



# Gladstone Regional Council

## Council Policy

Title	LEASING OF LAND FOR SPORT AND RECREATION PURPOSES
Policy Number	P-2017-35
Responsible Directorate	CORPORATE & COMMUNITY SERVICES
Responsible Officer	COORDINATOR SPORT & RECREATION
Date of Adoption	4 JULY 2017
Resolution Number	G/17/3107
Date Review Due	4 JULY 2020

### 1.0 PURPOSE:

To prescribe criteria and other matters for consideration to be used in guiding Council in determining whether an organisation should be granted a lease over land under Council control for use for sporting or recreation activities, so as to achieve the best community outcome for this limited resource.

### 2.0 SCOPE:

This policy applies to:

- all incorporated organisations operating on a "not for profit" basis, based within the Gladstone Regional Council local government area that have a sport or active recreation primary focus; and
- land under the control of Council which is suitable for sport and recreation purposes; for example State Government land set aside as a Recreation Reserve under Council control as Trustee; or Council freehold land which has been identified as being suitable for this purpose and zoned accordingly.

### 3.0 RELATED LEGISLATION:

- Land Act 1994
- Local Government Regulation 2012

### 4.0 RELATED DOCUMENTS:

1. Council Standard Freehold Lease - Sporting Fields (2016) as amended from time to time.
2. Council Standard Trustee Lease - Sporting Fields (2016) as amended from time to time.
3. Mandatory Terms for Trustee Lease - Department of Natural Resources & Mines.

## 5.0 DEFINITIONS:

To assist in interpretation of this policy, the following definitions apply:

- "**Community Organisation**" means—

- (a) an entity that carries on activities for a public purpose; or
- (b) another entity whose primary object is not directed at making a profit.<sup>1</sup>

For the purpose of this definition, the interests of the organisation must not involve advancing the private interests of individuals and where any revenue of the organisation exceeds its expenses, that revenue must go towards advancing the purposes of the organisation and not to any individual.

- "**Land**" means land under the control of Council either as trustee; or as registered owner in fee simple.

- "**Proposed Lessee**" means the organisation which is being considered for the granting of a lease over the Land.

- "**Incorporated**" means incorporated by law under one of the following:

- Associations Incorporation Act 1981;
- Corporations Act 2001 (Commonwealth); or
- Aboriginal Councils and Associations Act 1976 (Commonwealth).

- "**Sport**" means a human activity capable of achieving a result requiring physical exertion and/or physical skill, which by its nature is competitive and is generally considered a sport.

- "**Recreation**" means an activity engaged in for the purpose of relaxation or enjoyment with the primary activity/focus requiring physical effort. These activities are not based on formal competition and generally lack prescribed rules.

## 6.0 POLICY STATEMENT:

### 6.1 General

Council recognises that Land suitable for Sport and Recreation purposes is a limited resource and one which must be managed diligently to ensure the best outcome for the community.

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<sup>1</sup> Refer definition of "community organisation" in Schedule 7 of the Local Government Regulation 2012 -

Consequently, Council will consider all applications for a lease over the Land to determine whether:

- the Proposed Lessee is eligible; and
- the intended use of the Land is appropriate.

## **6.2 Eligible Organisations**

To be considered for a grant of a lease, the Proposed Lessee must:

- (a) be Incorporated;
- (b) be a Community Organisation;
- (c) be based within the Gladstone Regional Council local government area;
- (d) satisfy Council that it has active Sport and/or Recreation as its primary focus;
- (e) not have any outstanding matters before Council

"**Outstanding matter**" may include: unpaid rates or levies; outstanding invoices for Council services; grant funds received that have not been adequately acquitted; or breach of any conditions of any other agreements with Council (including previous lease agreements);

- (f) offer membership to any member of the public without conditions which Council considers unreasonable; and,
- (g) satisfy Council that it is a reputable organisation.

## **6.3 Appropriate Purpose**

The Proposed Lessee must satisfy Council that the intended use of the Land is:

- (a) consistent with Council's open space and recreation objectives, town planning scheme; and/or
- (b) appropriate for the subject Land (for example: its natural features and suitability for the proposed use, location, and availability of services).

## **6.4 Maintenance and Development of Facilities**

The Proposed Lessee must satisfy Council that it has the capacity to:

- (a) Maintain the lease area to an appropriate standard for the term of the lease;
- (b) Develop appropriate facilities upon the lease area that will generally provide positive sport and recreation outcomes for the community.

## **6.5 Lease Term**

The maximum lease term which may be offered will be ten (10) years.

However, Council may offer a lease over a shorter period if it is considered appropriate.

**7.0 ATTACHMENTS:**

Nil

**8.0 REVIEW TRIGGER:**

This policy will be reviewed when any of the following occur:

1. The related legislation/documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council
3. Periodic Review – 3 years from date of adoption.

TABLE OF AMENDMENTS		
Originally Adopted	Meeting - 18 June 2013	Resolution No: G/13/1594
Amendment 1	4 JULY 2017	G/17/3107
Amendment 2	<INSERT DATE COUNCIL MEETING>	<INSERT RESOLUTION NUMBER>
Amendment 3	<INSERT DATE COUNCIL MEETING>	<INSERT RESOLUTION NUMBER>

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**CALE DENDLE**  
**ACTING CHIEF EXECUTIVE OFFICER**