



# **Attachment 2 to Item 4.4.2**

---

## **Draft Property Management Policy**

Date of meeting: 12 September 2023  
Location: Council Chambers  
Time: 6:30 p.m.





# Property Management

---

**DRAFT COUNCIL POLICY**

<b>Division:</b>	Corporate Services	<b>Policy Number:</b>	Enter No
<b>Branch:</b>	Property Management and Strategy	<b>Adopted Date:</b>	Enter Date
<b>Responsible Officer:</b>	Manager Property Management and Strategy	<b>Next Review Date:</b>	July 2024
<b>Director:</b>	Director Corporate Services	<b>Version:</b>	1



## Table of Contents

<b>1. TITLE .....</b>	<b>2</b>
<b>2. PURPOSE .....</b>	<b>2</b>
<b>3. SCOPE.....</b>	<b>2</b>
<b>4. OBJECTIVE.....</b>	<b>2</b>
<b>5. ROLES AND RESPONSIBILITY.....</b>	<b>3</b>
<b>6. BACKGROUND.....</b>	<b>3</b>
<b>7. GUIDELINES AND ASSET MANAGEMENT.....</b>	<b>3</b>
7.1 Effective Decision Making Guidelines.....	3
7.2 Property Management.....	5
7.3 Risk .....	5
<b>8 PRINCIPLES IN PROPERTY ACTIVITIES.....</b>	<b>5</b>
8.1 Sales .....	5
8.2 Easements .....	6
8.3 Road Closures .....	6
8.4 Leases and Licences .....	6
8.5 Managing Rental Arrears .....	7
8.6 Community Buildings .....	7
8.6.1 Community Licence Terms .....	8
8.6.2 Determining Licence Fees and Premise Outgoings .....	9
8.6.4 Licence Breaches .....	9
8.6.5 Community Licence Renewals .....	10
8.6.6 Community Licence and Subsidies.....	10
8.7 Funding Strategy.....	10
<b>9 SALE OF COUNCIL LAND.....</b>	<b>11</b>
9.1 Method of Disposal .....	11
9.2 Establishment of Reserve Price.....	11
<b>10 ACQUISITION OF LAND OR EASEMENT.....</b>	<b>11</b>
10.1 Negotiated and Compulsory Acquisitions.....	11
10.2 Acquisition of Rose Cottage .....	11
<b>11 DEFINITIONS .....</b>	<b>12</b>
<b>12 RELATED DOCUMENTS.....</b>	<b>12</b>
Legislation .....	12
Procedures.....	12
<b>13 ATTACHMENTS .....</b>	<b>12</b>
AT – 1 Overarching Decision Framework.....	13
AT – 2 Community Tenant Rental Assessment Criteria .....	14



**1. TITLE**

This Policy is to be known as the Council's Property Management Policy for the management of Council's property portfolio.

**2. PURPOSE**

The purpose of this Property Management Policy (the Policy) is to establish the principles for effective management of Council's property portfolio. The Policy will enable Council to align its actions relating to its extensive portfolio of property assets with the goals of the Council's Community Strategic Plan and broader objectives.

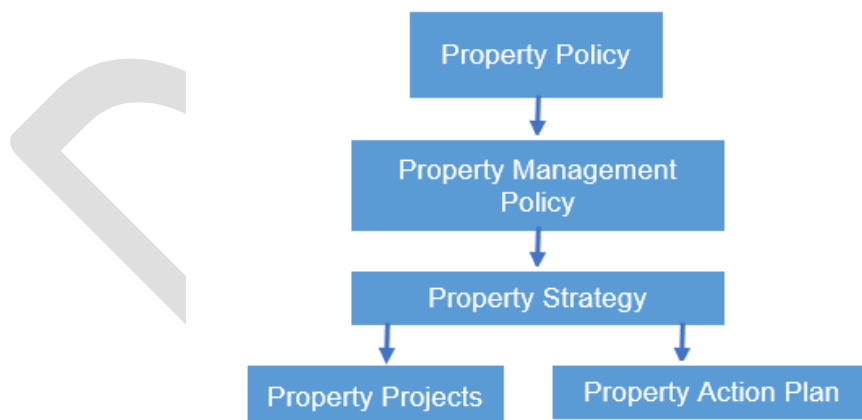
The holistic approach to property management supports Council's mission to lead and work with the community, by ensuring that the community obtains the best possible use of and value from Council's property portfolio. For example, by providing rental premises for local businesses and service providers which support the local economy, create local jobs, and provide services to the community; and by monitoring Council's property portfolio to dispose of assets at the end of their useful lifespan, and reinvest in new useful assets.

