



WAITAKERE CITY COUNCIL

COMMUNITY LEASES POLICY

Adopted by the Policy and Strategy Committee: 5 November 2009
(Minute Number: [1803/2009](#))

Contents

1.0	INTRODUCTION	3
2.0	PURPOSE	3
3.0	POLICY OBJECTIVES.....	3
4.0	PRINCIPLES	4
5.0	THE WIDER COMMUNITY FACILITY ‘PICTURE’ IN WAITAKERE CITY	4
6.0	COMMUNITY OUTCOMES AND STRATEGIC FRAMEWORK	4
7.0	POLICY SCOPE AND ELIGIBILITY	6
7.1	Who is eligible for a community lease?	6
7.2	Types of spaces covered	7
8.0	LEASE APPLICATION PROCESS	7
8.1	Criteria for assessing lease applications	8
9.0	TYPES AND TERMS OF LEASES	8
9.1	Right of Renewal.....	9
10.0	COUNCIL RESPONSIBILITIES TO LESSEES.....	9
10.1	Right to terminate a lease	9
11.0	LESSEE RESPONSIBILITIES	10
12.0	POLICY REVIEW	10

1.0 INTRODUCTION

Waitakere City Council recognises the vital role that community groups play in building community spirit, participation and a sense of belonging. These community groups help people to feel good about themselves and others, connect with others in their community, learn new things, become fitter and healthier, practice their culture, express their creativity, be of service to others and generally feel part of a wider community. All of these things form the 'glue' that brings and holds communities together and helps to create places that people want to live in.

In support of this, Waitakere City Council leases land and/or buildings to over 200 community groups across the City, commonly on public parks and reserves. These groups undertake a wide range of community activities, including sports, childcare, hobbies, cultural and creative pursuits, educational and local resident and ratepayer activities. These groups and the spaces they operate from are a key part of the mosaic of community activity and infrastructure in Waitakere City.

Leases are assessed in accordance with this policy and required obligations of local authorities as under the Reserves Act 1977.

2.0 PURPOSE

The purpose of this policy is to guide the Council's provision for community leasing of land and buildings for community purposes¹.

Given pending changes to the Auckland region's local government arrangements from 2010 onwards, this policy may be changed in the future.

Until any new arrangements are in place, this policy provides the basis for managing community leases in Waitakere City. It also seeks to provide Waitakere community groups with some security over community lease arrangements as far as possible in the short to medium term.

3.0 POLICY OBJECTIVES

Community leases are designed to provide low cost space for community activities and purposes. Specific objectives of this policy are as follows.

- To present the community outcomes and strategic framework that the Council aims to support in providing community leases;
- To outline the scope of the policy and the types of groups and activities it covers;
- To provide clarity to groups on the purpose of leases, the application process and basic lease terms and conditions;
- To support maximum use and benefits of community leased land and buildings;
- To support the capacity of local communities to meet their own needs;
- To align this policy with other relevant Council plans and strategies; and
- To contribute to forward planning for community facility provision.

¹ Note that the last Community Leases Policy was adopted by the Council in 1998 and needed updating.

4.0 PRINCIPLES

A balance is sought in this policy between transparency and ease of administration, and between setting standard approaches for all leases versus recognising specific circumstances.

As such, guiding principles for this policy are as follows.

1. Simplicity and clarity for the groups involved.
2. Maximum use of the facilities and community benefits arising.
3. Fairness and transparency.
4. Being responsive to diverse community needs.

5.0 THE WIDER COMMUNITY FACILITY ‘PICTURE’ IN WAITAKERE CITY

Community leases form only one part of the picture of the Council’s support for community facilities. See Appendix One to view this picture and where community leases sit within it.

6.0 COMMUNITY OUTCOMES AND STRATEGIC FRAMEWORK

Leasing land and buildings to community groups supports the following community outcomes for Waitakere City².

