

Code title	Licencing of Council-controlled public reserves and associated buildings
Responsible manager(s)	Divisional Manager, Business Development and Events
Contact officer(s)	Divisional Manager, Business Development and Events
Directorate	Finance and Business Development
Approval date	8 December 2015
Community Strategic Plan focus area	5. We help our local economy grow
Delivery Program link	L1.3 Implement recreation and community development initiatives L5.1 Implement Council’s Recreation and Open Space Strategy P1.1 Facilitate growth and development of our business community P1.3 Seek and Support the development and hosting of events
Operational Plan link	L1.3.5 Improve community awareness and usage of recreation facilities P1.1.2 Provide business support and development activities P1.3.1 Support event organisers in the delivery of a range of events

Summary

Council owns both community and operational land, public roads and manages Crown Reserves as Trust Manager. Council manages the use of its land holdings for the benefit of the community and/or to maximise the amount of revenue it derives from its land holdings.

Licences are granted for the use of Council controlled public reserves and associated buildings, including community land and Crown reserves, for the purpose of conducting events, markets and commercial operations.

This document details the process that will be followed for the granting of such licences in a timely manner that meets legislative and community requirements and establishes a consistent and fair framework to deal with requests for the use of public land.

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1 INTRODUCTION

1.1 Purpose

The purpose of this Code of Practice is to establish a process for the granting of licences for the use of Council-controlled public reserves and associated buildings, including community land and Crown reserves, for the purpose of conducting events, markets and commercial operations.

The licence granting process is to be followed in a timely manner that meets legislative requirements and establishes a consistent and fair framework to deal with requests for the use of public land.

1.2 Land to which this Code applies

This Code of Practice applies to all Council controlled public reserves and associated buildings, including community land and Crown reserves.

In this Code:

“public reserves” means Crown Reserves under Trusteeship for which Council is Trust Manager and Council owned land classified as community land.

“associated buildings” means buildings within a reserve used in conjunction with the use of the reserve for the activity for which a licence is sought, not for the use of a building in isolation.

1.3 Legislative Framework

Each application will be dealt with under the relevant legislation as follows:

Crown Lands Act 1989

If status of land is ‘*Crown Reserve*’ managed by a Trust for which Council is Trust Manager, consent of the Minister responsible for the administration of the *Crown Lands Acts 1989* must be obtained before the licence is executed for a licence with a term greater than 12 months.

Licences may be granted through public tender, public auction or by invitation for expressions of interest.

Local Government Act 1993

If the classification of the Council land is 'Community' and the licence is for any period that *does not* exceed five years, Council must give public notice of the proposal by advertising in the local press. The notice of the proposal must include:

- information sufficient to identify the land concerned
- the purpose for which the land will be used
- the term of the proposed licence (including any option term)
- the name of the proposed licensee
- a statement that submissions in writing may be made to the Council concerning the proposal within a period not less than 28 days which is in addition to the EOI process and timeframe.

If any objections are received, Council must consider all submissions before determining the licence.

If the licence period *exceeds five years*, Council must give the same public notice of the proposal as above and if any objections are received consent for the licence will be required from the Minister for Local Government.

1.4 Objectives

The objectives of this Code are to detail the process that will be followed for the granting of licences for the use of Council controlled public reserves and associated buildings in a timely manner that meets legislative requirements and establishes a consistent and fair framework to deal with requests for the use of public land.

1.5 Relationship to Legislation/ Policy/ Plan

This Code should be read in conjunction with the following legislation, policy, plans or orders, standards or guidelines.

1.5.1 Legislation

[Local Government Act 1993](#)

[Crown Lands Act 1989](#)

1.5.2 Policy

Property - use by community organisations policy

www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Property-Use-by-Community-Organisations-Policy.pdf

Events policy

www.esc.nsw.gov.au/inside-council/council/council-policies/policies/Events-Policy.pdf

This Policy states that the full process for assessing event applications is outlined in the Eurobodalla Shire Event Guidelines. For events, this Code of Practice will be an appendix to those guidelines.

1.5.3 Standards or Guidelines

Eurobodalla Shire Event Guidelines

www.esc.nsw.gov.au/_data/assets/pdf_file/0015/12822/events_guidelines_and_application.pdf

1.6 Timeline

The Annual call for Expressions of Interest (EOI) will be open for 42 days in February and March each year and will seek EOI for activities from 1 July of that year.

