

**GLENORCHY CITY COUNCIL
ATTACHMENTS
WEDNESDAY, 26 APRIL 2023**



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LEASING AND LICENSING OF COUNCIL OWNED AND MANGED PROPERTIES



PURPOSE

Council owns and manages a diverse suite of properties for the benefit of the community, including sporting clubs, community organisations, private and commercial entities, and other parties. This policy sets out the Council's position to allocating its community properties and facilities to provide a consistent, equitable and transparent approach.

SCOPE

This policy applies to ~~all~~ groups, entities, and individuals (~~users~~) wishing to access a Council owned or managed ~~community~~ property or facility under a lease or licence. All real property assets and facilities that are owned and/or managed by the Council are covered by this policy.

The following are outside the scope of the policy:

- tenders;
- major or minor events;
- ~~any matter already covered by Council's Lights and Council Playing Fields Policy;~~
- outdoor dining; and
- busking and street vending.

STRATEGIC PLAN ALIGNMENT

Making Lives Better

~~Strategy 1.2.3 Promote creative expression and participation and life-long learning as priorities for our communities.~~

Leading Our Community

~~Strategy 4.1.1 Manage Council for maximum efficiency, accountability, and transparency.~~

RELATED DOCUMENTS

Leasing and Licensing Directive

Disposal of Council Land Policy

STATUTORY REQUIREMENTS

Acts	<i>Local Government Act 1993, Residential Tenancy Act 1997</i>
Regulations	<i>Local Government (General) Regulations 2015, Fair Trading (Code of Practice for Retail Tenancies) Regulations 1998</i>

Australian/International Standards	N/A
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DEFINITIONS

Council means Glenorchy City Council

Council property means property, including land and buildings, owned, or managed by Council. This includes, for example, halls, buildings, reserves, sports fields and community centres.

Facilities means buildings or structures built on Council land.

Lease means a formal agreement for the exclusive occupation and/or ~~long-term~~ use of a Council property or a specified area within a Council property. ~~A lease can be commercial, residential or retail.~~

Licence means a formal agreement for non-exclusive, intermittent or shared use of a Council facility, ~~including casual hire~~ (e.g. the use of sports grounds).

Tenant means the lessee or licensee.

POLICY STATEMENT

General Approach

1. Council will manage its property resources efficiently, equitably, and transparently, including how we allocate facilities and charge for their usage.
2. Council encourages use of its facilities and properties by a broad range of groups and organisations where they provide for a need within the community, provide required services or aid in building a strong and connected community.
3. Council will comply with all relevant legislation in relation to the use of its property.

Appropriate use of Council property

4. In allocating its property for community use, Council will endeavour to provide the most appropriate available Council facility to meet the needs of the user.
5. Council will promote and arrange shared use of public facilities where feasible and within the carrying capacity of the facility. This may involve sharing buildings or spaces at the same time or at different times.
6. Council will maximise the use of vacant or underutilised land to provide greater community benefit as opportunities are identified.
7. Council reserves the right to refuse to lease or licence any property or facility for events or activities that do not meet its criteria or conflict with its plans and strategies.

~~7-8.~~ The Tenant is responsible for obtaining any required statutory permits (e.g. Planning Permits) relating to the Tenants occupation and use of the facility

Allocations

~~8-9.~~ In allocating its properties ~~and facilities~~, Council will take into consideration:

- the type of use deemed most appropriate for the ~~facility~~property;
- availability of alternative ~~property~~facilities;
- whether applicants or their memberships are predominantly based in Glenorchy;
- any prior tenancy history of the applicant;
- existing seasonal use;
- applicants' willingness to share facilities with other user groups where feasible; and
- uses that align with Council's strategic plan or other strategies in regard to achieving our community's goals

~~Agreements to Lease~~ or licence agreements over Council property

~~9-10.~~ All ~~occupancy arrangements~~leases and licences will be subject to formal written agreements reflecting appropriate legal and commercial standards ~~and reviewed by Council's legal unit or external solicitors prior to finalising.~~

~~10-11.~~ All lease and licence agreements will reflect the nature of the occupancy and contain terms and conditions that comply with this policy.

~~11-12.~~ The term of a lease or licence must not exceed 5 years unless there are extenuating circumstances that would cause unreasonable inconvenience or disadvantage to either party. These circumstances could include where the tenant has fully funded the development of the property and/or is making a substantial investment in the property that aligns with Council's goals. Terms exceeding 5 years must be approved by the Manager Property Environment and Waste and will only be granted by exception and where in the best interests of the Council. Lease terms exceeding 5 years are also subject to Council's Disposal of Council Land Policy and Section 178 of the Local Government Act 1993.

~~12-13.~~ ~~Lessees-Tenants~~ must provide appropriate public liability insurance and comply with legal work health and safety requirements.

~~13-14.~~ ~~Lessees-Tenants~~ will not be permitted to sublease-sublet without Council's express written consent.

Income from use of Council property

~~14-15.~~ To help ensure continued provision of appropriate, well-maintained facilities for the foreseeable future, Council will generally aim to obtain a market commercial return on the commercial use of its properties. However, Council recognises that some groups receive no or minimal profit and provide particular benefits

