



Ordinary Meeting

Council Chambers
Date: 15 February 2017
Time: 9:00am

MINUTES

MEMBERS IN ATTENDANCE

Members Present: Cr T Gilmore (Mayor), Crs, E Brown, K Davies, M Graham, A Pedersen, A Toppin and L Wyatt.

APOLOGIES/LEAVE OF ABSENCE/ABSENCE ON COUNCIL BUSINESS

Nil

BEREAVEMENTS/CONDOLENCES

A minute's silence was observed as a mark of respect for those residents who passed away during the previous month.

DECLARATION OF ANY MATERIAL PERSONAL INTERESTS/ CONFLICTS OF INTEREST

Cr Davies declared a potential conflict of interest in relation to *ITEM-10 Meeting Standard 17.05.2016*. Cr Davies advised that he would leave the meeting for the duration of the discussion and not vote regarding ITEM-10.

CONFIRMATION OF MINUTES

Moved by Cr Toppin

Seconded by Cr Wyatt

"That the Minutes of the Ordinary Council Meeting held on 25 January 2017 be confirmed as true and correct."

CARRIED

BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETINGS

Nil

CORPORATE AND COMMUNITY SERVICES**REGIONAL LAND USE PLANNING****ITEM-1 MAREEBA SHIRE COUNCIL ROAD NAMING POLICY -
REQUEST TO INCLUDE NAME ON APPROVED ROAD
NAMES LIST - PIAGNO**

Moved by Cr Toppin
Pedersen

Seconded by Cr

"That Council in accordance with Section 3.1.3 of the Road Naming Policy, add the name ***Piagno*** to the list of approved road names for Districts 2 and 4."

CARRIED

**ITEM-2 APPLICATION FOR VARIATION OF COMMERCIAL
HOTEL LIQUOR LICENCE - POST OFFICE HOTEL -
LOTS 810 & 811 ON C5041, 15-17 QUEEN STREET,
CHILLAGOE**

Moved by Cr Graham

Seconded by Cr Davies

"That Council advise the Office of Liquor and Gaming Regulation of the Department of Justice and Attorney General that Council has no objection to the removal of condition 1719659 from the Commercial Hotel liquor licence held over the Post Office Hotel on land described as Lots 810 and 811 on C5041, situated at 15-17 Queen Street, Chillagoe."

CARRIED

GOVERNANCE AND COMPLIANCE

ITEM-3 PROPOSAL FOR ACQUISITION OF PART OF LOT 57 SP276126 FOR INCLUSION IN LOT 56 RP749632 - MAREEBA HIRE EQUIPMENT

Moved by Cr Pedersen

Seconded by Cr Graham

"That Council:

1. Claim exemption under s236(1)(c)(iv) of the Local Government Regulation 2012 in relation to the sale of that part of Lot 57 SP276126 located in the NE corner for inclusion into the adjoining Lot 56 RP749632, to an adjoining owner, other than by tender or auction;
2. Accept a purchase price of \$25,000 plus GST from the owner of Lot 56 RP749632 and that the purchaser also undertakes to pay all costs, reasonably incurred, in relation to the survey and realignment of the boundary, preparation of plan/s, lodgement fees, duties and other costs involved in this process."

CARRIED

LOCAL LAWS

ITEM-4 SELECTIVE APPROVED ANIMAL INSPECTION PROGRAM - SPEEWAH, KURANDA AND MT MOLLOY AREA

Moved by Cr Davies

Seconded by Cr Graham

"That Council:

1. Approve a selective Approved Inspection Program to be carried out to ensure compliance with the registration and microchipping requirements if the Animal Management (Cats & Dogs) Act 2008; and
2. Approve a selective Approved Inspection Program (as attached) be carried out to ensure compliance with section 14 of Local Law No. 2 Animal Management 2011 - duty to provide proper enclosure and prevent the animal from wandering."

CARRIED

COMMUNITY WELLBEING

ITEM-8 COMMUNITY LEASING AND RATE AND SERVICE REBATES AND REMISSIONS FOR NOT FOR PROFIT GROUPS

Moved by Cr Brown

Seconded by Cr Wyatt

"That Council approve the:

- Community Leasing Policy (attached to these Minutes as Appendix 1);
- Rate Rebate and Remission Policy 2017/18 (attached to these Minutes as Appendix 2; and
- Community Partnerships Program Policy (attached to these Minutes as Appendix 3)."

CARRIED

ITEM-9 COMMUNITY MANAGEMENT OF HALLS AND ASSOCIATED FACILITIES POLICY

Moved by Cr Brown

Seconded by Cr Graham

"That Council approve the Community Management of Halls & Associated Facilities Policy (attached to these Minutes as Appendix 4)."

CARRIED

INFRASTRUCTURE SERVICES

PROJECT MANAGEMENT

Cr Davies left the meeting at 9:17am and did not participate in the discussion regarding ITEM-10.

