

PURPOSE	To determine if and under what conditions Council will allow School tenancy of Council land.
OBJECTIVES	<p>To clearly define the circumstances under which Council would (if at all) provide land (or buildings) for School purposes. Proposed usage could include:</p> <ul style="list-style-type: none"> • Shared recreation facilities. • Community car parking.
SCOPE	This Policy applies to all schools (State or private) who seek to occupy Council land or facilities.
DEFINITIONS	<p>School – means any State or Private (primary or secondary) school.</p> <p>Tenure – means a lease or licence at a rental and under conditions which are less than commercial rental and subsidised by the Shire, the terms of which will generally be five (5) years with review at that time.</p> <p>Term – means the initial term of the lease, rental or licence.</p> <p>Further Term – means the option of a further term or terms as offered by Council.</p> <p>Permitted Use – means the activities agreed by Council to be conducted by the School from the site or facility during the tenure.</p> <p>Rental – means in the first term of a lease or licence to be \$520 per annum plus GST for the first year and then adjusted annually for CPI (all Groups Melbourne) unless otherwise negotiated and agreed.</p> <p>Rent Review – means that subject to further terms being offered, rental will generally be increased annually for CPI (all Groups Melbourne) unless otherwise negotiated and agreed.</p>
POLICY	<p>1. Where</p> <ol style="list-style-type: none"> (a) a School demonstrates to Council that it is jointly beneficial to the school and local community; (b) Council is satisfied that there is no other option but to use community land or facilities; and (c) Council is satisfied that local community does derive benefit. <p>Council will consider the provision of any available property (land or facilities) for shared use between the school community and Council on behalf of the local community.</p>

<p>POLICY (CONT'D)</p>	<p>2. Tenure will:</p> <ul style="list-style-type: none"> (a) require the School to enter into a standard lease or licence; (b) generally be at a subsidised rental unless otherwise negotiated and agreed; (c) be on the basis that the local community has reasonable access to the area of land or facility under lease or licence; and (d) be on the basis that the School will pay all outgoings, be responsible for all grounds maintenance and all minor building maintenance. <p>3. Unless it specifically resolves to do so, Council will not contribute towards the establishment or set up of the School facility.</p> <p>4. Formal lease or licence agreements must be established between the School and Council prior to occupancy.</p> <p>5. A formal process of accountability of performance must be agreed between the School and Council. In a format agreed by Council, at least annually the School must report to Council on its usage.</p>
<p>PROCEDURE</p>	<p><u>1. Assessment of Community Benefit</u></p> <p>(a) In assessing the degree of community benefit, key considerations will include:</p> <ul style="list-style-type: none"> • The degree to which the local community regularly benefits from its use of the land or facility; and • The degree to which the School supports the Shire's goals, policies and strategies. <p>(b) Any request for support must <u>not</u> out-weigh the assessed community benefit derived from the group's operations.</p> <p><u>2. Determination of Lease or Rental Tenure</u></p> <p>(a) Any tenure of one year or less is delegated to the Manager – Property and Valuations.</p> <p>(b) Any tenure longer than one year will be determined by resolution of Council.</p>
<p>RESPONSIBILITY</p>	<p>Manager – Property and Valuations For ensuring the Policy and procedures are implemented and maintained. Also for determining on the availability and suitability of existing property which would satisfy a request.</p> <p>Council For considering and determining requests for property that cannot be satisfied from available, suitable resources.</p> <p>Team Leader– Property Operations For ensuring that leases or licence are put in place, and for the periodic monitoring and review of such leases or licences.</p>

<p>RESPONSIBILITY (CONT'D)</p>	<p>Relevant Director For initial assessment of community benefit.</p> <p>Relevant Manager For fulfilling the role of 'notional landlord' and acting as the Council liaison for all operational matters. Also for annually assessing the relative worth of the community group's performance based on agreed assessment criteria.</p>
<p>RELATED POLICIES</p>	<p>Commercial Tenancies Policy.</p>
<p>RELATED LEGISLATION</p>	<p>Local Government Act 1989.</p>
<p>REFERENCES</p>	<p>Council Files.</p> <p>Council Leases Register.</p> <p>Standard Council Community Groups Lease.</p>
<p>REVIEW</p>	<p>This Policy shall be subject to review within 12 months of the next general Council elections to be held in November 2012.</p>