

POLICY

Policy name	Property - Use by Community Organisations
Responsible manager(s)	Divisional Manager Corporate Services Divisional Manager Strategic Services
Contact officer(s)	Property Manager Community Planning Coordinator
Directorate	Finance and Business Development Planning and Sustainability Services
Approval date	10 September 2013

Purpose

Many community organisations rely on the use of public land (either Council-owned or Crown land under Council's care, control and management) to conduct their activities or to develop infrastructure and improvements to achieve their objectives.

This policy aims to establish a consistent and fair framework to deal with requests for the use of public land by a diverse range of community organisations.

The policy aims to:

- promote an integrated framework for dealing with requests by community organisations for the use, or allocation, of public land;
- ensure consistency and fairness in the manner in which the council deals with such requests;
- ensure compliance with legislative requirements under the Local Government Act 1993 and the Crown Lands Act 1989;
- promote awareness of the requirements of these Acts with respect to the use of public land by community organisations;
- make council's policies and requirements for such use readily accessible and understandable to the public;
- ensure that the proposed use is appropriate to the land identified and to its environmental and other values.

Policy statement

1	Application This policy applies to all requests by community organisation for the use and or allocation of public land owned or managed by Eurobodalla Shire Council.
2	Legislation Eurobodalla Shire Council will comply with the Local Government Act 1993 and the Crown Lands Act 1989 and any regulations made thereunder.
3	Considerations Council will take the following matters into consideration when it receives a request from a community organisation for the use or allocation of public land. Generally these steps will be undertaken in the order set out below:
3.1	Community organisation profile and background The community organisation is to provide Council with the necessary documentation to identify and demonstrate its official status, membership, organisational objectives and financial capacity to undertake the effective management of the property.

3.2	Land assessment An assessment will then be made as to the appropriate use of the subject land having regard to existing and likely future zoning and the provisions of any Plan of Management that may apply
3.3	Revenue earning potential of the land An assessment is to be made of both the short and long term revenue earning potential of the land.
3.4	Alternative sites Possible alternative sites will be identified and evaluated for their suitability for the proposed use.

Implementation

Requirements		Responsibility
1	Code of Practice There is currently no Code of Practice applying to the policy	
2	Staff Under supervision, applicable Council staff will be responsible for ensuring that policies are implemented appropriately within their work area, after they have received relevant training to do so.	Council Officers
3	Concerns Concerns received regarding this policy will be recorded on Council's customer service request (CSR) or records system and handled in accordance with Council's Customer Service Policy. They will be used to analyse the history of concerns and requests and to help determine follow up actions.	Council Officers
4	Complaints Complaints received regarding this policy will be lodged with the Public Officer and handled in accordance with council's Complaints Policy.	Public Officer
5	Consultation Consultation regarding this policy will occur as relevant with key stakeholders and may include legislative bodies, other agencies, relevant legislation, industry guidelines, and public comment. Public submissions regarding this policy are invited for consideration during the policy exhibition period.	As required

Review

The policy will be automatically revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless council revokes it sooner. **Note:** *Automatic revocation of the policy is provided for by section 165(4) of the Local Government Act 1993. The next general local government election is expected to be held in September 2016.*

This policy may also be reviewed and updated as necessary when legislation requires it; or council's functions, structure or activities change; or when technological advances or new

systems change the way that council manages the use of public land under this policy.

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Concerns registered	Council records
Customer Feedback Survey Responses	Surveys
Internal or external review	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Local Government Act 1993	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/
Crown Lands Act 1989	www.austlii.edu.au/au/legis/nsw/consol_act/cla1989134/
Policy – Fees for Licences Granted to Not for Profit Groups and Organisations	www.esc.nsw.gov.au
Policy – Land Investment	www.esc.nsw.gov.au

Related external references

Name	Link
Division of Local Government	www.dlg.nsw.gov.au/
Division of Crown Lands	www.crownland.nsw.gov.au/
Crown Reserve policies, guidelines and publications	www.lpma.nsw.gov.au/crown_land/crown_reserves

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	17 Dec 1991	Council	.	.	Policy commenced.
2	2006	Council	867	06.0365	Policy reviewed and updated.
3	10 Sep 2013	Council	13/272	E13.7095	Reviewed and updated.

Internal use

Responsible officer	Divisional Manager Corporate Services Divisional Manager Strategic Services		Approved by	Council	
Min no	13/272	Report no	O13/56	Effective date	10 Sep 2013
File No	E13.7095	Review date	Sep 2016	Pages	3