ITEM-10 MAREEBA AIRPORT REDEVELOPMENT - EOI - CONSTRUCTION OF RUNWAY, TAXIWAYS & AIRFIELD LIGHTING

Moved by Cr Toppin

Seconded by Cr Pedersen

"That Council to invite BMD Boral Joint Venture, Fulton Hogan Construction Pty Ltd, FK Gardner & Sons Pty Ltd and FGF Developments Pty Ltd to provide written tenders for the Mareeba Airport Upgrade: Construction of Airport Infrastructure."

CARRIED

Cr Davies returned to the meeting at 9:21am.

ITEM-11 2016-17 REGIONAL ASPHALT OVERLAY PROGRAMME

Moved by Cr Brown

Seconded by Cr Wyatt

"That Council:

1. award contract TMSC2017-03 for delivery of the Regional Asphalt Overlay Program to Boral Resources (Qld) Pty Ltd in accordance with the indicative works program and applied pricing for an estimated contract value of \$474,629.29 (inclusive GST); and
2. delegate authority to the Chief Executive Officer to negotiate, finalise and execute any and all matters in relation to these arrangements within the allocated budget.

CARRIED

**ITEM-12 CONTRACT TMSC2015-13 MAREEBA WASTEWATER
TREATMENT PLANT - DESIGN & CONSTRUCTION -
JANUARY 2017 PROGRESS REPORT**

Moved by Cr Toppin

Seconded by Cr Wyatt

"That Council note the January 2017 progress report on the Mareeba Wastewater Treatment Plant Upgrade Project."

CARRIED

ITEM-13 MAREEBA AIRPORT UPGRADING - JANUARY 2017
PROGRESS REPORT

Moved by Cr Graham

Seconded by Cr Davies

"That Council note the January 2017 progress report on the Mareeba Airport Upgrade Project."

CARRIED

TECHNICAL SERVICES

**ITEM-14 APPLICATION FOR PERMANENT ROAD CLOSURE OF
AN AREA OF UN-NAMED ROAD ABUTTING LOT 1
RP711203 - MYOLA ROAD MYOLA**

Moved by Cr Wyatt

Seconded by Cr Davies

"That Council advise the Department of Natural Resources and Mines that it has no objection to the permanent road closure as detailed in their letter dated 30 January 2017."

CARRIED

**ITEM-15 INFRASTRUCTURE SERVICES - TECHNICAL SERVICES
MONTHLY ACTIVITIES REPORT - JANUARY 2017**

Moved by Cr Graham

Seconded by Cr Wyatt

"That Council receive and note the Infrastructure Services Technical Services Monthly Report for the month of January 2017."

CARRIED**WORKS****ITEM-17 INFRASTRUCTURE SERVICES - WORKS SECTION
PROGRESS REPORT - JANUARY 2017**

Moved by Cr Toppin

Seconded by Cr Wyatt

"That Council receive and note the Infrastructure Services, Transport Infrastructure, Parks and Gardens and Bridge Sections, Progress Report for the month of January 2017."

CARRIED**WATER & WASTE****ITEM-18 INFRASTRUCTURE SERVICES - WASTE OPERATIONS
REPORT - JANUARY 2017**

Moved by Cr Davies

Seconded by Cr Graham

"That Council receive and note the Infrastructure Services, Waste Operations Progress Report for January 2017."

CARRIED**ITEM-19 INFRASTRUCTURE SERVICES - WATER AND
WASTEWATER GROUP - MONTHLY OPERATIONS -
JANUARY 2017**

Moved by Cr Toppin

Seconded by Cr Pedersen

"That Council receive and note the January 2017 Monthly Water and Wastewater Report."

CARRIED

CHIEF EXECUTIVE OFFICER

ITEM-21

COUNCILLORS ATTENDANCE AT CONFERENCES 2017

Moved by Cr Wyatt

Seconded by Cr Graham

"That Council approve the attendance of Councillors at the following conferences:

1. LGAQ 5th Local Government Financial Sustainability Summit 29 & 30 March 2017, to be attended by Cr Brown, Cr Graham and Cr Toppin.
2. LGAQ Elected Member Update 4 April 2017, to be attended by Cr Toppin and Cr Graham.
3. Elected Member Course - Strategic Planning 23 June 2017, to be attended by Cr Toppin.
4. North Queensland Local Government Association Annual Conference 26-28 July 2017 to be attended by Cr Brown, Cr Graham, Cr Toppin and Cr Wyatt."

CARRIED

BUSINESS WITHOUT NOTICE

Nil

CLOSURE OF MEETING

Moved by Cr Toppin

Seconded by Cr Pedersen

"That in accordance with Section 275(1)(e) of the Local Government Regulation 2012, the meeting be closed to the public at 9:41am to discuss matters relative to contracts to be made by Council.