2 CODE DETAILS

2.1 Expressions of Interest

Once annually, Council will call for EOI from parties interested in using public reserves and associated buildings under Council control, for the purpose of:

- Running markets
- Holding events
- Conducting commercial activities

A template for EOI will request:

- The name of the organisation
- Description and purpose of the activity
- Location of the activity
- Dates or Periods of proposed use e.g. 1st Sunday of each month
- Term of Licence Sought

The EOI will then be reviewed to determine any conflicts of dates and/or venues.

The EOI will be processed in priority order based on the date of the activity.

All existing licence holders will be notified of the calling for EOI.

2.2 Applications received outside the annual EOI process

Council will accept licence applications all year round. Provided there are no conflicts with EOI received during the annual EOI process and approved by Council, these applications can be processed.

Any requests for licences outside the EOI process will need to fit within the calendar of dates & venues available after the EOI are processed.

2.3 Allocation

Where there are no conflicts, including where licences are currently held, applicants would proceed to the appropriate application process to apply for a licence for their nominated venue

and activity. All licences would be granted in accordance with Council's existing policies and procedures and will come before Council for a decision.

Any current licences will remain valid subject to the terms and conditions of the licence.

A standard licence template has been written with scope for specific terms and conditions relevant to the activity.

Where a conflict arises such as two or more applicants requesting the same venue for the same date(s), Council will use a selective tendering process. The outcome of the tendering process will come to Council for a decision.

Unsuccessful tenderers will be given the opportunity to nominate an alternate date for consideration.

2.4 Selective Tendering

Where a venue is requested by more than one party for the same date and time, the applicants would each need to submit a tender for their activity including information to address the following selection criteria:

1. Economic activity (30%)

Level of economic activity expected and likelihood it will be achieved -

- i. How the activity generates local economic activity and development.
- ii. How the activity will attract external visitation to the area.
- iii. The expected level of economic activity and overnight accommodation.
- iv. The fee tendered – the amount of the fee payable to Council if the activity is not covered by Council's adopted fees and charges for the use of the public reserve.

2. Future Growth potential (20%)

Level of future growth and likelihood it will be delivered -

- i. How will the activity grow over the next 5 years and beyond?
- ii. The expected level of visitation and / or economic activity.

3. Sustainability (25%)

- i. Is the activity self-sustaining?
- ii. If not, how likely is it that the activity will continue without ongoing external support?

4. Other benefits to the community (25%)

- i. What is the level of community participation and what other benefits will the community receive from this event? e.g. support health programs, donations to the community, education support and development.

It is expected that the details supplied about the activity would include the following information to enable assessment against the above criteria:

- A description of the activity, its longevity and sustainability, its future growth potential, and expected community benefits.
- A description of the proponent's management experience, financial viability and other relevant experience.
- Activity Marketing Plan. This may include information on whether the activity will be advertised locally or more broadly, and what mechanism will be used, such as print, and/or social media.
- Activity Budget. This may include such documents as profit and loss statements, balance sheets, or financial projections.
- Risk Management Plan
- Fee tendered, if the activity is not covered by Council's adopted fees and charges for the use of the public reserve

3 RESPONSIBILITIES

3.1 Staff

Under supervision, applicable Council staff will be responsible for ensuring that this Code is implemented appropriately within their work area, after they have received relevant training to do so.

3.2 Requests and Concerns

Requests and concerns received from the community regarding this Code 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 help determine follow up actions and to analyse the history of requests and concerns.

3.3 Complaints

Complaints received regarding this Code will be lodged with the Public Officer and handled in accordance with Council's Complaints Policy.

4 MONITORING AND REVIEW

This Code may be reviewed and updated as necessary when legislation or policy requires it; or Council's functions, structure or activities change; or when technological advances or new systems change the way that Council manages events.

5 GOVERNANCE

Related legislation and policies

Name	Link
Related Council Policy or Code	www.esc.nsw.gov.au/inside-council/council/council-policies
<i>Local Government Act 1993</i>	www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182
<i>Crown Lands Act 1989</i>	www.austlii.edu.au/au/legis/nsw/consol_act/cla1989134/

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	8 Dec 2015	Council	15/256	E80.1320 E06.0365	New code approved for commencement. See report FBD15/084.

Internal use

Responsible officer	Divisional Manager, Business Development and Events		Approved by	Council	
Min no	15/256	Report no	FBD15/084	Effective date	8 Dec 2015
File No	E80.1320 E06.0365	Review date	8 Dec 2018	Pages	7