This Policy will assist Council in optimising its properties for the effective, efficient and sustainable delivery of services to the community.

**3. SCOPE**

This Policy provides a 'whole-of-Council' view for the management of commercial and community property. It sets out a structure and guiding principles for the alignment of the Council's property asset portfolio with service delivery objectives.

The following framework is created by this Policy for the management of all property outcomes at Hawkesbury City Council ("Council").



**4. OBJECTIVE**

The objectives of this Policy are to:

- Provide a clear link between Council's Community Strategic Plan and Council's ownership and operation of property assets;
- Define a strategic decision-making framework to guide property-related decisions;
- Facilitate effective management of Council's property assets;
- Establish the underpinning principles of equity and transparency in Council's property dealings;
- Ensure that all dealings in property matters relating to Council-owned property or property acquisitions by Council are handled within legislative requirements; and



- Support the objective of generating alternative/additional forms of income for the Council through property development/investments.

The Property Management Policy deals with the decision making process for the acquisition, retention, growth, redevelopment and disposal of property assets.

## 5. ROLES AND RESPONSIBILITY

Authorised Officer	Roles and Responsibilities
Manager Property Management and Strategy Property Services Coordinator Property Officer	Ongoing implementation and review of Council's Property Management Policy

## 6. BACKGROUND

Council manages a diverse property portfolio of property assets, including parks, open space, gardens, reserves, child care centres, community buildings/centres, commercial buildings, vacant land, residential houses, car parks, flood protection, leisure, footpaths, and road reserves.

To finance its delivery of services, facilities, and activities, Councils have traditionally derived the bulk of its revenue from:

- Rates on property;
- Grants from the Commonwealth and State Government;
- Fees and charges for services provided; and
- Borrowing within limits set by the Commonwealth and State Government.

Councils who cannot rely on the above income streams must practice effective and efficient management of property-related activities to fulfil their legislative and community obligations.

Councils have excellent opportunities to become involved in property and entrepreneurial activities, having regard to the principles of ecological and environmental sustainability, to supplement their traditional income base. This need has been re-emphasised as a result of rate pegging in more recent years with the introduction of rate pegging, decreased levels of Government funding and cost shifting to local government, limitations on borrowing, and community expectations of Council's roles and responsibilities.

## 7. GUIDELINES AND ASSET MANAGEMENT

### 7.1 Effective Decision Making Guidelines

This Policy takes into consideration the lifecycles of property assets and how these may influence decisions and actions in relation to individual assets, groups of assets, and/or the entire property portfolio. It provides a strategy to assess Council's current and future needs, acquisition of assets, operation of assets including ongoing maintenance, refurbishment and replacement of assets, and disposal of assets. The guidelines include:

#### a) *Financial*

Council derives a financial benefit from:

- Achieving the highest and best use of Council's land;
- Minimising costs associated with the maintenance of Council's properties;
- Monitoring performance of Council's commercial/investment property portfolio;
- Being aware of market trends, flexible and pro-active in property dealings;
- Occupying the minimum possible amount of property assets (measured in financial terms) which it needs to perform its duties and attain its objectives;



- Expending the required resources on the day-to-day management of its property assets and investigate opportunities that will leverage greater return on investment;
- Achieving or exceeding the market value when selling a land asset in financial terms and/or in benefits provided to the community;
- Seeking commercial activities which on careful analysis, appear viable and suitable for Council; and
- Not selling land which has future development potential for community facilities.

b) Environmental

Environmental matters to be considered include:

