

USE AND HIRE OF COMMUNITY FACILITIES FOR COMMERCIAL ACTIVITIES

Policy Number: POL16/177 • **Adopted:** 17/09/1985 • **Amended:** 21/12/2004, 14/04/2009, 14/12/2012, 24/11/2015, 12/12/2017 • **Minute Number:** MIN85.2791, MIN04.1591, MIN09.409, MIN12.1396, MIN15.721, MIN17.1056 • **File:** 28029E • **Produced By:** Finance Corporate and Community Services Group • **Review Date:** 1/12/2020

1. PURPOSE

To provide guidance on the process and approvals required for Council's community facilities to be used for commercial and retailing activities.

2. STATEMENT

This policy statement is based on Council Minute 85.2791 of 17th September 1985. Council reaffirmed the policy (with amendments) in its revised format on 21st December 2004 by Minute 04.1591.

“Typically, Council community facilities (buildings and reserves) do not have approval for conducting commercial and retailing activities.

Commercial and retailing are prohibited under the current zoning. The lodging of a Development Application and supporting information can be considered by Council as Clause 39C of the Shoalhaven Local Environment Protection Act (SLEP) allows for and provides Council with the ability to undertake and conduct an assessment of the activity.

Council may grant consent for temporary use of the land for up to 28 days in any one year (these days do not have to be consecutive), provided that:

- there is protection of the environment and the amenity of the locality during and immediately after the carrying out of the proposed use;
- appropriate arrangements are made for the provision of utility services, vehicular and pedestrian access, parking and restoration of the site to the condition prevailing immediately before the carrying out of the proposed use; and
- the period for the carrying out of the proposed use is reasonable in the circumstances or whether a lesser period would be more appropriate.

Community Facilities covered by this policy include all Council managed/owned buildings and reserves.

3. PROVISIONS

- 3.1. Sufficient notice be provided to allow for the processing of a Development Application that includes adequate consultation with other users of the Community Facility and potential businesses that may be affected by the proposed commercial activity.
- 3.2. Development Applications will not be supported for a commercial activity that may conflict with the normal function of this community facility or if the proposal contravenes the Local Environment Plan.
- 3.3. The hirer of the community facility, where not covered by Council's 'Casual Hirer Insurance Policy', such as in the case of an incorporated or proprietary limited body, will be required to provide adequate public liability cover as determined by Council's General Manager (Insurance/Risk Manager). This will be for a minimum of \$20,000,000 cover with an insurer approved by the Australia Prudential Regulation Authority, noting Council's interest.
- 3.4. A specific fee for commercial hire shall be in accordance with Council's adopted Management Plan's Fees & Changes.
- 3.5. The commercial fee shall apply for each day the community facility is required for setting up and dismantling of structures in accordance with Council's adopted Management Plan's Fees & Changes.

Given the commercial nature of this hire, there shall be no waiving of subsidising of fees as per the Fee Waivers, Subsidies and Support Policy.

- 3.6. A bond shall be required to protect the community facility from damage or necessary clean up following commercial use in accordance with Council's adopted Management Plan's Fees & Changes.
- 3.7. If required by Council, a license will be negotiated with the community facility hirer and be subject to the concurrence of Council.

4. IMPLEMENTATION

The responsibility for the implementation and review of this policy shall be with the Director of Finance Corporate and Community Services.

5. REVIEW

The Finance Corporate and Community Services Group will review this policy:

- Within 12 months of the date of the election of every new Council, or
- Every four years, or
- As directed by Council, or
- As a result of a review in legislation that affects this policy

6. APPLICATION OF ESD PRINCIPLES

None applicable.