CARRIED

OPENING OF MEETING

Moved by Cr Davies

Seconded by Cr Toppin

"That the meeting be opened at 9:46 am."

CARRIED

ITEM-16

**EXTENSION OF TENANCY AGREEMENT OF MT
MOLLOY - LEASE OF HOUSE 12 FRASER ROAD
CONFIDENTIAL**

Moved by Cr Toppin

Seconded by Cr Pedersen

"That Council:

1. In accordance with the provisions of Sections 236 (1) (c) iii of the Local Government Regulation 2012, agree to the request by the current tenant for an extension to the existing General Tenancy Agreement for a period of three years in respect of the Council owned residence located at 12 Fraser Road, Mt Molloy; and
2. Adjust the annual rental in line with the Local Government Indexation of 1.9%. This would increase the rent for 2017/2018 to \$214.00/week.”

CARRIED

ITEM-20

TENDER EVALUATION CONTRACT 75457 - WASTE & RECYCLING COLLECTION FOR MAREEBA SHIRE COUNCIL CONFIDENTIAL

Moved by Cr Davies

Seconded by Cr Graham

"That Council:

1. In accordance with section 228 of the *Local Government Regulation 2012* to award Contract No. 75457 Waste and Recycling Collection to JJ Richards and Sons Pty Ltd for the period from 18 December 2017 to 17 December 2026, in accordance with the tender submission, tender documentation, all addenda, and post tender clarifications: and
2. Delegate the Chief Executive Officer in accordance with *Local Government Act 2009* to negotiate, finalise and execute any and all matters in relation to this contract."

CARRIED

ITEM-22

DEED OF SETTLEMENT CONFIDENTIAL

Moved by Cr Toppin

Seconded by Cr Wyatt

"That Council enter into the confidential Deed as attached to the confidential report."

CARRIED

NEXT MEETING OF COUNCIL

The next meeting of Council will be held at 9:00 am on Wednesday 15 March 2017.

There being no further business, the meeting closed at 9:49 am.

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Cr Tom Gilmore
Mayor

**APPENDIX 1 ITEM-8 COMMUNITY LEASING AND RATE AND SERVICE
REBATES AND REMISSIONS FOR NOT FOR PROFIT
GROUPS**

Community Leasing Policy

Council Policy <input type="checkbox"/>	Internal Policy	Guideline / Procedure <input type="checkbox"/>
Draft <input type="checkbox"/>	Final <input checked="" type="checkbox"/>	Version: 1.0
File Ref:		Policy Section:
Date Adopted: 15/2/2017		Review Date:
Author:		Review Officer:

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1. POLICY INTENT

1.1 PREAMBLE: SUBSIDISED COMMUNITY LEASING

Subsidised community leasing recognises the significant community benefits provided by not for profit community groups. The issuing of subsidised community leases to community groups for the exclusive occupation and use of Council land and facilities contributes to providing affordable and sustainable space for community, cultural, sporting and recreational activities in a fair, consistent and transparent manner.

Vital role of community groups

Council recognises the vital role that community, cultural, recreational and sporting groups play in developing a sense of belonging and engagement in the region. Through innovative programmes and the utilisation of local knowledge, community groups help ensure that community issues are addressed, community needs are provided for and future challenges are met. In addition, community, recreational and sporting groups provide opportunities for residents to get active and enjoy healthy lifestyles. Ultimately, the availability of these types of activities significantly increase the liveability of the shire's towns and districts, making them places where people want to live, work, invest and visit.

Community partnerships

Many community, sporting and recreational activities are initiated and sustained by community partnerships involving a group, often an incorporated, not for profit association, organising the activities at facilities constructed with a mixture of community fundraising, volunteer efforts, state or commonwealth grants and Council assistance. Council's contribution to these partnerships could include one or more of the following: land, buildings, financial donations, interest free community loan, rates and services remittance or in-kind assistance.

Community leasing is another way that Mareeba Shire Council contributes to supporting not for profit community groups to deliver services and activities for the benefit of the community.

Enabling community groups to take command

Whilst Council is the owner of all property and facilities on Council owned or controlled land, including when a community group has paid for the construction of those facilities, the issuing of community leases for exclusive occupation and use, enables the community group to manage the land and facilities as it sees fit on a long term basis.

This policy is based on Council's desire to ensure that community groups are able to affordably manage Council land and facilities so they will be well used by many community members. As a show of support for community groups, Council is foregoing revenue by way of providing subsidies for rates, utilities charges and levies; offering financial assistance for water consumption; as well as absorbing the administration and legal costs associated with preparing and maintaining community leases. This support has been set at a level that is sustainable by rate-payers.

A policy for our unique shire

This policy reflects the unique characteristics, needs and issues associated with the exclusive use of Council facilities and land by not for profit groups conducting community, sport and recreational activities for community benefit in the Mareeba Shire.

