

Bayside Council

Serving Our Community

Community Facilities Occupancy Renewal Policy

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Community Facilities Occupancy Renewal Policy

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1 Introduction

This policy regulates the evaluation of expiring or expired occupancy agreements under Council's management over which a lease or licence is held by a community group.

The policy acknowledges the importance of use of Council land and facilities by community groups for community benefit, but is mindful that optimisation of these facilities is desired for the betterment of the community.

2 Definitions

The definitions of certain terms are:

Community Group – (Registered) Not-for-profit or voluntary groups. This includes groups deemed to be providing services and activities to local community such as senior citizen associations, sporting groups, hobby clubs, cultural and social clubs, government departments, agencies, schools, churches or like groups.

Condition – The condition of the facility as a result of past or future occupancy.

Facility – Is a real property asset that covers land, its improvements (such as buildings, lighting etc.) and any fixtures and fittings that are deemed to be integral to the real property asset

Financial – The financial value to the community as a result of the potential future occupancy or feasible alternate uses.

Incumbent Community Group – the community group/s who are currently occupying/using the facility which is being assessed.

Service – The value to the community in terms of services associated with the incumbent community group/s or additional/alternate community group/s.

Strategy – A current commitment by Council by way of Council resolution or capital expenditure that influences the use of a facility.

Use – The future utilisation of the property based on operations of the incumbent community group/s or additional/alternate community group/s.

3 Policy Statement

Council is committed to ensuring that everyone in our community is able to enjoy the many social, cultural and business benefits of the Local Government Area (LGA).

This policy acknowledges the important role Council facilities play in creating opportunities for community groups in providing services for the betterment of the community.

4 Scope

This policy applies to all land and facilities within the LGA which are owned or managed by Council and are currently occupied by community groups by way of a lease, licence or other permanent occupancy agreement. This policy excludes:

- A community group who occupy facilities by way of a permit (seasonal and occasional use permits)
- Residential tenancies
- Commercial tenancies

5 Evaluation Framework

It is important for Council to evaluate the continuing occupancy agreements of facilities for use into the future.

This framework establishes a consistent and equitable approach when evaluating expiring or expired occupancy agreements held by a community groups.

Council Officers must undertake the below evaluation including a site inspection (subject to access) and invite the incumbent community group to participate in the evaluation process and advise the group of the outcome prior to reporting the matter to Council with associated recommendations.

The incumbent community group is encouraged to provide additional information to assist in the evaluation process.

Note: Council's Rental Assistance & Subsidy Policy determines the rent payable for community groups based on a subsidised commercial rent calculation for each community group. Whilst related, this Policy is independent of the Council's Rental Assistance & Subsidy Policy.

Theme	Question	Evaluation Score			Threshold and Action
		Yes	No	Somewhat	
Strategy	Has Council adopted a future strategy for the facility by way of an identified: <ul style="list-style-type: none"> • Council resolution; or • Item within the LGA Projects Program; or 	Yes	No	Not Applicable	If Yes, report to Council with associated recommendations which may or may not include an evaluation of the 4 other themes. If No, continue to undertake evaluation of all 4 remaining themes.
Condition	Has the condition of the facility deteriorated as a result of the occupancy of the incumbent community group, bearing in mind occupancy agreement responsibilities of all parties?	0	10	5	Maximum Score Potential = 20 Threshold Score = 15
	Will the condition of the facility improve as a result of future occupancy by the incumbent community group?	10	0	5	
Financial	Is there a substantial financial and/or opportunity cost to Council to continue to accommodate the incumbent community group on similar terms into the future?	0	10	5	Maximum Score Potential = 30 Threshold Score = 20
	Is funding whether from Council, other sources or self-generated allocated to the incumbent community group to support their services and associated accommodation needs?	10	0	5	
	Has there been recent or future capital improvements to the facility associated with the incumbent community group?	10	0	5	
Service	Does the incumbent community group provide significantly beneficial services to the LGA in comparison to other community groups who utilise Council facilities?	10	0	5	Maximum Score Potential = 40 Threshold Score = 25
	Does the incumbent community group provide significantly beneficial services to the LGA in comparison to other community groups with similar services (who may not provide services to the LGA)?	10	0	5	

Theme	Question	Evaluation Score			Threshold and Action
		Yes	No	Somewhat	
	Do the services operated by the incumbent community group involve third party service providers who also rely on the use of the facility?	0	10	5	
	Are there any other community services immediately identifiable that demonstrate demand and which would complement the use of the facility in the future?	0	10	5	
Use	Is the facility being underutilised?	0	10	5	Maximum Score Potential = 70 Threshold Score = 50
	Does the current or proposed use/s of the incumbent community group align with the permitted use specified in the occupancy agreement?	10	0	5	
	Have other community groups expressed a current interest in the facility?	0	10	Not Applicable	
	Does the proposed use of other community groups align with the permitted uses of the land zoning or existing use right?	0	10	Not Applicable	
	Will alternate occupancy arrangements significantly increase utilisation?	0	10	5	
	Is the current facility fit for purpose for the incumbent community group?	10	0	5	
	Has the incumbent community group submitted a plan which increases utilisation which may or may not consider co-location of like-minded groups?	10	0	5	

6 Evaluation Results

If the results of the evaluation produce individual scores for all 4 scored themes that equal or are greater than the threshold score – the evaluating Council Officer must make a recommendation to Council to continue to accommodate the incumbent community group at the facility whether it be based on the traditional utilisation practices or a revised utilisation proposal.

If the results of the evaluation produce an individual score for at least one 1 of the 4 scored themes which is less than the threshold score – The evaluating Council Officer must make a recommendation to Council which considers either an expressions of interest for the facility or to continue to accommodate the incumbent community group at the facility based on a revised utilisation proposal.

If the results of the evaluation produce an individual score for any of the 4 scored themes which is less than the threshold score, the Council Officer undertaking the evaluation, must provide commentary which addresses the score result.

The results of the evaluation must be shared with the incumbent community group prior to being reported to Council.

The incumbent community group have the opportunity to appeal any of the 4 scored themes which are less than the threshold score within 14 days of being notified of the score results.

7 Related Documents

This document should be read in conjunction with:

- Council's Rental Assistance & Subsidy Policy.
- Local Government Act 1993.
- The Roads Act 1993.
- The Roads Regulation 2008.
- Former Councils' Local Environmental Plans.
- Former Councils' Development Control Plans.
- Other relevant legislation, planning instruments, Council policies or Council reports.

8 Review

This policy is to be reviewed at least every term of a Council. Amendments to this policy are to be submitted to Council for approval, apart from non-significant and/or editorial amendments, which can be approved by the General Manager.

9 Version History

This policy is based on a former Rockdale City Council policy last adopted 21 October 2015.

Version	Release Date	Author	Reason for Change
1.0	01/12/2016	Ben Heraud	Harmonised document from former Councils