

# Leasing and Licensing Policy for Community Organisations

## 1 Purpose

The objective of this policy is to provide a structured, transparent framework for the leasing and licensing of Council owned/controlled properties to community organisations.

Council maintains a significant portfolio of leases and licences to various community organisations. This Policy seeks to establish a formalised process for the assessment of the contribution of such groups relative to Council's Community Strategic Plan.

The Policy further seeks to establish a formalised system to readily quantify Council's contribution to such groups by way of provision of subsidised rents. This Policy establishes the basis for joint responsibility of the long term sustainability of community facilities whilst acknowledging the valuable contribution of community groups to the social fabric of the community and provides a structured approach to extending assistance by way of appropriate leasing arrangements.

## 2 Policy

2.1 Council will enter into formal Leases, Licences and/or Management Agreements with community organisations in relation to their tenancy arrangements. The form of agreement will be determined by taking into account:

- Exclusivity of use
- Length of tenure
- Land classification and zoning
- Land management provisions of the Local Government Act
- Other Legislative requirements
- Social and community benefit.

2.2 Rents, fees or charges made by Council will be determined by taking into account:

- Council's annual schedule of fees and charges.
- The total annual cost of maintaining the facility at agreed levels.
- Capital cost to Council of providing the facility.
- Exclusivity of use.
- Length of tenure.
- Contribution made by the community, sporting or recreational group to the capital costs or level of intended investment in the capital infrastructure.
- Assessment of social and community benefit.
- The tenant shall cover all costs of entering into tenancy agreements.

2.3 Community organisations as prospective tenants may be required to develop a Business Plan according to Council's guidelines for the use of facilities, which will include:

- Clear objectives for the management and use of the facility including the links to Council's Community Strategic Plan and any relevant Plans of Management.
- A demonstrated commitment to community input into the operations of the facility.
- Financial planning and accounting processes.

- Asset Maintenance plans and schedules, including proposed improvements and review strategies.
- 2.4 Vacant facilities may be advertised, specifying the purpose for which they are available and inviting submissions for use or occupation. Submissions may be sought by Council directly from specific community organisations where appropriate.
- 2.5 Submissions will be required to meet an established deadline and are to be assessed on established criteria. Criteria will include, but not necessarily be restricted to the following:
- Proposed use of facility.
  - Structure and capacity of organisation making the submission.
  - Willingness to meet formalised conditions of use, including shared usage where appropriate.
- 2.6 Appropriate officers will assess submissions.
- 2.7 Prior to occupation all relevant documentation (including Business Plans where required) relating to the use of the facility will be provided to Council.

### 3 Definitions

**Community Organisations:** This includes Community Service Providers and Community/Sporting Groups and other community groups.

### 4 Key Responsibilities

Position	Directorate	Responsibility
Mayor	Council	To lead Councillors in their understanding of, and compliance with, this policy and guidelines.
General Manager	Executive	To lead staff (either directly or through delegated authority) in their understanding of, and compliance with, this policy and guidelines.
Directors	All Directorates	To communicate, implement and comply with this policy and related guidelines.
Council Leaders	All Directorates	To implement this policy and related procedures.
All Council officials	Council	To comply with this policy and related procedures

### 5 References (laws, standards and other Council documents)

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Coffs Harbour Local Environment Plan 2013
- Crown Land Management Act 2016
- Crown Land Management Regulation 2018
- Crown Lands (General Reserves) By-Law 2006
- Conveyancing Act 1919
- Real Property Act 1900
- Retail Leases Act 1994
- Residential Tenancies Act 2010
- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2017
- Child Protection (Offenders Prohibition Orders) Act 2004
- CHCC Guideline for Assessment of Rental for Community Tenants

- CHCC Guideline for Conditions of Tenure for Community Organisations

## 6 Details of Approval and revision

- Approval date: 28/02/2019
- Responsible Section: Logistics
- Superseded policies/procedures: N/A
- Next review date: 13/08/2021

### Table of amendments

Amendment	Authoriser	Approval ref	Date

## 7 Appendices

- Guideline for Assessment of Rental for Community Tenants
- Guideline for Conditions of Tenure for Community Organisations