

* <b>POLICY NUMBER:</b>	<b>7.6</b>
* <b>TITLE:</b>	<b>Community Leases</b>
* <b>ADOPTED BY:</b>	<b>Glen Eira City Council</b>
* <b>DATE ADOPTED:</b>	<b>1 May 2006</b>

---

## **1. Objective**

- 1.1 To provide a framework for the leasing of Council owned or controlled land to community based organisations and sporting clubs where exclusive use of the land is granted.
- 1.2 To maximise the use of Council assets and provide for responsible management.
- 1.3 To manage risk associated with occupancies of Council owned or controlled land.
- 1.4 To encourage a cooperative engagement with community based organisations and sporting clubs to promote mutual benefits.

## **2. Policy**

- 2.1 This policy only relates to leasing for community based organisations and sporting clubs (clubs).
- 2.2 Clubs with exclusive occupation of Council property must have a current lease.
- 2.3 Council will only lease land to clubs that are incorporated associations or other legal entities.
- 2.4 Through leasing Council will seek to ensure that all laws are observed.
- 2.5 Where the lease is a land only lease Council recognises that clubs originally established the buildings and improvements on the land and that the clubs will remain responsible for maintenance, repairs and alterations to buildings and other improvements on the land.
- 2.6 A lease will have a term of nine years. Future Councils should not be unduly bound by decisions which excessively encumber land.
- 2.7 Leases will contain appropriate risk management measures including the following:
  - 2.7.1 Clubs will indemnify Council against any claims unless the Council is negligent,
  - 2.7.2 Clubs will have in place adequate public liability insurance,
  - 2.7.3 Clubs will have in place adequate building insurance, and
  - 2.7.4 Clubs will ensure that appropriate documentation and insurance is in place for occasional or hired use do the land by third parties.

- 2.8 Leases will contain measures to promote engagement between Council and the clubs including the following:
- 2.8.1 Clubs will provide annual reports that contain information including financials, memberships, details of office bearers and use of the land by other groups, and
  - 2.8.2 Clubs will meet with a Council representative annually to discuss plans for future use and maintenance and to allow inspection of the land.

### 3. Guidelines

- 3.1 Council will seek to establish standard leasing for like uses for reasons of administrative ease and fairness. However, Council recognises that variances to standard leasing will be required in special circumstances including the following:
- 3.1.1 Leasing of crown land,
  - 3.1.2 Leasing where Council is the owner of buildings and improvements on the land, and
  - 3.1.3 Minor and relatively inconsequential amendments to suit particular circumstances of a club.
- 3.2 Council will allow a reasonable time for clubs to enter into a new lease or to renew a lease recognising that office bearers act in a voluntary capacity and allowing for meeting cycles. However, lease negotiations with clubs should not take longer than 6 months to complete.
- 3.2.1 Council will enter into negotiations with existing lessees no less than six months prior to the expiry of the existing lease,
  - 3.2.2 Where lease negotiations have been ongoing for 6 months or longer without exceptional circumstances clubs will be provided with a reasonable deadline for conclusion,
  - 3.2.3 If the deadline has passed and a lease has not been agreed, clubs will be deemed to have repudiated any rights to occupy the land,
  - 3.2.4 In circumstances described in 3.2.3 above, following formal resolution Council may take any or all of the following action:
    - 3.2.4.1 Secure the site to prevent unauthorised access to the land,
    - 3.2.4.2 Invite the former tenant club to a Council meeting to make a submission about any matters relating to the property and tenancy, and
    - 3.2.4.3 Invite expressions of interest for the future use of the land.

---

\* **Relevant Legislation:** *Local Government Act 1989, Cultural and Recreational Lands Act 1963, Associations Incorporation Act 1981*

\* **Relevant Community Plan:** *Objective 3 – Advance the public interest by good governance and responsible management of community assets, finances and risks.*

\* **Cross References to other Policies / Documents:**

\* **Responsible Officer(s):** Manager Buildings and Properties