



## Council Policy

# Community Leasing and Licensing Policy

Version 2 - 25 August 2022

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## Policy - External Community Leasing and Licensing Policy

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### Introduction

#### Purpose

Council is committed to providing community and recreation facilities that benefit the Lake Macquarie community.

The Community Leasing Policy provides a framework to ensure Council adopts a consistent and rigorous approach to the leasing and licensing of Council property for community use, while also maximising benefit to the community.

#### Scope

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

This policy does not apply to:

- Commercial or residential occupation of Council-owned property;
- Facilities managed and operated by Council;
- Facilities managed under Section 355 of the Local Government Act 1993; or
- Short term / casual licences.

#### Policy statement

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

Council prefers to provide multi-purpose community facilities that offer a wide range of services and peer support for workers, rather than accommodating services in individual premises.

The community leasing framework will ensure a consistent and transparent process is applied to new and existing lease and licence arrangements.

#### Principles

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

- Consider historic use and determine the appropriate management model for the facility - exclusive, shared and/or general community use
- Determine the appropriate rent to be applied (eg: lease 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 range and diversity of activities and essential services provided to the community
- Ensure the proposed arrangement is consistent with other similar facilities

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- 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
- Consider security bonds for high-risk activities

### Objectives

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

- Maximum use and occupation of a diverse portfolio of accessible community facilities
- The provision of a wide and diverse range of services and activities to the community
- The provision of affordable rents, alongside Council's cost recovery
- Usage aligned to the relevant Plan of Management and a strategic objective in Council's Community Strategic Plan

### Review and Evaluation

The review of this policy is to include the following:

- A review of the lease types implemented from the date of adoption of the policy
- A review of the diversity and inclusivity of the community services available to the Lake Macquarie community
- Feedback from internal and external parties

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### Controlled Document Information

#### Authorisation Details

<b>Folder No:</b>	F2019/01144	<b>TRIM Record No:</b>	D10781734
<b>Audience:</b>	External - Staff and lessees of Community lessees		
<b>Department:</b>	Community Partnerships	<b>Officer:</b>	Community Leasing Management Officer - Anne Hoye
<b>Key focus area(s):</b>	Diverse Economy		
<b>Review Timeframe:</b> Max < 4 years	4 years	<b>Next Scheduled Review Date:</b>	25 August 2026
<b>Authorisation:</b>	Adopted by Council - 14 December 2020		
<b>Authorisation - Council Adoption Date:</b>	14 December 2020		

#### Related Document Information, Standards & References

<b>Related Legislation:</b>	(Legislation Name) Local Government Act 1993 Local Government (General) Regulation 2005 Crown Land Management Act 2016 Crown Land Management Regulation 2018 Conveyancing Act 1919 Real Property Act 1900 Work Health and Safety Act 2011	(Relationship/Context) Council's authority to grant leases and licences
<b>Related Policies:</b>	(Policy Name) Community Services and Facilities	(Relationship/Context) Council's framework for providing services to meet the social needs of the community.
<b>Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:</b>	(Document Name)	(Relationship/Context)
<b>Standards, COP's &amp; Other References</b>	(Standard, COP or Other References)	(Relationship/Context)

#### Definitions

Term / Abbreviation	Definition
Lease	An exclusive right to use land, or part thereof, for a fixed duration and purpose
Licence	A non-exclusive right to use land, or part thereof, for a fixed duration and purpose

#### Consultation (update for each version created)

<b>Key Departments, Teams, Positions, Meetings:</b>	Community Partnerships, Connected Communities Portfolio Committee
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#### Version History

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Version No	Date Changed	Modified By	Details and Comments
1	20/11/2019	Anne Hoye	New Policy
2	9/8/2022	Anne Hoye	No Changes - new template