

GUIDELINES FOR TENURE OF COMMUNITY LAND AND FACILITIES

Introduction

Council is committed to the equitable allocation of land and facilities to the Bundaberg community via lease, permit to occupy or other tenure arrangements for sport, recreation, educational activities, cultural and community purposes.

These guidelines provide information about Council's process for allocating Council owned or controlled land and facilities to community organisations, including what should be included in any application, how applications are processed and the tenure options available.

Objectives for allocating Council freehold or controlled land and facilities.

Council is committed to:

- Meeting the needs of community groups seeking to occupy and use Council owned or controlled land and facilities for community purposes.
- Ensure that there is an equitable and consistent approach in providing tenure arrangements ensuring that the use of community land and facilities is aligned to Council's strategies and strategic vision, legislative and regulatory frameworks, and increase the health, social well-being and community life of the region.
- Promote optimal use of community land and facilities in co-operation with residents of the region and community organisations.
- Encourage community development by providing community organisations with land and other resources to deliver their activities.

Eligibility criteria

Organisations wishing to apply for tenure of the regions community land or facilities must:

- Be an incorporated association or equivalent
- Be a not-for-profit community-based organisation incorporated under the Associations Incorporations Act, and/or the applicant has appropriate status acceptable to Council
- Demonstrate an ability to meet the financial obligations of a lease, permit to occupy or other tenure arrangements (provide a copy of the most recent audited financial statements, and a business plan where appropriate) maintain appropriate insurances for the term of tenure including \$20 million public liability
- Damage insurance policy covering buildings and fixtures to full replacement value (if required)
- Maintain a post office box for the term of tenure
- Council will also consider applications from individuals and commercial organisations. In any instance all applications will be considered in accordance with the Local Government Act.

The ability to meet the above criteria must be detailed on or attached to the form (Tenure application form) before any application can be considered.

Key performance criteria

Here are some suggestions on how you can address the key performance criteria on the application form.

Demonstrate the need for your organisation's activities in the local area, or within the region by identifying:

- the needs of the local community
- how your organisation's activities will be able to service these needs of the community
- how your organisation's activities will increase the health, social well-being and community life of the region

Provide details of the expected multi-use of the community land and facility, including:

- the variety of activities to be conducted by your organization
- the ability and willingness of your organisation to share the facility with other community organisations.

Demonstrate how your organisation will function as an integral member of the local community, for example:

- by detailing how your organisation will encourage and engage the local community in its activities
- by detailing how your organisation will deal with the local community and manage issues/complaints.

Detail your organisation's commitment to continuous improvement of community land and facilities:

- by detailing the improvements planned for the term of tenure
- by including an outline of facility development, landscaping, beautification, and environmental management.

Tenure options available

To accommodate the wide variety of community organisations and their needs for community land and facilities, a range of tenure options have been developed by Council.

1. Lease

A lease is appropriate if the community organisation requires extensive use of the land, and plans to make improvements and/or develop infrastructure. As the tenant, the community organisation must pay to Council an annual rent, and other fees and charges in accordance with the lease. The tenant is also responsible for repairs and maintenance of the premises.

A lease is a right to use land and facilities for an agreed purpose and term. The lease document is registered in the Titles Office. The standard term of lease offered by Council

is five years. Greater terms of tenure may be negotiated on a case-by-case basis following consideration of the organisation's long-term objectives, management and financial capacity, capital investment and Council's vision and strategy for the area.

2. Permit to Occupy

A Permit to Occupy is suitable where a community organisation wishes to use land or facilities. A Permit to Occupy is a non-exclusive form of tenure. As the Permittee, the community organisation must pay to Council a rent or Permit fee, and other fees and charges payable in accordance with the Permit.

A Permit is a form of permission to enter and use land and facilities for an agreed purpose and term. The term for a Permit to Occupy is generally 12 months with a maximum of up to 3 years. Under the Land ACT 1994, Trustee Permits to Occupy over state land greater than 12 months require registration with the Titles Registry.

3. Sub-lease

Council encourages multi-use and sharing of the regions land or facilities via a sub-lease where:

- the proposed sub-lessee is, in the reasonable opinion of Council, a suitable organisation to occupy the land or facility
- the proposed use of the facility is an acceptable and compatible extension of the current use of the land or facility
- the proposed term, hours and permitted use are consistent with the head lease or permit. Further details on sub-leases and permits are available on request.

Making an application

Tenure arrangements are negotiated with the community organisation if the application is successful. Unfortunately, Council cannot guarantee the allocation of community land and facilities to every community organisation that applies. However, Council will explore all available options to assist each organisation to meet its objectives.

In any instance, under the Local Government Act Expressions of Interest or Tenders may be called by Council to optimize equal opportunity in the site to any one or several groups.

In general all costs associated with the preparation of a Lease or Permit shall be the responsibility of the Lessee including but not limited to, legal expenses and survey plans.

Further information

For further information please contact Council's Call Centre on 1300 883 699 and ask for the Property Leasing Officer.