1.2 PURPOSE

The purpose of this policy is to guide the provision of community leases and this policy will:

- a) Provide clarity on the scope and purpose of community leases;
- b) Provide clarity on the lease terms and conditions and roles and responsibilities of community lessees;
- c) Provide clear processes for groups wishing to apply for, renew and/or terminate a community lease.

1.3 OBJECTIVES

The objectives of the policy are to:

- a) Support community groups to conduct a wide range of community, recreational, cultural and sporting activities enhancing individual wellbeing and the liveability of the Shire by making affordable Council land and facilities available for community lease;
- b) Enable community groups with exclusive use of Council land and facilities to responsibly manage and take care of the land and facilities as they see fit;
- c) Increase the capacity of not-for-profit community groups by providing security of tenure to occupy and invest in facilities and access grants for the benefit of the community;
- d) Define a level of Council support for community lessees that considers and balances: that costs are affordable for community groups; that costs are sustainable for the shire's ratepayers and that facilities are well utilised.
- e) Recognise that Council does not subsidise commercial activities;
- f) Ensure decisions about lease conditions are made in a transparent, consistent and fair manner, whilst allowing some flexibility to take into account special circumstances.

2. SCOPE

2.1 COMMUNITY GROUPS

2.1.1 Definition of Community Groups

This policy covers leases with not-for-profit community groups which have exclusive occupancy and use of a Council facility or land to conduct community activities for community benefit.

Community groups are defined as:

- a) A not for profit, incorporated group or association of persons with the primary aim of conducting activities and providing services for community benefit; and
- b) The community group relies predominantly on volunteer labour, community fundraising, membership fees and donations;
- c) The community group does not receive state or federal government operational grants and does not rely on a fee for service business model.

2.1.2 Eligibility

- a) Groups meeting the definition of a community group, and who request exclusive use to operate community activities from a leased facility, are eligible to apply for a community lease through this policy.
- b) Factors including alignment with Council strategies, type of service provided, zoning requirements, ability to fulfil maintenance requirements and the level of community need for the activity proposed will be considered when assessing applications.
- c) This policy excludes the following groups and facilities:
 - Groups who do not meet the definition of a community group as defined in this policy at Section 2.1.1;
 - Facilities where community groups undertake only commercial activities;
 - Facilities with multiple user groups;
 - Community Halls managed by community groups;
 - Groups where religious worship is the primary purpose;
 - Political groups.

2.2 PRE-SCHOOL SERVICES AND CHILD CARE SERVICES

Council is not in the business of subsidising child care as it does not subsidise activities that compete with commercial ratepayers. Pre-school services that meet the following four mandatory conditions and one of the two elective conditions are eligible for a subsidised community lease:

Mandatory	<ul style="list-style-type: none">• Do not provide all-day care• Offered free of charge or at nominal rates• The service operates only during school terms• Does not receive operational government grants or subsidies
Elective	<ul style="list-style-type: none">• The service is sessional in nature, with each session lasting no longer than four hours• The service is provided on a school-day based model, meaning it operates approximately the same hours as a primary school

Services that do not meet these conditions are considered to be childcare centres, out of school hours services, kindergartens or other pre-school services and are not eligible for a subsidised community lease. If facilities are available, Council may lease to these services by commercial lease.

Council may however provide space to playgroups and pre-school activities which are not childcare services. Generally these types of activities don't require exclusive use of a facility, instead are using a community hall or other Council facility on a casual hire basis.

2.3 TYPES OF SPACES FOR COMMUNITY LEASING

Community Leases issued under this policy cover several types of spaces. These include:

- a) Council owned land;
- b) Council owned buildings;
- c) Rooms within larger Council owned buildings (i.e. a room/office in a community centre);
- d) Land held by the Council either as a Community Purpose Reserve or other form of tenure eg. Special Lease held under the Land Act 1994;
- e) Land and/or facilities on-leased by Council.

Most of Council's community facilities and sporting fields are on reserve land controlled by Council therefore the lease is in the form of a Trustee Lease with a particular group that has exclusive occupation and use of the space.

2.4 OTHER AGREEMENTS AND LEASE TYPES

This policy excludes the following types of agreements and leases:

- Commercial leases;
- Management Agreements and User Agreements for multi-use and shared facilities such as Davies Park, Geraghty Park, Borzi Park, Firth Park;
- Agreements for the community management of Council halls;
- Casual hall hire arrangements;

3. POLICY STATEMENT

3.1 STANDARD COMMUNITY LEASE

A standard community lease with universal terms and conditions, roles and responsibilities will be executed between Council and each community group with exclusive occupation of Council land or facilities.

Council assistance by way of rates and services remittances and financial assistance towards water consumption costs is available to eligible community groups under the Rate Rebate and Remission Policy and the Community Partnerships Program including those community groups with a community lease with Council and this is discussed further at Section 4.2 below.

