



Strategic policy

Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure

Corporate Plan reference:	2. A strong community 2.2 Resilient and engaged communities 4. Service excellence 4.2 Services and assets are efficient, appropriately maintained and managed to meet the needs of a growing community
Endorsed by Council on:	<Insert Ordinary Meeting Date>
Manager responsible for policy:	Manager Property Management, Corporate Services

Policy purpose

The purpose of this policy is to establish consistent and transparent direction for Council and community groups in relation to the provision and management of occupancy arrangements (tenure) over Council owned or Council controlled land and/or infrastructure.

Policy outcome

The policy seeks to establish a structured, consistent and transparent approach to the provision and management of community occupancy arrangements over Council owned and Council controlled land and/or infrastructure.

This approach maximises use of community land and infrastructure and clarifies roles and responsibilities to expedite decision making and ultimately build resilient, strengthened communities.

Policy scope

The policy considers management of occupancy arrangements over community use land and infrastructure and does not give regard to other classes of tenure management within Council's property portfolio (i.e. commercial, residential etc.).

For the purpose of this policy, the term "tenure" refers to leases, licences and State-issued permits only. Council-issued permits, Hire Arrangements and Management Agreements are administered by relevant Branches as determined by the requested activity and are documented to govern the attributes specific to the individual request.

Policy statement

All occupancy arrangements for community use land and infrastructure will be issued in accordance with the principles of this policy unless otherwise determined by Council.

Guiding principles

The development of this policy position and its implementation is to:

1. promote resilience in community groups
2. document and standardise occupancy arrangements as much as possible
3. support community groups to contribute to the development of the Sunshine Coast community
4. not provide groups with disincentive/s to looking after assets within their occupancy arrangements
5. provide a platform to then engage with community groups to facilitate financial and advisory support opportunities

Types of occupancy arrangements (tenure)

Occupancy arrangements can include:

- Lease – an agreement between the Lessee and Lessor where the Lessee has exclusive use of Council property
- Licence – an agreement granted by Council to an organisation or community group to use Council property
- Trustee Permit – an agreement granted to an organisation or community group by Queensland Government (for state-owned land) giving permission to use land (and improvements) for a specified activity in accordance with Land Act 1994

Ownership of improvements

All fixed improvements constructed or installed upon Council property will be considered to be in the ownership of Council from the time that they are constructed or installed. Exceptions to this include:

- Specified Crown ownership (outlined in Trustee leases)
- Council determining that the improvement owner be an alternate entity
- An existing agreement that has determined that the improvement owner is an alternate entity

Tenure Selection

An application for tenure for community purposes is eligible for consideration when:

- The proposed use is for sporting, recreational or community services purposes;
- The applicant is a not-for-profit community based organisation incorporated under the Associations Incorporation Act and/or the applicant has appropriate status under other legislation acceptable to Council; and
- The applicant can demonstrate the ability to meet all financial and operational obligations pursuant to the occupancy arrangement

Tenure Documentation

The preparation of the documentation for occupancy arrangements will be coordinated using standard terms documentation for a lease (including Trustee leases), licence or permit. Occupants are responsible for all costs associated with tenure preparation, survey fees and documentation registration.

Tenure Inspections

Tenured sites should be monitored with scheduled inspections to ensure that Council's and the

lessee's obligations, pursuant to the tenure arrangements, are complied with.

Rental amounts

Rental charges applied to Council property for community purpose will be as follows:

- Community organisations without a liquor licence – one (1) unit per annum
- Community organisations with a Community Club liquor licence and fewer than 2000 members (all membership types) – five (5) units per annum
- Community organisations with a Community Club liquor licence and more than 2000 members (all membership types) – ten (10) units per annum

A unit of rent is as it appears in Council's list of Fees and Charges which are reviewed annually.

Tenure holders under new and renewed leases are solely responsible for all applicable rates, utilities, taxes, assessments, duties, levies, impositions and other charges in respect of the occupancy arrangement.

All new tenure arrangements, including renewals, will specify the tenure holder as responsible for water and sewerage charges.

Tenure period

Tenure arrangements on Council Property may be either:

- A licence of up to three (3) years;
- A lease of up to ten (10) years;
- A Trustee Permit as per Land Act 1994 (currently up to three (3) years);
- A Trustee Lease of up to ten (10) years

Council may consider a longer tenure period should exceptional circumstances be demonstrated.

Maintenance and Alterations

All new tenure arrangements, including renewals, will specify the tenure holder as solely responsible for all costs of maintaining, repairing and replacing improvements within the tenure area.

All works are to be undertaken in a safe and legislatively compliant manner.

Insurance

Council will provide building insurance, in accordance with Council's insurance policy position, for buildings and facilities for which it is the recognised owner. These insurance costs will be on-charged to tenure holders as a condition of all new tenure arrangements.

Tenure holders must hold and maintain other insurance policies as are required by Council and legislation in respect of their occupation and use of Council owned or Council controlled improvements and in accordance with conditions of tenure documentation.

Guarantees and Indemnities

Council does not take guarantees or indemnities on not-for-profit community organisations as they are incorporated associations where officeholders and members cannot be held liable for the club's debts.

Roles and responsibilities

Manager Property Management Branch is responsible for administering tenure arrangements of all Council owned or Council controlled community land and infrastructure. This includes tenure preparation and tenure management.

Manager Community Facilities and Planning Branch is responsible for relationship management with community groups seeking to hold or having existing tenure under this policy. This includes recommendations to Property Management of viable community groups suitable for tenure and general support during tenure.

Measurement of success

Successful implementation of this policy will be evidenced through improved resilience within community groups, occupying community land and/or infrastructure that is fit for purpose and managed in accordance with tenure conditions.

Definitions

Hire Arrangement – an agreement to use land (and infrastructure) for pre-determined days and hours of use

Lease – an agreement between the Lessee and Lessor where the Lessee has exclusive use of Council property

Licence – an agreement granted by Council to an organisation or community group to use Council property

Management Agreement – an agreement to oversee the operations and management of Council-owned or Council-controlled property, where asset ownership and responsibility for same rests with Council

Permit – an agreement granted to an organisation or community group by Council (over Council-owned property) or Queensland Government (for state-owned land) giving permission to use land (and improvements) for a specified activity (as per Council's Local Laws (for Council-owned land) or in accordance with Land Act 1994 (for Trustee Permits))

Tenure – for the purpose of this policy, the term "tenure" refers to leases, licences and State-issued permits only. Council-issued permits, Hire Arrangements and Management Agreements are administered by relevant Branches as determined by the requested activity and are documented to govern the attributes specific to the individual request.

Related policies and legislation

Interim Policy for the Community Use of Council Owned or Managed Land and Infrastructure

Land Act 1994

Land Regulation 2009

Local Government Act 2009

Local Government Regulation 2012

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Review of Interim Policy	Y		

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