

POLICY NAME: LAND AND BUILDINGS – COMMUNITY GROUP ALLOCATION

POLICY REF:

MEETING REVIEWED:

POLICY HISTORY:



TABLE OF CONTENTS

OBJECTIVE 1

BACKGROUND..... 1

DEFINITIONS 1

SCOPE OF POLICY..... 2

RELATED DOCUMENTATION 2

POLICY 2

Policy Review **Error! Bookmark not defined.**

ASSESSMENT PROCESS - FLOWCHART 5

OBJECTIVE

The objective of this policy is to provide guidelines to assist Council in managing applications for the long term use of Council owned or controlled land and / or buildings and to assist in ensuring there is a fair and equitable allocation of this infrastructure to the community.

BACKGROUND

As a major land holder, both in outright ownership and as Reserve Trust Manager of Crown Land, Council is regularly approached to provide land and / or buildings for use by community groups.

The difficulty that Council faces is that the demand for land and buildings is well in excess of supply which means it is essential that Council only allocate these scarce resources where the proposed use clearly justifies the allocation.

This means it is important that Council assess any applications within a policy framework to promote consistency and transparency in the decision making process. This document provides that framework.

DEFINITIONS

Community Group As defined within this policy.

10.8 Policy (Draft) - Community Groups - Allocation of Land and Buildings.DOC

Ballina Shire Council

Land and Buildings – Community Group Allocation

Council Land	Represents land owned by Council, either classified as operational or community land, as defined in the Local Government Act
Crown Land	Land owned by the State Government, where Council has been appointed as the Reserve Trust Manager. As Reserve Trust Manager Council controls the use of this land, in consultation with the State Government.
General Manager	Person who holds that position within Council or their nominated delegate.

SCOPE OF POLICY

This policy applies to:

- Council staff
- Councillors
- Community Groups

RELATED DOCUMENTATION

Related documents, policies and legislation include:

- Local Government Act 1993
- Local Government (General) Regulations 2005
- Public Land Management – Practice Note – Division of Local Government

POLICY

Council recognises that many community based organisations have limited resources and by providing land and / or buildings Council can assist organisations in providing their services to the benefit of the broader community.

However due to the limited supply of land and buildings Council will only approve the occupation of these scarce resources when the proposed use is considered to provide significant benefits to the community and the need for that use is demonstrably higher than that that could be provided by other possible users.

Eligible Community Groups

To be eligible for consideration under this policy the organisation must be a not for profit community based group that provides a community service within the Ballina Local Government area.

The group must be incorporated as a legal entity to ensure that there is a legal body to enter any tenure agreement.

Guidelines for Selection of Eligible Organisations

To determine the merits of any eligible organisation Council will:

- Assess the level of benefit that the project or service will provide to the community or to disadvantaged groups within the community

- Assess the number of beneficiaries. When the proposal has a smaller number of proposed beneficiaries, assess the relative disadvantage of that group of people (eg; low income, youth, disability, etc).
- Consider the availability of other options (i.e. other land and / or buildings within the Shire not owned or controlled by Council)
- Assess the processes that must be followed, along with all the associated costs, to obtain planning consent for that eligible organisation for use of that land / building
- Compare the benefits to be derived with Council's Community Strategic Plan
- Consider the equity of support to other groups across the local government area

Strategies for Implementation

1. The General Manager will be the first point of contact for assessing requests for the use of Council owned and controlled land.
2. Where use is required by a private or commercial entity that request will be directed to Council's Commercial Services Unit to assess the commercial viability of the proposal. Matters of that nature will be reported to the elected Council for determination.
3. For requests from eligible community groups the General Manager will make a determination of the merits of the request based on the guidelines for selection outlined in this policy.
4. Where the General Manager is of the opinion that the proposal does not have sufficient merit to be further considered by Council the applicant will be advised in writing. This correspondence will also highlight that the applicant has the opportunity to approach any Councillor for a review of this decision.
5. This option then allows one or more Councillors to submit a notice of motion on the proposal for consideration by the elected Council, when they are of the opinion there is sufficient merit for further consideration of the proposal by Council.
6. Where the General Manager is of the opinion that the proposal does have sufficient merit a report will be submitted to Council to determine whether the elected Council wishes to progress the matter. This preliminary report is to provide as a minimum:
 - Details of the applicant including member numbers, services provided and benefits delivered to the community
 - Brief overview of the land and / or building options, including options not under the ownership or control of Council
 - The option to cease the assessment for reasons identified in the report
 - The option for Council to provide in principle support for the proposal, to allow a further assessment to continue, or the option to cease any further consideration.
7. If the Council resolves to cease consideration the community group will be advised in writing.

10.8 **Policy (Draft) - Community Groups - Allocation of Land and Buildings.DOC**

8. If the Council resolves to allow the assessment to continue the General Manager will then prepare a further report providing a more detailed assessment of the land and / or building options available. Such a report is to include consultation with owners of other land and / or buildings that may be suitable.
9. As part of the process of preparing this report the General Manager will provide public notice of Council's intention to further consider this assessment to allow Council to gauge any preliminary feedback on the proposal.
10. In submitting the next report to Council the General Manager will provide a recommendation to proceed with a preferred location or alternatively a recommendation to cease the assessment. As part of this report Council may also resolve to commence a formal public exhibition process, particularly if the land is classified as Community Land under the provisions of the Local Government.
11. Formal lease or licence documentation will be prepared by Council where there is agreement to provide on-going use of Council land and / or buildings to a community based group.

This process is summarised in the attached flow chart.

POLICY REVIEW

This policy is to be reviewed at least every four years.

ASSESSMENT PROCESS - FLOWCHART