3.2 COUNCIL ASSISTANCE TO COMMUNITY LESSEES

3.2.1 Fair and Transparent Council Assistance

Council is committed to supporting not for profit community groups to have access to affordable space for community activities but excludes the subsidisation of commercial activity. This assistance applies to eligible community groups in the shire, including those with a community lease for the exclusive occupation of Council land and facilities. The community group must meet the definition of "*Community Group*" at Section 2.1.1 of this Policy and the assistance is available under the Rate Rebate and Remission Policy and the Community Partnerships Program.

To reflect this purpose, community groups are assessed, according to their level of commerciality, and assigned (by Council) to one of two community group types:

- Type A Community Group - limited commerciality
- Type B Community Group - substantial commerciality.

The categorisation of a community group occupying land or facilities for community activities enables Council to make available fair, reasonable and transparent assistance to each community group, depending on their level of commerciality, irrespective of whether or not they occupy Council land or facilities. It also recognises that community groups can change over time experiencing increased or decreased levels of commerciality and the group's categorisation can be changed accordingly.

Council will offer a higher level of assistance to Type A Community Groups than those assessed as Type B Community Groups.

Council assistance available for community groups with a community lease is summarised at *Table 2. Lessee Financial Responsibilities and Council Assistance, Section 4.3.*

3.2.2 Assessing Type A Groups: Limited Commerciality

The group's revenue raising streams are limited to membership fees, community donations, minor event charges, raffles and other fundraising and food canteen. If the group has a bar, then patrons are mainly members and limited profit is made.

These groups will contribute less to the costs of operating the facilities through Council subsidisation of general property rates, service charges and water consumption.

Type A Groups will be responsible for general operating costs such as electricity, maintenance, insurance and state emergency levy.

Type A Groups may be eligible for remissions from Council for general property rates and utility charges under the Rate Rebate and Remission Policy and for financial assistance towards water consumption costs under the Community Partnerships Program.

3.2.3 Assessing Type B Group: Substantial Commerciality

The group's revenue raising streams include those of Type A Groups but also include the regular operation of a bar and commercial kitchen, gaming machines, charge industry recognised gate entry fees and commercial sponsorship.

Type B Groups will contribute more to the costs of operating the facilities through payment of general property rates, utility and service charges, general operating costs, maintenance, insurance and state emergency levy.

Type B Groups may be eligible for remissions from Council for general property rates and utility charges under the Rate Rebate and Remission Policy and for financial assistance towards water consumption costs under the Community Partnerships Program.

3.2.4 Rate Rebate and Remission Policy - Refer to Rate Rebate and Remission Policy

The Rate Rebate and Remission Policy relates to the granting of rebates and remissions of Council rates and charges for not for profit community groups. To be eligible for rates rebates and charges remissions, applicants must meet the eligibility criteria (section 4.2.1) within the Rate Rebate and Remission Policy. The Rate Rebate and Remission Policy outlines the application and continuation processes for the remission.

3.2.5 Community Partnerships Program - Refer to Community Partnership Policy

Under the Community Partnerships Program (CPP), assistance is available to eligible, not for profit community organisations for financial assistance towards water consumption fees, if the annual water consumption exceeds \$100 per annum. To be eligible for financial assistance community groups must also meet the eligibility criteria (sections 8 and 9) of the Community Partnership Program Policy.

3.2.6 Other Council Assistance for Community Lessees

Other Council contributions to support the availability of affordable space for community activities include Council absorbing the costs associated with the preparation and maintenance of community leases, thereby not charging community lessees an Administration Fee or Rent. Similarly, legal costs will not be charged provided the standard documents are utilised.

3.3 LESSEE FINANCIAL RESPONSIBILITIES AND COUNCIL ASSISTANCE

Lessee responsibilities are indicated with "Yes" and the type of Council assistance available is identified.

Table 2. Lessee Responsibilities and Council Assistance

	Community Lease Conditions	Lessee Responsibilities	Council Assistance for Eligible Type A Community Groups	Council Assistance for Eligible Type B Community Groups
1	Term	10 years	-	-
2	Administration Fee / Rental	No	-	-
3	Legal Costs	No	-	-
4	Operating Expenses including Cleaning, Electricity, Gas, Telephone	Yes	-	-
5	General Property Rates	Yes	100% Remission	50% remission up to \$1000 per year
6	Water Access Charge	Yes	100% Remission	20% remission on total charges (water access, waste management, sewerage) up to a maximum \$200 per year.
7	Waste Management Levy	Yes	100% Remission	
8	Sewerage Charge	Yes	100% Remission	
9	Rural Fire Levy	Yes	100% Remission	100% Remission

