

## Community and Sporting Clubs Leases and Licencing Policy

Strategic Reference	Objective 3; A prosperous and sustainable district. Strategy 3.8; Ensure Council finances and assets are managed to support changing community needs in a sustainable and cost-effective manner.
File reference	AR21/1952
Responsibility	Community and Corporate Department
Revision Number	Original
Effective date	20 April 2021
Last revised date	Nil
Minutes reference	076/21
Next review date	April 2025
Applicable Legislation	Local Government Act 1999, s202 Retail and Commercial Leases Act 1995 Crown Land Management Act 2009 Liquor Licencing Act 1997
Related Policies	Community Engagement Policy
Related Documents	Community Land Management Plans

### 1. Purpose

The purpose of this Policy is to provide a framework for leasing and licencing Council-owned properties to community based groups/services and sporting and community clubs. Its aim is to provide clarity and guidance when considering applications for the granting of leases or licences to such groups.

Coorong District Council recognises community groups, sporting and community clubs provide important and valued community benefits to the district. To maintain fairness and balance, Council's objective is to ensure a consistent approach is taken for groups and clubs within all of the district when determining lease and licence requirements and conditions.

Council aims to maximise the benefit experienced by the community through the utilisation of community land and buildings by ensuring responsible management and taking into consideration the use, function and purpose of the facility and capacity to pay.

## ***Community and Sporting Clubs Leases and Licences Policy***

It is the intent of Council to *apply nominal fees* to leases and licences fairly to all parties, to cultivate a sound understanding of responsibilities attached to the occupation of community facilities and to formalise leases and licences.

*Council does not view the leasing or licencing of community facilities to a community group or sporting club as a form of revenue raising.*

### **2. Policy Objectives**

The objectives of this Policy are to:

1. Ensure Council owned facilities are used appropriately and meet community needs
2. Optimise use of Council's community land and buildings
3. Ensure Council owned facilities are developed, maintained and occupied responsibly
4. Ensure a *consistent and fair approach* is taken for all community groups and sporting clubs from all areas within the district
5. Ensure sound financial management, and legislative compliance is met when leasing community land and buildings
  - a. Provide clarity and understanding of the responsibilities associated with a lease or licence e.g. regarding maintenance of the facility, insurance, utilities etc.

### **3. Scope**

The scope of this Policy is such that it applies to all local government land (except roads) owned by Council or under Council's care and control and management which may be leased or licensed to community groups or sporting and community clubs.

### **4. Exclusions**

Commercial, and Residential private use leases or licences are not covered by this Policy and will be subject to separate commercial negotiations.

Community groups and sporting clubs who use the premises for gambling activities involving totalisator/bookmaking operations and/or electronic gaming machines (e.g. poker machines, keno) will not be entitled to a lease in accordance with this policy.

Community land that does not have an associated Community Land Management Plan (CLMP) referring to and permitting the leasing of the land and facilities cannot be leased. However, a CLMP may be amended in accordance with the Local Government Act 1999 and following the required processes associated, including public consultation. Upon approval and completion of an amended CLMP, a lease may be considered.

### **5. Lease**

A lease provides specific and exclusive rights to occupy or use the land/buildings, consequently a variety of associated costs become the responsibility of the lessee.

The life of the lease is negotiable and will generally be for up to 21 years with a 21 year right of renewal.

Any group seeking a lease, longer than a five (5) year term will be presented to Council for a decision. If public consultation is required in accordance with the Local Government Act 1999 consideration by Council will occur prior to the commencement of public consultation.

**Community and Sporting Clubs Leases and Licences Policy**

If the lease is for less than (5) years, the Chief Executive Officer of Council will be permitted under delegation to enter into a lease with an Incorporated community group.

A Community Land Management Plan for any community land must refer to and permit the said land to be leased accordingly.

A lease may be granted for land only or include existing Council buildings. Any development and maintenance of buildings and/or facilities (except existing Council owned buildings) on the land are entirely the responsibility of the lessee. Details will be clarified within the lease documentation.

Leases under the scope of this Policy may only be granted to Incorporated bodies.

**Sub-Leasing**

The head lease holder including Council may sub-lease to another party if supported by Council. The group must be an Incorporated body. The annual lease fee shall be no more than the fee of the head lease.

**6. Licence**

A licence generally does not (but may) provide for exclusive possession. Should exclusivity be requested, Council will follow the required Public Consultation process.

Council may grant a licence to occupy land to another party for a specified term which may also only permit them to occupy the premises during specified hours and days during the term subject to various conditions. There is no leasehold or other legal interest in the premises.

Any group seeking a licence, longer than a five (5) year term will be considered by Council. If public consultation is required in accordance with the Local Government Act 1999 consideration by Council will occur prior to the commencement of public consultation.

Licenses under (5) years may be authorised by the Chief Executive Officer.

Licences under the scope of this Policy may only be granted to Incorporated bodies.

**7. Classification**

Council recognises the various types of clubs and groups and their ability to enjoy revenue from diverse means. To ensure fairness, two classifications have been determined:

1. Community based group/service
2. Sporting and Community Clubs

**8. Responsibility**

Associated responsibilities have been adjusted for each of the classifications and are listed below;

**8.1 Community based group/service**

Council recognises the benefit of providing both financial and non-financial support to Community Groups and organisations.

**Community and Sporting Clubs Leases and Licences Policy**

These include but are not limited to service clubs, craft groups or associations etc.

Council is aware of the community benefits provided by these organisations and groups in developing social interaction, friendships, health and fitness, education, training and activities for residents. Additionally, it is acknowledged economic returns to the broader community and tourists through the various associations may also result. The unpaid contribution of volunteers to these activities is positively recognised and valued by Council.

Therefore, a Peppercorn Rental of \$1.00 per annum will be attached to an incorporated community-based group/service lease or licence.