- Relevant Local Environmental Plans and Development Control Plans;
- Relevant State Environmental Planning Policies
- Bushfire issues;
- Flooding issues;
- Compliance with heritage listing requirements;
- Sustainability measures and practices;
- Infrastructure issues;
- Protection of the environment; and
- Best practice principals.

c) Social

Non-financial benefits to Council which can be considered include:

- Alignment of assets with services and community expectations
- Improvements to the social amenity;
- Additional community facilities; and
- Enhancement for existing open space.

d) Governance

Council must take the following matters into consideration when managing the property portfolio:

- Council's two distinct roles in its property activities – as the developer seeking the best possible return for its property, and as a statutory authority responsible for the assessment and approval of any Development Application for the property. Council must exercise particular care to ensure its roles as a developer and as a consent authority are kept separate and are seen to be separate;
- The desire of Council to generate alternative forms of income, stemming from increasing demands made on its budget by the community and increasing financial constraints imposed from Federal and State Governments, must be balanced with its other obligations;
- In asset managing both public land and funds in its property role, Council may be subject to public scrutiny, criticism and censure; and
- Change in political direction can influence past decisions.

e) Economic

Council owned land must be managed in the way that maximises its usefulness for the community, yet minimises costs to local residents. A property portfolio with parcels of land that are under-utilised or of no use to the public reflects an economic inefficiency.

Considerations must also be given to alternative uses for a property asset that facilitate:

- Tourism destinations;
- Improvement in lifestyles; and
- Social enjoyment, recreational activities or employment opportunities.

By understanding these guidelines, the Policy will enable Council to make informed decisions that will ultimately gain greater value and benefits in delivery of services to the community.





## 7.2 Property Management

Council is committed to exploring future actions relating to its property assets to optimise both property asset performance and community value. In effect, this is achieved through obtaining value for money through acquisition, retention, growth redevelopment and/or disposal of property assets.

Council will focus on achieving value for money from its property assets.

An overarching framework has been created to show the decision path that Council will follow (refer Attachment 1).

The returns or savings from such transfers can then be applied to add value to those parcels of land that serve Council's objectives, and to increase community benefits. In implementing this strategy, the underlying objective is to minimise cost and maximise usage and returns so that Council's land portfolio is managed to a standard that benefits the community into the future.

## 7.3 Risk

The risks associated with property projects include:

- Property market fluctuations;
- Change in economic climate;
- Weak financial feasibility;
- Lack of appropriate market research;
- Lack of sensitivity analysis;
- Poor project delivery or project management systems;
- Unexpected costs derived from weather, strike, inflation, etc;
- Unsuitable marketing strategies;
- Unsecured tenants;
- Lack of funding (high level of borrowing);
- No guideline and procedures policy;
- Lack of long term asset management planning; and
- Not providing sufficient skills and resources.

Following the guidelines in this Policy will assist in reducing the likelihood of the risks listed above.

## 8 PRINCIPLES IN PROPERTY ACTIVITIES

Corporate property activities include:

- Sales;
- Acquisition;
- Easements and rights of way;
- Road closures and sale or leasing;
- Lease and Licence – including footpath dining;
- Property Management;
- Research and advisory services; and
- Entrepreneurial activities relating to Council's properties.

All property projects must be carefully examined to identify any likely spill-over effects onto the local community in the future, and to ensure that these matters are fully understood by the community as Council decisions are made with transparency and accountability.

### 8.1 Sales

Sale of Council owned land will be considered under the principles in Council's Property Policy.



## 8.2 Easements

Council may grant (or relinquish) an easement over its land in favour of private land, or seek to create (or relinquish) an easement over private land in favour of public land and/or a public utility. Easements can be for different purposes such as right of way, drainage, sewerage, electricity, utility and other specific purposes.

The creation of easements or rights of way may be initiated by either Council or a developer/property owner as a result of:

- A conditional development approval on Council owned land;
- A proposed development adjoining Council land;
- Council's proposed drainage system; or
- Council's existing pipes under the surface of the land.