10	Water Consumption	Yes	CPP donation for groups using >\$100 water/yr: Group 1: 35% donation of annual water costs up to a maximum \$2,000 Group 2: 35% donation of annual water costs up to a maximum \$1,000 Group 3: 35% donation of annual water costs up to a maximum \$500	
11	Waste Collection	Yes	-	-
12	State Emergency Management Levy	Yes	-	-
13	Ground maintenance	Yes	-	-
14	Building & Facilities Maintenance	Yes	-	-
15	Insurance General Building	Yes, at lessee's discretion	-	-
16	Insurance Chattels/Contents	Yes	-	-
17	Insurance Public Liability	Yes	-	-
18	WPH&S Buildings	Yes	-	-

Explanatory Notes:

- All community groups will be offered a **10 year term** with a streamlined option to renew for another 10 years to ensure security of tenure and eligibility for government grants; encourage investment for improved facilities for the benefit of the community; and foster a sense of "ownership" and responsibility for managing the facilities for which the group has exclusive use.
- No **administration fee or rent** will be charged to community lessees as Council will absorb the costs associated with the preparation and maintenance of community leases as a contribution to supporting the availability of affordable space for community activities.
- Legal costs** will not be charged provided the standard documents are utilised.
- Operating costs including cleaning, electricity, gas and telephone** will be paid by all Groups to ensure these utilities are managed in a sensible manner.
- Under the Rate Rebate and Remission Policy, only Type B Groups with a community lease will pay **general property rates** and they will receive a **remission** of fifty percent (50%) of the general property rate up to a maximum of \$1,000 per year. A **remission** of one hundred percent (100%) is available to Type A community groups including those with a community lease.
- Under the Rate Rebate and Remission Policy, only Type B Groups with a community lease will pay **water access charge, sewerage charge and waste management levy** and they will receive

a **charge remission** of twenty percent (up to a maximum of \$200 per year) on these total utility charges. A **charge remission** of one hundred percent (100%) is available to Type A community groups including those with a community lease. A 100% remission of the **Rural Fire Levy** applies to all eligible community groups with a community lease.

10. **Water consumption** will be paid by all community groups to ensure this resource is managed in a responsible and sustainable manner. Under the Community Partnerships Program, assistance is available to eligible, not for profit community organisations for financial assistance towards water consumption fees. Refer Section 4.2.5: CPP donation for groups using >\$100 water/year:

Group 1: 35% donation of annual water costs up to a maximum \$2,000

Group 2: 35% donation of annual water costs up to a maximum \$1,000

Group 3: 35% donation of annual water costs up to a maximum \$500

11. It is the responsibility of community groups with exclusive use of land or facilities to organise and pay for their own **waste collection service**.

12. All community groups are expected to pay the **State Emergency Management Levy** as Council is required to collect this levy and pass it onto the State Government.

13 & 14. Recognising that community lessees have exclusive occupation and use of land and/or facilities and buildings, it is reasonable to expect the group will be responsible for **grounds maintenance and all building and facilities maintenance**. However Council will consider undertaking major maintenance on a case by case basis as required.

15. Recognising that community lessees have exclusive occupation and use of facilities and buildings, it is reasonable to expect the group will be responsible for **general building and facilities insurance**. Groups may undertake to effect general building insurance, at their discretion and own expense.

16. All Groups are responsible for **insuring chattels and contents**. Council is not responsible for insuring the furniture or equipment or other unspecified contents contained within facilities and accepts no liability for equipment owned by community lessees.

17. Both Council and community lessees shall at their own cost maintain **public liability insurance** having a minimum limit of twenty million dollars.

18. All community lessees are responsible for complying with the relevant **work place health and safety** building requirements.

4. LEASE PROCESS

4.1 LEASE APPLICATION

All leases presently in operation will remain so until the expiration date, unless a community lessee requests to re-negotiate a new lease under this policy. All renewal leases and new leases will be drafted in accordance with this policy.

Groups wishing to apply to Council for a new community lease under this policy can register their interest by contacting Mareeba Shire Council and submitting a Community Lease Application Form (See Attachment 1):

T: 1300 308 461
E: info@msc.qld.gov.au

When a new space becomes available for lease, Council will invite applications through open advertisement and direct notification to groups who have registered interest and to Council's Indigenous Land Use Agreement (ILUA) partners.

The following factors will be assessed when considering an application:

- Alignment with Council strategies
- Type of services and activities the group provides
- If the group is willing to share the facility and/or building
- Planning and Building requirements
- Native Title and Cultural Heritage issues
- Ability to fulfil maintenance requirements
- Level of community need for the community activity proposed or proximity to other services offered
- Accessibility of the community activity proposed
- Community group facility requirements
- An assessment of the impact of the proposed activity on open space (where the lease is on open space)
- Whether there are alternative accommodation options for the applicant.

Applications are assessed by Council Officers and a recommendation is presented to the Mayor and Councillors. If approved, the lease document will be drafted, signed and the conditions come into effect.

