

<b>Policy name</b>	Public Land Use by Community Organisations
<b>Responsible manager(s)</b>	Director Community, Arts and Recreation Services
<b>Contact officer(s)</b>	Divisional Manager Recreation Services Divisional Manager, Property and Commercial Services
<b>Directorate</b>	Community, Arts and Recreation Services
<b>Approval date</b>	11 October 2022
<b>Outcome area</b>	5. Engaged community with progressive leadership
<b>Strategy</b>	5.3 Work together to achieve our collective vision
<b>Delivery Program</b>	5.3.2 Manage land under Council control
<b>Operational Plan</b>	5.3.2.2 Manage leases and licences

### Purpose

Many community organisations or groups rely on the use of public land (either Council-owned or Crown land under Council’s 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 and groups.

### Policy aims:

- promote an integrated framework for dealing with requests by community organisations or groups for the use, or allocation, of public land;
- ensure consistency and fairness in the manner in which Council deals with such requests;
- ensure compliance with legislative requirements under the *Local Government Act 1993* and the *Crown Land Management Act 2016*;
- promote awareness of the requirements of these Acts with respect to the use of public land by community organisations or groups;
- make Council's policies and requirements for such use readily accessible and understandable to the public;
- ensure that the proposed use is safe, provides community benefit, is appropriate to the land identified, and does not unduly impact on the environmental, cultural and social values of the site.

**Policy details**

1	<p><b>Application</b></p> <p>This policy applies to all requests by community organisations or groups for the use and or allocation of public land owned or managed by Eurobodalla Shire Council.</p>
2	<p><b>Legislation</b></p> <p>Eurobodalla Shire Council will comply with the <i>Local Government Act 1993</i> and the <i>Crown Land Management Act 2016</i> and any regulations made thereunder.</p>
3	<p><b>Considerations</b></p> <p>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.</p>
3.1	<p><b>Community organisation/group profile</b></p> <p>The community organisation is to provide Council with the necessary documentation to identify and demonstrate the need for the proposal and its ability to undertake the effective management of the property and/or related assets, including:</p> <ul style="list-style-type: none"> <li>a) organisation/group official status</li> <li>b) membership numbers including multi year trends</li> <li>c) organisational objectives, ideally supported by a strategic plan</li> <li>d) financial capacity/insurances</li> <li>e) description of proposal</li> <li>f) evidence of need and/or community support for the proposal and community benefit</li> <li>g) proposed parcel of public land.</li> </ul>
3.2	<p><b>Land assessment</b></p> <p>Council will make an assessment as to the appropriate use of the subject land having regard to:</p> <ul style="list-style-type: none"> <li>a) current and future zoning, land classification and categorisation that may apply</li> <li>b) the provisions of any existing Plan of Management, site plans or adopted strategies, including existing support for the proposal or any restrictions</li> <li>c) existing uses of the site and individuals or groups affected by the proposal</li> <li>d) alternative uses of the land, including short and long term revenue earning potential</li> <li>e) necessary assessments/approvals, eg. environmental, cultural, Native Title.</li> </ul> <p>Possible alternative sites may be identified and evaluated for their suitability for the proposed use.</p>

<b>3.3</b>	<p><b>Proposal assessment</b></p> <p>Council will make an assessment as to the appropriate use of the subject land having regard to:</p> <ul style="list-style-type: none"> <li>a) existing activities that may be duplicated by the proposal</li> <li>b) infrastructure requirements and ongoing financial impacts and obligations, eg. construction, maintenance, depreciation</li> <li>c) whether the proposal can be achieved through existing means or other functions, such as casual hire or use of alternative facilities</li> <li>d) community benefit, including inclusion, access, and fairness in a Shirewide context.</li> </ul>
<b>3.4</b>	<p><b>Formal arrangements</b></p> <p>Council will make an assessment as to the appropriate formal arrangement for the proposal having regard to:</p> <ul style="list-style-type: none"> <li>a) whether public or private land ownership is most suitable in supporting the proposed activity</li> <li>b) most suitable formal arrangement for property use terms and conditions, such as lease, licence, or seasonal hire.</li> </ul> <p>Fees will apply for formal arrangements in accordance with a Council resolution or Council's annually adopted fees and charges.</p>
<b>4</b>	<p><b>Council Approval</b></p> <p>Council approval is required for all uses of community land by community organisations, including necessary processes for establishment of formal arrangements.</p>

## Implementation

Requirements		Responsibility
<b>1</b>	<p><b>Guidelines</b></p> <p>Community groups/organisations may be requested to refer to the <a href="#">Community Proposals Guide</a> and complete a <a href="#">Community Proposal application</a> to enable the implementation of this policy.</p>	Council Officers
	<p><b>Staff</b></p> <p>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.</p>	Council Officers
<b>2</b>	<p><b>Concerns</b></p> <p>Public concerns communicated to Council regarding this policy will be recorded on Council's records system and handled in accordance with Council's Customer Service or Complaints Policy. They will be used to analyse the history of concerns and determine follow up actions.</p>	Council Officers
<b>3</b>	<p><b>Consultation</b></p> <p>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.</p>	As required

## Review

This policy will be reviewed every 4 years. It 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.

The policy may be 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:** *The next general local government election is expected to be held in September 2024.*

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
<i>Local Government Act 1993</i>	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/">www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/</a>
<i>Crown Land Management Act 2016</i>	<a href="http://classic.austlii.edu.au/au/legis/nsw/consol_act/clma2016199/">http://classic.austlii.edu.au/au/legis/nsw/consol_act/clma2016199/</a>
Guidelines <i>Community Proposals</i>	<a href="http://www.esc.nsw.gov.au">www.esc.nsw.gov.au</a>
Policies <i>Sporting and Recreational Facilities</i> <i>Seasonal Hire</i> <i>Events</i> <i>Land Investment</i>	<a href="http://www.esc.nsw.gov.au">www.esc.nsw.gov.au</a>
Codes of Practice <i>Licensing of Council-controlled public reserves and associated Buildings</i> <i>Sporting and Recreational facilities seasonal hire</i>	<a href="http://www.esc.nsw.gov.au">www.esc.nsw.gov.au</a>

### *Related external references*

Name	Link
Office of Local Government	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>
Crown Lands in NSW	<a href="https://www.industry.nsw.gov.au/lands">https://www.industry.nsw.gov.au/lands</a>

*Change history*

Version	Approval date	Approved by	Minute	File	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	E06.0365 E13.7095	Reviewed and updated.
4	8 Aug 2017	Council	17/259	E06.0365 E16.0297	Reviewed and updated - report GMR17/021.
5	11 October 2022	Council	22/280	S004-T00060	Reviewed and updated – report CAR22/018.

*Internal use*

Responsible manager		Director Community, Arts and Recreation Services		Approved by	Council
Min no	22/280	CAR22/018	11 Oct 2022	Effective date	11 Oct 22
File No	S004-T00014	Review date	23 Aug 2022	Pages	5