The key principles in effective management of easement issues are:

- Council will advise and negotiate (if required) with the private land owners affected by Council's proposed works;
- An independent Registered Valuer will be appointed to determine the compensation payable in the situation;
- Council will negotiate a fair and reasonable package with the private landowner(s) who seek to create an easement over Council owned land; and
- Council will relinquish easements at the instigation of land owners if this is:
  - technically a sound decision for Council; and
  - the initiating land owner agrees to pay all of Council's costs.

Council will only consider granting an easement over Council land if the proposed easement would not detrimentally affect the objectives of the land, and if the proponent agrees to fairly and reasonably compensate Council.

## 8.3 Road Closures

From time to time, Council may be approached by land owners regarding, or may identify through a development application, an opportunity for closure of a public road/or portion of a public road.

As the road authority, Council will consider all applications within the following principles:

- Management of an application for road closure benefiting an individual or company will be cost neutral to Council and application fees and charges applied by Council will be based on full cost recovery; and
- An independent Registered Valuer will be appointed to determine the price payable for the portion of road being closed.

## 8.4 Leases and Licences

As a property owner it is necessary for Council to deal with various types of leases and licences. For example, residential, commercial, retail, special use, outdoor eating areas and community land, neighbourhood centres recreational and sporting facilities.

The key principles in Council's management of licences and leases, and in the setting of lease and licence agreements, are:

- Community land will only be leased or licensed if it is specifically provided for in the Plan of Management;
- Any lease/licence of community facilities/land for the purposes of providing community services will be negotiated in accordance with Council's Community Facilities Manual;
- Formalising Agreements not under a lease or licence;
- Minimum bond to be equivalent of three months rent plus GST;



- Will have at least one Guarantor listed on the lease;
- Achieving a minimum commercial/retail market rental within 2% of the current industry benchmark; and
- Achieving a minimum residential market rental or at least 3% of the asset value.

### 8.5 Managing Rental Arrears

Where rent arrears occur, Council will adopt a robust and sensitive approach, in order to help tenants rectify the situation.

Council's ultimate aim is to collect 100% of any rent due. If this is not possible, this Policy aims to minimise the level of rent arrears in a sensitive, but effective manner. In accordance with this, Council staff will provide assistance and guidance to customers by:

- To offer early appropriate professional support and guidance to tenants to reduce rent arrears, including but not limited to offering payment plans;
- To monitor levels of rent arrears and have early intervention mechanisms in place, which prevent rent arrears arising;
- To take appropriate action in accordance with the level of rent arrears;
- To prevent homelessness arising and assist in the Council's wider strategic objectives.
- To avoid unnecessary Court Action;
- Offer a private interview either at the Council Office or at the customers home/business;
- Work out reasonable repayment schedules; and
- To continue to use Eviction as a last resort where repayment arrangements have not been made, or are being continually broken.

The term 'tenant' includes sole and any joint tenants. If two or more people have signed the tenancy agreement (joint tenants), they are jointly and severally liable for the payment of rent. This means that each person is fully responsible for the payment of rent and any arrears of rent.

Tenants have an obligation under the Terms and Conditions of their lease or licence to pay rent due every week or month, in advance or before the end of that specific rental period.

It is the tenant's responsibility to notify the Council of any changes in their circumstances, which may affect their ability to pay their rent.

### 8.6 Community Buildings

Council maintains a portfolio of community facilities which include child care centres, community centres and community halls. Council has delegated care, control and management of these facilities to community organisations to facilitate local community oversight of the operation of these buildings for the benefit of the community.

Community centres and community halls are provided to community based organisations at no charge with the understanding that the income raised from the hire of these facilities by the delegated community organisations will be used to meet the day-to-day operating costs of these buildings. As part of this arrangement, the buildings also provide office and activity spaces for community based organisations to deliver community services funded by other levels of government for the benefit of the community.

Council has drafted a Community Facilities Manual to assist community organisations in their day-to-day management of these facilities and may enter into lease arrangements where this option will optimize tenancy and building condition outcomes for the benefit of the community.

Community buildings play a key role in delivering affordable community needs and services and provide a strategic tool to sustain certain components of the not-for-profit sector. Affordable accommodation for community services is limited and demand is high.