4.2 LEASE REVIEW

Leases will be reviewed at the end of the 10 year term. Factors considered will be:

- Compliance with the core community activities as stated in the lease agreement;
- Compliance with lessee responsibilities such as maintenance and annual reporting;
- The level of community use of the facilities;
- Whether Council requires the land and/or buildings for another purpose which, in the opinion of Council, is of higher public interest;
- The commercial activities the group is undertaking.

4.3 RENEWAL OF LEASES

Subject to a satisfactory lease review as outlined at Section 5.2, a streamlined renewal process will be followed to execute a new lease for a further 10 years.

4.4 COMPLIANCE WITH LEASE CONDITIONS

Lessees pledge with Council that in accepting a lease that the Lessee shall comply with all conditions in the lease. It is the responsibility of Lessees to inform Council of any changes that impact on compliance with lease conditions, including changes in the group's level of commerciality. Non-compliance with lease conditions could result in the lease being terminated.

Leases will be terminated for non-payment of charges and / or loans if a Lessee falls in arrears for a period of in excess of two years (2) years and where a satisfactory repayment scheme is not agreed upon.

5. REVIEW

This policy is to remain in force until otherwise determined.

6. APPENDIX

APPENDIX 1: Application to Council for a Community Lease



Application to Council for a Community Lease

This form is to be completed by the interested Party and returned with any supporting documentation in a sealed envelope addressed to the Chief Executive Officer, Mareeba Shire Council.

1. Applicant Organisation's Details

Name of interested party

Address of interested party

Name of President

Telephone

Email

Name of Secretary

Telephone

Email

2. Please provide details of your preferred property choice

Preferred Choice 1

Address of property identified

Real Property Description

Lot Number

Plan Number

Detail any existing improvements /development on the property.

Preferred Choice 2

Address of property identified

Real Property Description

Lot Number

Plan Number

Detail any existing improvements /development on the property.

3. Attach a sketch drawing of the proposed tenure area.

4. Provide a brief history of the applicant organisation, including year of formation.

5. Provide membership details, including number of members for the previous three years.

6. What are the aims and objectives of the applicant organisation?

7. Does the applicant organisation hold or intend to hold any of the following licences?

Restricted Liquor Permit

Full Liquor Licence

Gaming Licence

8. Provide details of the applicant organisation's current and potential revenue raising streams?

9. Does the organisation have a Business Plan? If so please attach.

10. Provide details of the organisation's current financial position. Attach audited financial records or bank statements.

11. Outline the organisation's proposed use of the preferred property.

12. Provide details of the organisation's development plans for the preferred property.

Description of proposed development

Reasons to justify development

Expected timeframe for development

Estimated cost of development

Outline the source of funding

Resources required to ensure successful completion
of development

Attach any plans of future development

13. What will be the frequency of use for the facility / land by your organisation? Please attach a schedule of planned usage.

14. Will your organisation encourage shared use of the facility / land? Please attach details of shared usage.

13. Applicant Signature

Signed

Name

Position

Date

14. Attachments and Completion Checklist

Copy of Certificate of Incorporation

Copy of Constitution

Copy of Public Liability Cover

Sketch drawing of proposed tenure area

Business Plan

Audited financial records or bank statements

Plans for future development of property

Schedule of planned usage by organisation

Shared usage details

Completed and signed application form

This form is to be completed by the interested Party and returned with any supporting documentation in a sealed envelope addressed to the Chief Executive Officer, Mareeba Shire Council.

**APPENDIX 2 ITEM-8 COMMUNITY LEASING AND RATE AND SERVICE
REBATES AND REMISSIONS FOR NOT FOR PROFIT
GROUPS**

Rate Rebate and Remission Policy 2017/18

Council Policy <input type="checkbox"/>	Internal Policy	Guideline / Procedure <input type="checkbox"/>
Draft <input type="checkbox"/>	Final <input checked="" type="checkbox"/>	Version: 1.0
File Ref:		Policy Section:
Date Adopted: 15/2/2017		Review Date:
Author:		Review Officer:

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1. POLICY INTENT

This document sets out Council policy, as per annual budget resolution, in relation to the granting of rebates and remissions on rates and charges.

2. SCOPE

This policy applies to:

- Pensioners who own and reside on their property within the Mareeba Shire Council area and who meet the requirements set out in the Pensioner Remission Policy Statement in this document.
- Not-for-Profit community, recreation and sporting groups who meet the requirements set out in the Not-for-Profit Remission Policy Statement in this document.

3. BACKGROUND/SUPPORTING INFORMATION

The *Local Government Regulation 2012* - Chapter 4, Part 10 Concessions, gives local governments the power to grant concessions for rates and charges.

A concession may only be of the following types:

- (a) a rebate of all or part of the rates or charges
- (b) an agreement to defer payment of the rates or charges
- (c) an agreement to accept a transfer of unencumbered land in full or part payment of the rates or charges

A concession may only be granted by resolution of the Council and for the Mareeba Shire Council; this is done as part of the annual budget adoption process and also noted in the adopted Revenue Statement.