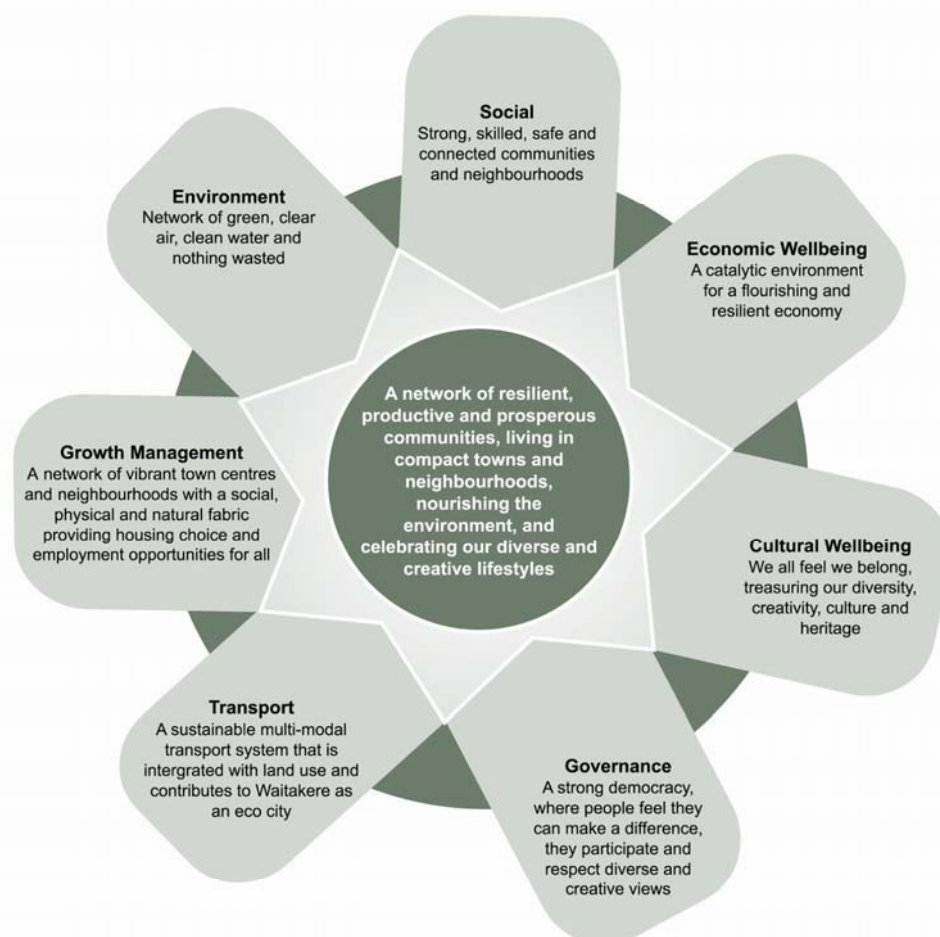
Community Outcomes	
Strong communities	<ul style="list-style-type: none"> • Waitakere has a strong sense of connection and networks of community and people have a sense of belonging. • We contribute to our city, community, friends and family.
Strong economy	<ul style="list-style-type: none"> • People have a good work-life balance, quality of life and participate in family and community life.
Healthy lifestyles	<ul style="list-style-type: none"> • Good health, education and increased participation in a healthy and positive lifestyle.
Urban and rural villages	<ul style="list-style-type: none"> • People feel connected to their local places and to each other.
Vibrant arts and culture	<ul style="list-style-type: none"> • We participate in creative pursuits and have a deep and wide perception of arts and culture in our city.
Working together	<ul style="list-style-type: none"> • We have a culture of working together as a city, as neighbourhoods and as a family, efficiently utilising our time, people and resources. • We mobilise local energy and empower people to participate through providing information people need and open transparent decision-making.

² Derived from *Community Outcomes for Waitakere City Nga hua Kōwhiringa o te iwi Whanui o Waitakere 2006-2009*.

This policy aligns with several of the Council's strategies in its strategic framework, including Social, Economic Wellbeing, Cultural Wellbeing, Governance and Environment³.

THE STRATEGIES

For the Long Term Council Community Plan 2009-2019 the Council has simplified its strategic framework by identifying seven key strategies to achieve the vision for Waitakere.



Each strategy has work programmes and pathways to implementation reflected across the activities of the Council is detailed in the What the Council Plans to do section.

It contributes to the following outcomes in the Council's Social Strategy (adopted in May 2009):

- Everyone feels valued and connected to their communities, neighbourhoods and the natural environment; and
- Everyone can access the facilities, activities and services they need to achieve optimal health and wellbeing.

³ Derived from Best for the West - Waitakere's 10 Year Plan (Part A) 2009 (p.35)

It supports the Social Strategy's emphasis on using place based approaches to build strong resilient communities, develop community leadership, and on developing Waitakere City's community infrastructure and asset base.

The Council has a range of other strategies and policies that link with its provision of community leases, for example the Parks and Open Space Strategic Plan, the Active Recreation Strategic Plan, and reserve management plans for individual parks.