Council has therefore allocated properties for specific use as Community Buildings. This section of Council's Property Management Policy applies only to these buildings.



Other buildings are also part of Council's portfolio but are not eligible under this Policy. These include:

- Halls and other properties used as venues for hire.
- Sport, recreational and amenity buildings.
- Libraries.
- Commercial, retail, or other buildings utilised as investment properties.
- Council's office buildings and civic facilities.

Council supports "not for profit" entities providing essential community facilities, but who cannot generate sufficient revenue to sustain a market rent for their premises needs. In these cases, Council may provide premises at subsidised rents, where community buildings are available.

Council is the custodian of community buildings, providing premises on very favourable financial terms, unavailable elsewhere. All processes must ensure fair and equitable access, optimal community building use and appropriate rents for suitable entities. These must be transparent and objective, given:

- The scarcity of available premises and excess demand.
- That numerous tenancy applications cannot be physically accommodated.
- The major financial concessions provided, hence revenue foregone for other community needs.
- The potential for exploitation of subsidised accommodation.

#### **8.6.1 Community Licence Terms**

Tenants occupy community buildings under licences only. Leases are not available.

Council has a standard community licence that applies to all community tenants ("tenants").

Eligible tenants will receive a standard five-year licence, with no renewal options. As tenants receive community subsidies, the term, rental, and licence conditions cannot be negotiated, apart from:

- Requests for a combined term shorter than five years. (including any renewals).
- Requests for a term longer than five years if a tenant delivers major capital works to the building, which enhance its life and community utility, in Council's opinion.

Tenants are encouraged to apply for grants, to improve the building they occupy. Any proposed major capital works, for which an increased licence term is sought, must:

- Relate to capital works of a minimum \$100,000 value.
- Be formally approved by Council prior to the work commencing.
- Clearly demonstrate that the capital works either reduce Council's maintenance and renewal costs and/or, improve the capacity of the building to provide increased community services.

In these cases, the licence term provided will be at Council's discretion. Prior to completing the approved capital works, the maximum five-year licence term will initially apply. When the tenant delivers the works to Council's approval, the five-year term is extended to align with the approved Council term.

At the end of the licence, the tenant may be required to remove the capital works, at the tenants' cost, or Council may elect that the capital works revert to Council ownership.

Tenants are not entitled to claim any equity or partial ownership in the building, nor compensation, for making capital contributions.

In addition to building obligations, all tenants must provide their annual report and audited financial statements to Council, within three months of publication or delivery, whichever occurs earlier.



### 8.6.2 Determining Licence Fees and Premise Outgoings

Council recognises the intangible value that community tenancies provide, hence does not seek to maximise revenue from the licence fees.

Council will recover a fixed percentage of the market rent for the premises and the building operating expenses, from each tenant, to assist in building cost recoveries and eventual building replacement.

Exceptions to this arrangement include:

- The tenant's utility charges such as electricity, air conditioning use, gas, water, telephone, internet, toilet requisites and similar costs. These are apportioned between tenants on a pro-rata basis, where buildings are shared. Each tenant's pro-rata share will be based on:
  - The hours the community tenant is licensed to occupy the building per week.

As a percentage of:

- The total hours the building is licensed to operate per week.

Otherwise, if a building is shared and areas are separately metered, the tenant will pay the costs associated with the meter readings for the premises they occupy. Any tenant may request Council's permission to install a meter (or meters) at the tenant's cost, for the premises the tenant occupies.

- Breakages or damage to the buildings through the tenant's use. Examples include broken glass, blocked toilets and drains, damage to floor coverings or walls and light bulb replacement. Lost access cards and keys (where provided by Council) will incur a replacement charge.
- Required insurances to be maintained at the tenant's cost. These include as a minimum, public liability, glass replacement and contents insurance.
- The tenant's own legal costs in respect of any licence.

The license fees and outgoings paid are otherwise based on Council's assessment of the tenant's capacity to pay. Council will determine the Community Tenant Category, which in Council's opinion, best matches the business, funding sources, collaboration, and general operations of the tenant.

The Community Tenant Categories and the associated criteria are contained in Attachment 2.

