

Service 9 Community Group Leases

1. Purpose

The purpose of this policy is to outline the City's approach to providing leased facilities to sporting clubs and community organisations within the City to support their activities for the benefit of the Community.

2. Planning

Kalamunda Advancing Strategic Community Plan to 2031

{strategic-community-plan}

- 1.1.1 - Ensure the entire community has access to information, facilities and services.
- 1.1.2 - Empower, support and engage all of the community.
- 1.1.3 - Facilitate opportunity to pursue learning.
- 1.2.2 - Advocate and promote healthy lifestyle choices by encouraging the community to become more active citizens.
- 1.2.3 Provide high quality and accessible recreational and social spaces and facilities.

3. Policy Statement

The City is committed to providing leased facilities to sporting clubs and community organisations within the City to support their activities for the benefit of the community. The City is also committed to providing community spaces that are available as hire facilities to sporting and community organisations, groups and the broader community who can also hire casually for special events.

Lease terms should not generally be negotiated for a total term, including options, longer than 10 years. Leases are available only to associations formed under the Associations Incorporation Act 2015; all other leases will be considered as Commercial Leases. The leases shall set out the conditions under which any option to extend the term can be undertaken.

The leases shall also include a redevelopment clause such that the City can undertake redevelopments without unacceptable constraints being sought by the Tenant

Leases are provided on the basis that the community groups will be responsible for the consumables they use, minor maintenance and other nominal costs. Other costs identified within the CEO instruction to this Policy shall be the responsibility of the City.

Sporting and community organisations also have the option to hire a facility on a temporary or regular-basis in accordance with the City's Fees and charges and the Casual Facility Hire terms and conditions at the rate applicable for that facility. This is

the default position when utilising City facilities, or where a lease cannot be negotiated in accordance with this policy.

Sporting and community organisations must be able to demonstrate the need for a lease, by addressing the criteria outlined within the CEO instruction of this Policy, this will form the basis of the City's assessment for the granting of a lease.

4. Detail

The Policy provides user groups with certainty regarding access to facilities. It also provides user groups with an incentive to maintain the City's assets in good condition. The Policy is predicated on the basis that sporting clubs or community organisations will be responsible for the day-to-day costs associated with the buildings and any minor maintenance with each parties' obligations identified in the Lease Agreement.

The City encourages the co-location and multipurpose usage of its community facilities, in order to maximise their usage and increase the overall benefits to the community. Seasonal lease agreements are the City's preferred lease arrangement for its active sporting reserves to allow season-based sharing of community facilities. In general, clubs will have exclusive access to facilities in their regular sporting seasons as the in-season club, with any out of season access to be negotiated and agreed between the users separately.

Sports infrastructure that is exclusive use with limited public usage, and integral to their operations such as tennis courts, bowling greens and netball courts, may form part of a Sporting Clubs leased area. Under these circumstances the Sporting Clubs shall be responsible for the renewal of their sports specific infrastructure. Clubs seeking a contribution from the City will need to refer to the City's Capital Grants Policy.

Under some circumstances, the City may enter into exclusive occupancy agreements for its facilities. These will be determined on a case-by-case basis, with a preference of co-location sharing to maximise usage of facilities. Organisations seeking exclusive usage of a facility must put forward an expression of interest for facilities, indicating their proposed reasoning for exclusivity, operating hours, benefit to the community (Social Impact), economic and environmental sustainability and put forward a proposal.

In recognition of the community benefit provided by Sporting clubs and community organisations, the lease fee applicable will be set at \$1,000 per annum per location or as agreed via an expressions of interest process and report to Council. Sporting and community groups on shared lease arrangements will share in the cost of the annual lease fee.

It is the responsibility of the sporting group or community organisation to notify the City where an incident may jeopardise the health, or safety of users or the public or which may affect the City's building insurance.

Where a sporting group or community organisation seeks to undertake additions or alterations to a building, consent must be requested from the City, with such requests supported by any co-tenants of the building.

Unless previously agreed in writing with the City, all invoices issued by the City are to be paid within 30 days of the invoice date.

5. Community Consultation

Community Consultation regarding any changes to the Community Group Leases Policy will be undertaken.

6. Governance

This Policy will be governed by the Council and administered by the City. Sporting Groups and Community Organisations are required to comply with the provisions of all regulations, local laws, by laws, Acts or Amendments affecting the premises.

7. Measures of Success

- Building condition reports completed to give an indication as to whether the Sporting Group or Community organisation is managing their maintenance responsibilities in a satisfactory fashion.
- Number of Sporting and Community Organisations with membership growth.
- Enhanced utilisation of City of Kalamunda facilities, resulting in lower vacancy rates.

8. Definitions

Administration: Means both:

- a) the process of administering the business of the City; and
- b) the administrative body of the City itself, including employees of the local government, as headed by the CEO

CEO: Means the Chief Executive Officer appointed by the Council who has statutory obligations as set out in the Local Government Act 1995 along with the responsibilities

of leadership and management required for the position. The most senior officer in the administration. He or she is directly accountable to the Council.

City: Means the administrative and management arm of the local government constituted as the City of Kalamunda.

Community: means entire population of the City of Kalamunda. It could also be extended to those who work in, or visit, the area for recreational or similar reasons.

Council: means the Elected Members sitting formally as a Council under the Act.

Councillor: means the Title given to an individual elected representative of a local government. Also known as "Elected member".

Council Policy: A formal statement or directive, strategic in nature, that gives effect to the City's legislation and external regulatory requirements. Policies guide decision making and govern the City's activities.

Sporting club: A group of people formed under the Associations Incorporation Act 2015 for the purpose of playing sport and/or recreation activities.

Community Organisation - is a group of people who have formed for a specific purpose or service of the benefit for the community. These may be not-for-profit or commercially operated organisations established under Associations Incorporation Act 2015, as well as smaller, un-incorporated associations.

Sporting Reserves: The City's sporting Reserves includes sites such as Hartfield Park, Maida Vale Reserve, Kalamunda Sporting Precinct, Ray Owen Reserve and Scott Reserve.

Regular Season: is defined as the period of time when a sports main competition is played. This is as determined by, and aligned with, the Sports Governing body.

In Season - the in-season club is defined as the club playing within its regular season.

Status	Council Requirement		
Related Local Law	N/A		
Related Council Policies	Governance 11 – Capital Grants – Clubs and Community Groups Policy		
Relevant Delegation	CEO		
Related Internal Procedures	Updated Procedure Pending		
Related Budget Schedule	N/A		
Legislation	<i>Local Government Act 1995</i>		
Notes and Conditions	N/A		
Authority	Council		
Adopted	December 2023	Next Review Date	2025