7.0 POLICY SCOPE AND ELIGIBILITY

This policy covers the leasing of land and/or buildings to community groups undertaking community activities. Community houses and halls that have a direct relationship with the Council in providing core community services are not assessed through this policy but are, however, eligible for community leases.

Note that if a proposed lease of land and/or building is not included within the relevant reserve management plan, an additional process and/or consultation may be required to meet the Reserve Act 1977 requirements.

7.1 Who is eligible for a community lease?

A community group is a group of people who come together to pursue a common cause or interest for the good of their community. For the purposes of this policy a community group is defined as:

- A non-profit organisation or association of persons, who have the primary aim of providing services and benefits to the community. Non-profit means any funds generated must be used to maintain and develop the organisation to support its community services and activities.

To be eligible to apply for a community lease of land and/or building a community group must meet the following criteria.

- be a legal entity and have not-for-profit status e.g. be registered as an incorporated society or a charitable trust; and
- have open membership criteria with accessible membership and participation fees.

Early childhood services that are provided for free or at a non-commercial rate, and who can show a clear need for their service in an area, are eligible to apply for a community lease.

This policy excludes the following groups and activities:

- Groups who do not meet the above definition of a community group.
- Groups for whom religious worship or political organising is the primary purpose.

7.2 Types of spaces covered

Leases issued under this policy relate to the following.

- Council owned buildings;
- Council owned land; and
- Council administered land.

8.0 LEASE APPLICATION PROCESS

Groups wishing to apply to the Council for a community lease can register their interest by contacting the Council Call Centre.

In cases of an empty building or identified vacant land, the Council will seek applications from the community, through publicising and inviting applications on their website, through local media and networks and through direct notification to groups who have registered their interest.

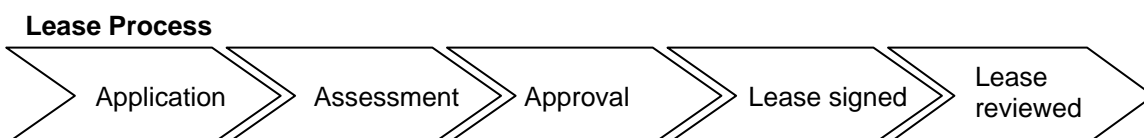
At the end of each 10 year lease term (5 + 5 right of renewal) for all Council owned buildings or earlier (if a group decides not to exercise its 5 year renewal option) the facility's availability will be publicly notified and expressions of interest called for.

Groups that own their own buildings have an automatic right to re-apply at the end of their lease terms without public notification

Community halls and community houses may not necessarily be publicly notified.

Once applications have been called for, the following process applies to all applicants:

1. An application form will be available on-line or can be posted to applicants.
2. Interested groups provide an application to the Council, plus a \$100 plus GST application fee and supporting documents.
3. One or more Council representatives will discuss the application with the applicant. Where there is an existing lease, building inspections will take place as required.
4. An internal Council assessment process of applications takes place, involving all relevant departments of the Council.
5. A recommendation is made to the relevant Community Board and/or the Committee with delegated authority to approve the lease.
6. The Council's Conflict of Interest Policy applies to the decision making process.
7. If approved, the terms are negotiated between the Council and the group in accordance with standard lease terms including maintenance provisions which may apply.



8.1 Criteria for assessing lease applications

The following criteria will be used by Council staff in relevant departments to assess lease applications:

- Alignment with Council strategies, policies and plans;
- Compliance with all relevant acts, bylaws, regulations and rules;
- Type of service/activities provided by the group;
- History, capacity and financial viability of the group;
- Level of community need and support for activities proposed (with reference to the Council’s Social Infrastructure Planning Framework);
- Impacts of the proposed activities, including benefits;
- Reserve management plan and reserve classification requirements;
- Ability to fulfil lessee requirements, as negotiated with the Council;
- Any other Council support already provided to the group;
- Willingness of the group to share facilities with other groups; and
- Whether there are alternative sites or location options for the applicant.

9.0 TYPES AND TERMS OF LEASES

There are three main types and terms for leases as follows.

Type of lease	Length of term	Rent (excl GST)
Council owned land and building	5 years standard, with a five year right of renewal (total 10 year term)	\$500, minimum per annum, excluding GST
Council owned land only	5 years standard, with a five year right of renewal (total 10 year term)	\$250, minimum per annum, excluding GST
Community group owned building on Council land	10 years, with a 5 year right of renewal (total 15 year term)	\$250, minimum per annum, excluding GST

Where existing lease rents are higher than the minimum \$250p.a or \$500p.a. the higher rent will continue to *be applied* on renewal and in accordance with the terms and obligations of the lease.