The annual licence fee is payable monthly in advance and will increase on each anniversary of the licence by 2.5% per annum. The minimum annual rental shall be no less than the Minimum Crown Land Rental as published by NSW Crown Lands.

### 8.6.4 Licence Breaches

If a tenant breaches its licence:

- An Action Plan will be developed to Council's requirements.
- The Action Plan will fully redress the non-compliance.
- A timeframe (to a maximum nine months, or the remainder of the term, whichever is the lesser) will be negotiated with the tenant, for implementation and delivery of the Action Plan.

If at the end of the Action Plan, the tenant has not fully remedied the breach, the licence will be terminated, and the premises will be available for new tenants, via an Expression of Interest process.

If a tenant sublicences any portion of the premises, or otherwise deals with the premises to generate revenue or profits outside of the licence terms, the licence will be terminated immediately. This will not apply to one-



off fundraising events and similar matters, but Council must be informed in writing at least seven days prior to each event.

In addition to the licence terms, all tenants must adhere to any Plans of Management associated with the site, or Conservation Management Plans for the premises. Copies of these will be provided to the tenant (who will acknowledge their receipt and significance) at the time of licence execution.

### **8.6.5 Community Licence Renewals**

Tenants will be required to provide information to Council, to ensure they have met service standards, consistent with the community purpose, under which the Community Licence was granted by Council.

An assessment of the tenant will be undertaken by Council between four and eight months prior to the licence expiry. The following criteria will be assessed by Council:

- Whether the tenant has fully complied with all its obligations under its licence.
- Whether the tenant's services and programs continue to meet community needs.
- Whether the tenant has delivered its services and programs to Council's requirements.
- Whether a constructive relationship has been maintained with Council.
- Whether the tenant has worked co-operatively and collaboratively with Council and other community service providers, when requested to do so by Council.

If Council's assessment, determines that the tenant has met these requirements, the tenant will be recommended by Council for a renewed licence, as per the processes and criteria set out above.

If premises in a community building become vacant, or are underutilised, Council will conduct an Expressions of Interest (EOI) process for community tenants, consistent with the Council's processes and criteria applicable at the time.

### **8.6.6 Community Licence and Subsidies**

Council and every tenant must reasonably acknowledge each other's contribution to improving the quality of life for community members, through the availability and use of community buildings.

As a general guide, tenants must be willing to work in partnership with Council and other community organisations, on relevant community programs and initiatives, where requested by Council.

## **8.7 Funding Strategy**

Council has established Property Reserve Fund (PRF) for corporate property activities. Any income received from property related activities will be directed into PRF and then distributed within the following parameters:

- Section 32(5) of the Local Government Act, 1993 requires the sale of any land dedicated under a condition of consent under Section 94 of the Environmental Planning and Assessment Act 1979 must be dealt with as if the monetary contribution had been paid;
- Section 43(4) of the Roads Act, 1993 requires the net proceeds received from the road closure must be used for road purposes only;
- The PRF reimburses any expenditure incurred from Council's General Fund such as legal, survey, valuation, marketing and research required for the conduct of corporate property and investment activities and the generation of income from such activities;
- The balance of the PRF should be invested:
  - In accordance with the principles set out in the Property Strategy.
  - As part of a pool of funds invested by Council and available at call to be utilised for investment or for purchase of investment properties.
  - In property development projects and/or property investment purchases that will generate either viable short-term cashflows or long-term capital gains or both.



- Into income-producing activities and/or business investments (including investment funds and/or listed property trusts that comply with the Minister's order under Section 625(2) of the Local Government Act, 1993) that will generate either viable short-term cashflows or long-term capital gains, or both.

## **9 SALE OF COUNCIL LAND**

### **9.1 Method of Disposal**

It is the preferred position of this Council that the manner of sale of any land deemed by Council as surplus to requirements shall be by public auction wherever possible.

Any recommendation to Council to sell unnecessary land shall include either a proposal for public auction or specific reasons for deviating from this preferred position by proposing a sale in any other manner.

### **9.2 Establishment of Reserve Price**

When a Council property is to be sold at a public auction, the reserve price for such a sale will be set in accordance with a current market valuation prepared by Council's Valuers.

