to assist with ongoing maintenance, repair and replacement of the asset. If any permanent sub-letting arrangements are being considered, the same conditions as those for buildings, as described above, will apply.



## Casual Use of Sports Fields

Council's sports fields are public assets, individuals and other organisations may seek use outside of permit times if the activity is in accordance with the usual use. For example, schools regularly book sports fields for carnivals and inter-school activities. Generally large non-sporting community events are not permitted on sports fields and are assessed on a case-by-case basis.

Occasional or short-term booking of a sports field can be requested through Council's customer service centre as per *Section 6 - Council Contacts*. Any enquiries for casual use by individuals or other organisations should be directed to Council's Public Space Permits Team where an application for a Permit must be made to gain Council approval. Also, any holders of a permit to occupy - sports field that wish to hold any activities outside of the agreed permit times, such as presentation days and carnivals will be required to submit an application to Council to obtain approval. These applications are required to be made a minimum of 6 weeks prior to the event to allow for proper assessment and to avoid booking conflicts. See *Section 5 Hosting Events*.

Organisations that hold a permit to occupy - sports field do not have authority to allocate access to the fields to another organisation and should direct all enquiries to Council.

If a sports field hirer requests access to a lessee's facilities, such as amenities, canteen or lights, a Council officer will contact the lessee prior to providing approval for the booking. The lessee may choose to charge the hirer a reasonable fee to cover the cost of consumables, cleaning and electricity.

## Fitness Providers at Sports Fields

Personal trainers and other commercial fitness providers do not operate under the Community Leasing Policy and Terms and Conditions of Tenure Guidelines and must obtain permission from Council to undertake activities in parks and sports facilities.

Fitness providers generally incorporate repetitive high- intensity activities over small areas which wears the surface and impacts on the suitability and safety of fields for normal sports use. As such, fitness providers are generally not permitted to conduct activities on sports fields unless specific conditions are enforced. The use of areas adjacent to sports fields may be considered, especially where it supports the health and activity of parents and other spectators associated with the sport being played.



Any fitness provider or other commercial entity wishing to undertake an activity at a Council facility must submit a *Conduct a Permitted Business in a Public Place Application - Group Activity* which is available here <https://www.moretonbay.qld.gov.au/Services/Licences-Regulations/Business-Public-Place>. Council officers will assess the suitability of the activity for the requested space and may contact user groups to discuss an application should it be deemed to impact on club activities.

The sub-letting of a community leased facility to a commercial entity conflicts with the intent of the Community Leasing Policy and Terms and Conditions of Tenure Guidelines and is generally not supported. A club that proposes to sub-let any part of its facility to a fitness provider or other commercial entity, must seek approval from Council.