The following responsibilities apply to Community based groups/services (Lessee) in relation to the leasing of Council land/facilities.

**Lessee/Licensee Responsibility for Council owned buildings and land**

- All outgoings – except for Council Rates and Emergency Services Levy in accordance with the Councils' rates policy and Local Government Act 1999. Including, but not limited to electricity, water, gas, telephone, internet
- Day-to-day repairs and maintenance of a non-capital nature as specified in a lease agreement e.g. replacement of light globes, washers, taps, carpet repairs, waste disposal costs, signage
- Internal painting of buildings
- Public Liability Insurance
- Contents Insurance
- Volunteers Business pack/Committee Insurance
- Air conditioners (maintenance and repair)
- Maintenance of curtains/drapes/blinds and floor coverings
- Plumbing maintenance including fittings
- Stoves and other electrical items
- Cleaning of roofs, gutters and downpipes
- Maintenance of door locks
- Maintenance of rainwater tanks
- Maintenance of roller doors
- Cleaning of premises
- Doors interior/exterior
- Maintenance of boundary fence and gates
- Maintenance of Internal fence and gates

**Council Responsibility for Council owned buildings and land**

- Preparation of lease documentation (including public consultation costs)
- Property insurance
- External painting
- Hot water service
- Graffiti Clean up
- Pest Control
- Internal access - 'roads'
- Septic Maintenance/repair
- Maintenance of fire safety equipment
  - Extinguishers
  - Exit lights

**Community and Sporting Clubs Leases and Licences Policy**

- Maintenance of Asbestos register
- Car park areas
- Repair building structural faults where it is not a result of negligent maintenance or use by the lessee

**8.2 Community based group/service**

Council recognises the importance and community value that sporting facilities, and community clubs play in rural communities in encouraging health, fitness, social inclusion and community interaction within the district and those benefits are not underestimated.

Council also acknowledges the community benefit created by these groups and community clubs and recognises that in most instances there is an unpaid contribution of volunteers towards the maintenance and upgrade of the various sporting grounds and buildings. A peppercorn rent of \$1.00 is to be charged for these leases.

The following responsibilities apply to Sporting and Community Clubs (Lessee) in relation to the leasing of Council land/facilities.

**Lessee/licensee Responsibility for Council owned buildings and land**

- All outgoing— except for Council Rates and Emergency Services Levy. in accordance with the Councils' rates policy and Local Government Act 1999. Including but not limited to electricity, gas, telephone, internet
- Water charges – Council may negotiate watering charges to grassed playing surfaces.
- Day-to-day repairs and maintenance of a non-capital nature as specified in a lease agreement e.g. replacement of light globes, washers, taps, carpet repairs, waste disposal costs, signage
- Internal painting of buildings
- Public Liability Insurance
- Contents Insurance
- Building Insurance
- Volunteers Business pack/Committee Insurance
- Air conditioners (maintenance and repair)
- Maintenance of curtains/drapes/blinds and floor coverings
- Plumbing maintenance including fittings
- Stoves and other electrical items
- Cleaning of roofs, gutters and downpipes
- Maintenance of door locks
- Maintenance of rainwater tanks
- Maintenance of roller doors
- Cleaning of premises
- Maintenance of curtains/drapes/blinds
- Doors interior/exterior
- Boundary fence and gates
- Internal fence and gates
- Internal access - 'roads'
- Car park areas
- Septic Maintenance/repair
- Mowing, maintenance, and replacement of playing surfaces of a specialist nature including but not limited to bowling and croquet greens, turf cricket pitches, closed sporting facilities

### ***Community and Sporting Clubs Leases and Licences Policy***

- Maintenance and replacement of hard based playing surfaces including but not limited to tennis and netball courts, synthetic surfaces
- Maintenance and replacement of sports field flood lighting

#### Council Responsibility for Council owned buildings and land

- Preparation of lease documentation (including public consultation costs)
- Property insurance
- External painting
- Hot water service
- Graffiti Clean up
- Pest Control
- Maintenance of asbestos register
- Maintenance of fire safety equipment
  - Extinguishers
  - Exit lights
- Repair building structural faults where it is not a result of negligent maintenance or use by the lessee
- Council will repair and maintain internal roadways and car parking areas.

#### **9. Policy Responsibility**

The Director Community & Corporate is responsible for ensuring the proper operation of this Policy.

#### **10. Definitions**

***Community based group/service*** – community groups with limited capacity to raise revenue and who do not charge membership fees. For example, a craft group or hall committee

***Sporting and Community Clubs*** – sporting clubs and community clubs who charge annual membership fees and/or have the capacity to raise revenue through various means, including but not limited to licensed facilities. For example football club, golf club, RSL

***Totalisator*** – a device showing the number and amount of bets staked on a race, to facilitate the division of the total among those backing the winner.

This policy applies to any new lease or licenses entered into after ratification of the policy by Council.

#### **11. Further information**

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council's website: [www.coorong.sa.gov.au](http://www.coorong.sa.gov.au).

##### **Coorong Civic Centre**

95-101 Railway Terrace  
Tailem Bend  
Phone: 1300 785 277  
Fax: 8572 3822

##### **Meningie Information Hub**

49 Princes Highway  
Meningie

##### **Tintinara Customer Service Centre**

37 Becker Terrace  
Tintinara

**Community and Sporting Clubs Leases and Licences Policy**

Copies will be provided to interested parties upon request. Email [council@coorong.sa.gov.au](mailto:council@coorong.sa.gov.au).

Any grievances in relation to this code of conduct or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

**12. Document History**

This Policy shall be reviewed at least every four (4) years or more frequently if legislation or Council requires.

Version	Adopted	Minute No	Description of Change
1	20 April 2021	076/21	N/A