The General Manager will be given delegated authority to accept a bid at auction up to 5% (five percent) below the reserve price, in the event that the reserve price is not reached as a result of the bidding.

## **10 ACQUISITION OF LAND OR EASEMENT**

Council may decide to purchase land and property for statutory, public or investment/redevelopment purposes. For example, Council could acquire land for road widening, road opening, recreational purposes and sporting facilities, parks and reserves, bushland, environmental conservation, investment, redevelopment, subdivision and resale, or development of community facilities purposes.

When acquiring land and property Council will follow the principles set out in Council's Property Policy and the Land Acquisition (Just Terms Compensation) Act and 1991 and Local Government Act 1993.

### **10.1 Negotiated and Compulsory Acquisitions**

It is the preferred position of this Council that the manner of acquisition of any land or easement shall be by negotiation wherever possible.

Where negotiations fail to reach a mutually acceptable outcome after six months, Council will consider compulsory acquiring the land or easement as required (Section 187 of the Local Government Act 1993).

A negotiation period of less than six months will be considered in the following circumstances:

- Approved hardship applications, in accordance with Section 23 of the Land Acquisition (Just Terms Compensation) Act 1991.
- Where a shorter negotiation period is agreed to (in writing) by all parties
- Acquisition of Crown Land.

A resolution of Council is required to proceed via the compulsory acquisition process, prior to the application being lodged with Office of Local Government. Council will follow the compulsory acquisition process set in Part 2 of the Land Acquisition (Just Terms Compensation) Act, 1991.

### **10.2 Acquisition of Rose Cottage**

Rose Cottage is located at 18 Rose Street, Wilberforce and is listed on the State Heritage Register.

Should Rose Cottage be either removed from the current site or destroyed by fire or otherwise rendered inoperative as an historical item, then the Council is to have the option to purchase the land back from the



Thomas and Jane Rose Family Society Incorporated (the Society) for \$1 (one dollar) in accordance with the Deed of Agreement between the Society and Council dated 12 July 1993.

## 11 DEFINITIONS

### Property Portfolio

Land held by Council and listed in Council's Land Register.

### Property Reserve Fund

A restricted asset developed to manage property investment activities.

## 12 RELATED DOCUMENTS

### Legislation

Aboriginal Land Rights Act 1983  
Biodiversity Conservation Act 2016  
Crown Lands Act, 1989  
Crown Lands Management Act 2016  
Environmental Planning and Assessment Act, 1979  
Environment Protection and Biodiversity Conservation Act, 1999  
Heritage Act 1977  
Land Acquisition (Just Terms Compensation) Act, 1991  
Local Government Act, 1993  
Local Government (General) Regulation 2021  
Local Land Services amendment Act 2016  
National Parks and Wildlife Conservation Act, 1975  
Native Title Act 1993  
Residential Tenancies Act, 2010  
Retail Leases Act, 1994  
Roads Act, 1993  
Valuation of Land Act, 1916.

### Procedures

Leasing/Licensing of Council Owned Buildings Procedure  
Rental Arrears Procedure  
Easements Over Council Land Procedure  
Leasing or Sale of Council Land Procedure  
Land Acquisition Procedure  
Disposal of Council Land Procedure  
Auction Checklist  
Community Facilities Manual.