Anything outside of the standard terms above may be negotiated but must be supported by the relevant department and is subject to approval by the delegated authority approved by the Council.

Ad hoc (casual) hiring of the facility to other groups on an occasional basis at reasonable cost is allowable.

Sub-leasing parts of the facility to other groups is also allowable with the written consent of the Council. Sub-leasing is an arrangement to lease a specific space for rental on an ongoing regular basis providing exclusive use by a group of that space. Lessees take responsibility for any such hireage and lessees must manage their own risks.

Rents and fees for the policy can be reviewed at any time. Tenants' rental payments would not be affected until the next rent review documented in the deed of lease.

Note that lessees are required to submit an annual report to the Council containing basic information on activities, future plans, membership and financial status.

For any group whose lease has expired, their lease will automatically roll over on a month by month basis. The terms and conditions of the lease will be the same as those in the expired lease.

9.1 Right of Renewal

Prior to the end of the initial lease term the lessee must request in writing, a renewal from the Council if they wish to exercise their right to renew their lease. Leases will be renewed subject to the following considerations:

- Evidence (including supporting documents) of ongoing:
 - viability over the lease term; and
 - community need for what the group provides.
- Compliance with the core community activities as stated in the lease agreement;
- The level of membership fees, rental and any commercial activities the group is undertaking; and
- Satisfaction with current lease terms and conditions and whether any changes are needed.

10.0 COUNCIL RESPONSIBILITIES TO LESSEES

The Council has the following responsibilities in relation to community leases.

- Establishment of a Community Lease Coordination role (the Community and Reserves Lease Officer) as the key contact and liaison point in terms of community leases both within and outside of the Council;
- Establishment of a Register of Interest of all those who have made an application for a lease or expressed an interest in a particular lease;
- Provision of clear information on the Council resources and support available for community lessees;
- Any empty building offered for lease will meet an acceptable standard of maintenance prior to occupancy;
- Maintenance of the building structure and exterior of the building and water, sewer and electricity connections, where the Council owns the building;
- Appropriate monitoring of community leases;
- Provision of relevant information on the Council website on current community leases; and
- Transparency in the operation of community leases.

10.1 Right to terminate a lease

The Council reserves the right to investigate and terminate a lease on notice in accordance with the terms of the lease; if a group is in significant breach of the lease or the land is required for another purpose or illegal activity occurs or annual reports are not provided or the Council considers that the premises are not being utilized in accordance with the terms of lease.

The Council reserves the right to audit annual reports.

The Council may also require groups to share their allocated premises with other suitable groups to ensure the effective use of the Council facilities for maximum community benefit.

The Council will negotiate with community groups to move them to other available premises if, in the Council's opinion, those premises are equally or more suitable for the group and another group is better suited to the premises already occupied.

If a lessee wishes to end a lease they should contact the Community and Reserves Lease Officer.

11.0 LESSEE RESPONSIBILITIES

The responsibilities of lessees and the Council will be spelt out in the lease agreement and negotiated with each group. Key lessee responsibilities likely to apply to all leases are as follows.

- To provide evidence of not for profit status;
- To use the land/building for the agreed purposes and adhere to the relevant regulatory requirements;
- To maximise community use and benefits of the land/building (not all groups require the facility on a full time basis so the Council encourages groups to share facilities as much as possible);
- To keep its own buildings to a suitable standard through appropriate maintenance;
- To maintain the building interior, services and fixtures and fittings according to the terms of the lease as negotiated with the Council. This excludes the building structure and exterior of the building, where the Council owns the building;
- To seek in writing and obtain written Council approval for any proposed building alterations;
- To meet any relevant legislative requirements such as obtaining consents or licences;
- To complete an annual report using the template provided; and
- Payment of utilities, services and outgoings.

Where the lessee owns the building, both structural and non-structural (interior and external) maintenance will be the responsibility of the lessee.

Links to an updated community lease application form, lease agreement template and annual report template are available from the Community and Reserves Lease Officer at the Council as well as the Council's website at www.waitakere.govt.nz.

12.0 POLICY REVIEW

This Policy is to be reviewed and updated as necessary (three yearly) in line with the Long Term Council Community Plan (LTCCP) cycle.

Appendix One: Waitakere City Council facility support

