

Community Leasing Policy



1. Purpose

The purpose of this policy is to provide transparent, consistent, and impartial processes when leasing and licensing Council owned and managed land and buildings with community members and to ensure compliance with legislative requirements.

Council recognises the role that the community provides by their activation of Council owned and managed facilities. This policy provides a framework for Officers to negotiate sustainable arrangements between Council and community members for use of its facilities.

2. Scope

This policy is applicable to Council owned and occupied land and buildings and where Council acts as the Committee of Management on Crown Land.

This policy applies to the Community, Councillors and employees (including full time, part time, casual employees, agency staff and students), and Community Asset Committees created under Section 65 of the Act. The policy is also applied in the management of contractors, volunteer groups, and consultants of Campaspe Shire Council.

3. Policy Statement

Council is committed to ensure each occupant of a Council owned facility has a formal agreement in place, enabling the Community capacity to occupy Council buildings at an appropriate level of access at a cost point that is sustainable for both Council and the occupant.

To support this commitment community members that meet the eligibility criteria of the policy may be offered a “peppercorn” lease or licence agreement or a casual hire agreement for a nominal fee in accordance with Council annual fees and charges on applicable properties. This supports Council’s vision by achieving maximum benefit from its community property portfolio.

4. Principles

The principles supporting this policy are:

1. Equity and Community Activation
2. Health and Wellbeing
3. Connected Communities
4. Opportunity for Access and Inclusion
5. Creative and Cultural Heritage Development
6. Sustainable Environment

5. Eligibility

Community Groups and Organisations must demonstrate they meet the definition provided in the policy and may enter into a formal agreement with a maximum term of up to nine years.

Kindergarten providers, where the provider is solely delivering State-funded three-and four-year-old kindergarten programs (ie.no additional fee for service for early years’ service is offered) from Council owned or managed sites for the benefit of the community, regardless of the commercial status and entity type may enter a formal agreement with a maximum term of up to nine years.

New Starter/Entrepreneurs or Creative Practitioners must demonstrate they meet the definition provided in the policy and may enter into a formal agreement, with a maximum term of up to three years.

Where multiple parties may be interested in the same property, and a shared arrangement cannot be reached, officers will conduct an expression of interest, for exclusive or shared use of the property.

6. Exclusions

This policy does not apply to:

- Council owned or managed properties where operation of electronic gaming machines is proposed
- A site-specific resolution of Council.

7. Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

8. Definitions

Terms and definitions used in this policy include:

Term	Details
Annual Turnover	Community Groups/Organisations total revenue received inclusive of GST for services and activities undertaken by the organisations within a financial year. New Starters/Entrepreneurs and Creative Practitioners total revenue received inclusive of GST for the derived services and activities undertaken by the practitioner, within a financial year.
Casual Hire Agreement	A user agreement to hire property (or part thereof) for a period of up to one (1) day to three (3) months. A hire agreement does not permit exclusive occupancy of the property. Is a short-term arrangement.
Community Group	A local Community club or group, incorporated under the Associations Incorporation Reform Act 2012 and operating for the benefit of the local community as a not-for-profit entity.
Community Organisation	means a body or organisation that: is defined in the Local Government Act 2020 as a Not for Profit Organisation a) operates exclusively for charitable, civil or other social purposes; b) does not share or allocate the funds or profits of the body or organisation with the owners, shareholders or executives of the body or organisation;
Creative Practitioner	Is a creative, craftsperson, artist, musician, cinematographer, demonstrator, artisan, performer, photographer or presenter.
Crown Land	As defined in the Crown Land (Reserves) Act 1978
Lease	A lease is a right granted by the owner of the property (Landlord) to another person (Tenant) to have exclusive possession of that property, or part thereof, for a fixed duration in return for rental payment.
Licence	A licence permits a person (Licensee) to occupy property (or part thereof) under particular conditions. The main feature that distinguishes a Licence from a lease is that a Licence does not permit exclusive occupancy of the property. Generally for a short term.
New Starter/Entrepreneur	Is an individual or legal entity, that can demonstrate they are an entrepreneur or new start up commencing in business,(no more than 12 months old) or have recently moved to the Shire (in last 6 months), or are looking to move to the Shire (in the next 6 months), and committed to build and grow the business within the Shire.
Peppercorn	An amount that is insignificant. Minimum charge per annum is set in accordance with Council annual fees and charges and where Crown Land the peppercorn minimum fee will be determined by the Department of Environment, Energy and Climate Action (DEECA).
Service Manager	The relevant Council officer who manages the relationship with the existing or prospective tenants or landlords. The Service Manager is responsible for the management and delivery of the Council service offered or connected to the property.
Site Specific	A specific location of Council owned or managed property, identified by street address, title or lot and plan details.

9. Acknowledgements

9.1. Traditional Owners

The Shire of Campaspe is the traditional lands of the Dja Dja Wurrung, Taungurung and Yorta Yorta Peoples. We respect and acknowledge their unique Aboriginal cultural heritage and pay our respect to their ancestors, descendants and emerging leaders as the Traditional Owners of this country. We acknowledge their living culture and their unique role in the life of this region.

Policy Information

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Related Legislation:	Local Government Act 2020 Victorian Charter of Human Rights and Responsibilities Act 2006 Gender Equality Act 2020 Victorian Disability Act 2020 Crown Land (Reserves) Act 1978 Local Government Act 2020 Land Act 1958 Retail Leases Act 2003		
Related Strategic Documents, Policies, or Procedures	Council Plan 2021-2025 Council Policy Commercial Leasing Council Policy Rates and Charges Council Policy Contribution to Recreation Reserve Maintenance Council Policy Recreation Fees and Charges Council Policy Competitive Neutrality Internal Policy Council Building and Contents Insurance Community Leasing Guideline		
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Approval History: Date:	Reason for review
08/08/2018	Adopted Executive Management Group
20/08/2019	Revised Minute Book Reference No 3048 (Item 7.2)
01/03/2021	Revised Administrative update to apply consistent reference to Campaspe Shire Council ('Council')
20/04/2022	Revised Minute Book Reference No (Item 9.2)
21/11/2023	Review of current policy is driven by user feedback, providing affordability and access to community when leasing Council properties.

Currency: Documents are amended from time to time; therefore, you should not rely on a printed copy being the current version. Please consult the Campaspe Shire Council website to ensure that the version you are using is up to date. This document is available in alternative formats (e.g. larger font) if requested.