## 13 ATTACHMENTS

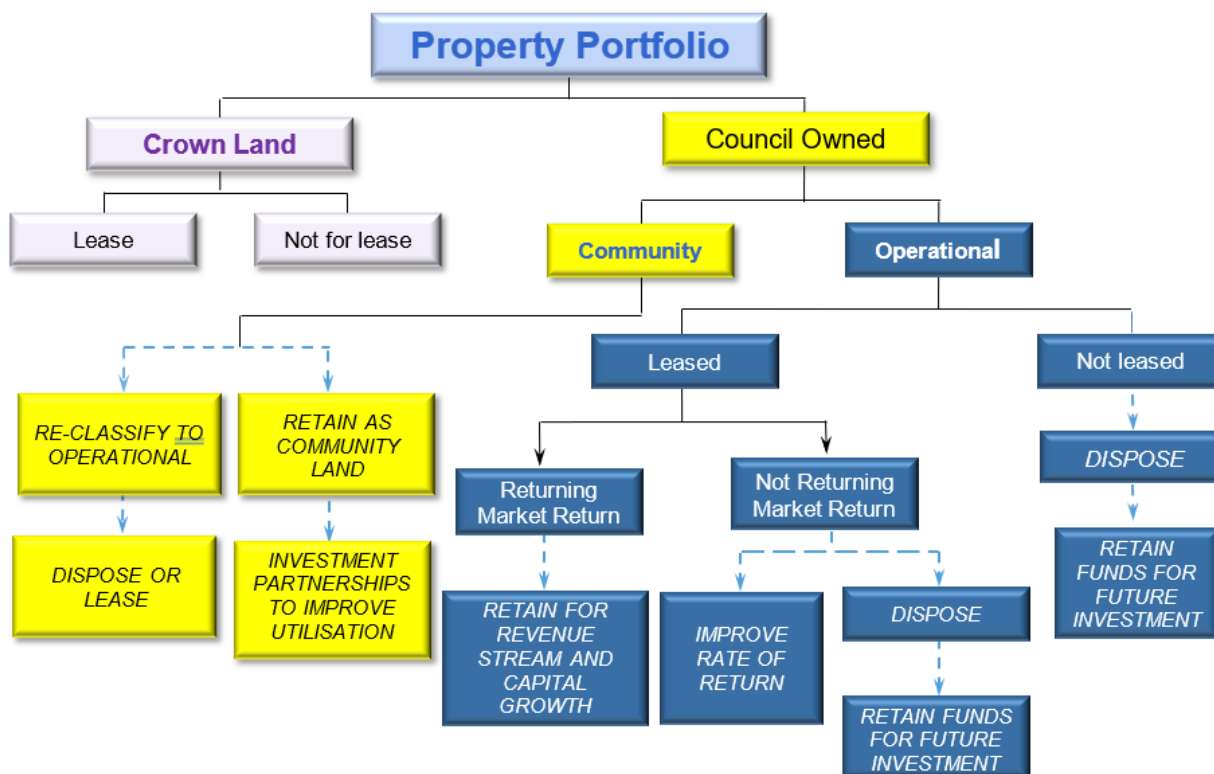
**AT - 1** Overarching Framework.

**AT - 2** Community Tenant Rental Assessment Criteria.





**AT – 1 Overarching Decision Framework**



DRAFT



## AT – 2 Community Tenant Rental Assessment Criteria

**Note** – Tenants must update Council if their Category changes or should reasonably be considered for review, based on the descriptions for each of the categories above.

Failure to update Council in this regard may result in the lease or licence being terminated, at Council's discretion.

<b>Community Tenant Category</b>	<b>Tenant's share of a market rent and premises outgoings for each category</b>	<b>Council subsidises the share of market rent and premises outgoings specified below - for each category</b>
<p><b>Category 1</b> <b>Small volunteer manager &amp; operated entity.</b></p> <p>Little or no recurrent funding – either current or in the past 5 years.</p>	2.5% to 10%	90% to 97.5%
<p><b>Category 2</b> <b>Small entity with paid staff.</b></p> <p>Recurrent funding to meet staff and base premises costs – but little capacity to raise additional funding through fees or fundraising.</p>	30%	70%
<p><b>Category 3</b> <b>Medium sized entity with paid staff.</b></p> <p>Has recurrent funding to meet staff and base premises costs – and capacity to raise additional funding through fees, fundraising, grants, or investments.</p>	50%	50%
<p><b>Category 4</b> <b>Medium sized entity with paid staff.</b></p> <p>Has recurrent funding and capacity to raise significant additional funding through fees or any other income sources. Delivers services over two or more LGA's.</p>	70%	30%
<p><b>Category 5</b> <b>Large Statewide or similar entities.</b></p> <p>Has recurrent funding and capacity to raise significant additional funding, via commercial avenues, fees, Government Department, or other sources.</p>	100%	0%