

PURPOSE

Council's property portfolio consists of Council owned land, Council managed road reserve and Crown Land. Council grants leases and licences of land it owns or manages for the benefit of the community or to maximise the revenue it derives from its land holdings. Council ensures that the grant and management of these arrangements are consistent with legislative requirements.

POLICY INTENT

This Policy is only intended to apply to leases, licences and other occupation agreements relating to Council owned land or Council managed road or Crown Land whereby Council is the lessor/licensor entity approving the occupation or use.

The overall intent of this Policy is summarised as follows:

1. Council will ensure that its leasing, licencing or occupancy approval activities are consistent with all relevant legislative requirements
2. Council aims to either manage the use of its land holdings for the benefit of the community and/or to maximise the amount of revenue from its land holdings.

The main objectives of this policy are to set the broad framework for the grant and management of leases and licences relating to land that Council owns or manages. This broad framework incorporates the following activities:

1. Granting of leases or licences of Council owned or managed land whether these for strategic, commercial or community purposes;
2. Management of Council's property portfolio to ensure compliance with any relevant legislation and the requirements of Council's Relevant Policies as amended by Council from time to time.

WOLLONGONG 2032 OBJECTIVES

This policy supports our Community Goals outlined in Wollongong 2032, with interconnected objectives being:

- We value and protect our environment
- We have an innovative and sustainable economy
- We have a creative, vibrant city
- We are a connected and engaged community

The Policy contributes to the delivery of Our Wollongong 2028 Goal 5 "We have a healthy community in a liveable city".

POLICY STATEMENT

In undertaking Leasing and Licencing activities, Council will:

- 1 In relation to community leases that fall within the Community and Sporting Group Rental Policy, or licences, seek to maximise the community use and benefit of these sites.
- 2 Strive for best value for the community through achieving the best outcomes for the community in relation to community leases or licences and through optimising revenue and performance in relation to commercial leases or licences.
- 2 In relation to all leases, seek to maximise Council's revenue in a fair and transparent way through either the application of fees and charges or through the payment of market rent informed by independent valuations and/or competitive processes.
- 3 Seek to minimise Council's liability through appropriate lease or licence agreements and insurance requirements.
- 4 Undertake competitive processes in line with Council's procurement requirements whenever appropriate to inform new lease arrangements and have regard to all relevant legislation and the Guidelines issued by the Independent Commission Against Corruption (ICAC) whenever engaging in direct negotiations.
- 5 In relation to all leases on Council owned or managed land, Council officers must seek reimbursement for all costs of preparation and finalisation of lease/licence arrangements in line with the below:
 - a) In relation to community group leases and licences, reimbursement is for a portion of the costs as determined by Council's Revenue Policy, Fees and Charges;
 - b) In relation to commercial leases, reimbursement is for all costs;
 - c) Reimbursement of costs will only apply to the extent that recovery of these costs is consistent with the provisions of the *Retail Leases Act 1994* (and any other relevant legislation).

LEGISLATIVE REQUIREMENTS

Wollongong City Council recognises its obligations under the *Local Government Act 1993* and the *Crown Land Management Act 2016* as they relate to land owned or managed by Council and leasing/licencing activities. All decisions in relation to Council's property portfolio must have regard to and be consistent with the requirements of this legislation and any associated regulations.

In addition, Council must abide by all legislation that relates to leasing and licencing activities, including but not limited to the *Conveyancing Act 1919*, *Retail Leases Act 1994*, *Real Property Act 1900* and any other relevant legislation or regulations that may apply from time to time.

REVIEW

This Policy will be reviewed a minimum of once every term of Council, or more frequently as required.

REPORTING

Council must meet its requirements under the *Local Government Act 1993* in relation to the maintenance of a land register and any financial disclosure obligations. Council must also regularly review its property portfolio and report on any relevant key performance indicators as set from time to time.

ROLES AND RESPONSIBILITIES

The Property Management team within the Property Services business unit is responsible for the granting of new leases and licences and the management of the existing portfolio. New leases and licences may be granted by either Council or by delegated authority.

Asset Management of the assets located within leased or licenced areas are the responsibility of Infrastructure Strategy & Planning Division with Property Services as the Service Manager.

RELATED PROCEDURES

Occupation of Council Owned or Managed Land, Buildings and Public Roads.

| APPROVAL AND REVIEW | |
|---|------------------------------------|
| Responsible Division | Commercial Operations and Property |
| Date adopted by Council | 18 September 2023 |
| Date/s of previous adoptions ¹ | Nil |
| Date of next review | 18 September 2027 |

¹ Replaces revoked Council policies 'Leases and Licences of Council Owned and Managed Land, Buildings and Public Roads', and 'Legal Costs Payable by Lessees and Licensees of Council Premises other than Retail Premises'