4. POLICY STATEMENT

4.1 PENSIONER REMISSION

Applicants for the remission of rates from the Mareeba Shire Council and the State Government must satisfy the following conditions:

- If an application is mailed in, it must be completed in detail and accompanied by a copy of both sides of the current Pensioner Concession Card (PCC) or a DVA Gold Card.
- An applicant must truthfully and correctly supply all information requested.
- The Council Pensioner Remission is allowable on only one property at a time

- A new application must be lodged if you change your address.
- Should all owners not be in receipt of a pension or allowance, a proportionate amount of remission may be payable based upon State Government Guidelines.
- If a co-owner is in a spousal or recognised de-facto relationship and is an approved pensioner and is wholly responsible for payment of all rates and charges, the subsidy will be granted in full.

4.1.1 Council Pensioner Remission

Council grants a remission of thirty percent (30%) of the general rates up to a maximum of \$240 per year to pensioners within the Mareeba Shire Council area, providing they qualify for a remission in accordance with the conditions, as set out below.

This excludes water usage charges, special rates or special charges, interest and other charges on land.

To be eligible you must be:

- A holder of a Pensioner Concession Card (PCC) or a DVA Gold Card.
- The owner or life tenant of the property which is your principal place of residence. A life tenancy can be created only by a valid Will and is effective only after the death of the property owner, or by a Supreme or Family Court Order.
- Legally responsible for the payment of local council rates and charges levied on that property.

The Council Pensioner Remission is allowable on only one property at a time and a new application must be lodged if you change your address.

The Council Pensioner Remissions can only be granted from the date on the pension card or 1 July 2015 (whichever is the latter), provided the application qualifies with Council's conditions.

Where the Council Pensioner Remission applies, Council will remit the appropriate amount off the rates notice.

4.1.2 State Government Pensioner Remission

In addition to the remission allowed by Council, the State Government Scheme for Subsidisation of Rates and Charges payable to Local Authorities by Approved Pensioners is administered by the Council and under this Scheme, a further 20% remission is allowed to approved Pensioners up to a maximum of \$200.00 per annum on rates and charges.

Where the State Government Pensioner Remission applies, Council will remit the appropriate amount off the rates notice and claim the reimbursement from the State Government.

4.2 COMMUNITY GROUP RATE AND CHARGE REMISSION

4.2.1 Eligibility

Community groups eligible for rate and charge remission are defined as:

- (a) A not for profit, incorporated group or association of persons with the primary aim of conducting activities and providing services for community benefit; and
- (b) The community group relies predominantly on volunteer labour, community fundraising, membership fees and donations;
- (c) The community group does not receive state or federal government operational grants and does not rely on a fee for service business model.

Eligible community groups must:

- Operate within the boundaries of the Mareeba Shire Council;
- Own or lease and occupy the land on which the general rates are being levied and the rates notice issued in the Group's name;
- The property must not be used for residential purposes unless utilised for short-term accommodation for homeless and at risk persons or for accommodation of the aged;
- Not utilise gaming machines to raise revenue;
- In its constitution clearly prohibit any member of the Group making private profit or gain either from the ongoing operations of the Group or as a result of the distribution of assets if the Group was wound up (this condition does not apply to the owner of a cultural icon);
- Meet the definition of a not-for-profit community group;
- Not have outstanding rates on the property.
- The remission is not available on vacant land.

4.2.2 Types of Remissions

Council grants a remission to Council approved not-for-profit community, recreation and sporting Groups, based on the level of commerciality of the Group. Council is committed to supporting not for profit community Groups to have access to affordable space for community activities but excludes the subsidisation of commercial activity. This assistance applies to eligible community groups in the shire, irrespective of whether or not they occupy Council land or facilities.

Therefore, community Groups are assessed, according to their level of commerciality, and assigned (by Council) to one of two community group types:

- Type A Community Group - limited commerciality
- Type B Community Group - substantial commerciality.

This categorisation not only enables Council to make available fair, reasonable and transparent assistance to each community group, depending on their level of commerciality, but it also recognises that community groups can change over time experiencing increased or decreased levels of commerciality and the group's categorisation can be changed accordingly.

Council will offer a higher level of assistance to Type A Community Groups than those assessed as Type B Community Groups.

4.2.2.1 Assessing Type A Groups: Limited Commerciality

The group's revenue raising streams are limited to membership fees, community donations, minor event charges, raffles and other fundraising and food canteen. If the group has a bar, then patrons are mainly members and limited profit is made.

4.2.2.2 Remissions Granted to Type A Groups

The following rebates and remissions are available to eligible Type A Community Groups:

- Rate Remission: One hundred percent (100%) of the general property rates per year;
- Charge Remission: One hundred (100%) per year on Utility Charges (Sewerage and Water Access Charges) and the Waste Management Levy;
- Rural Fire Levy: One hundred percent (100%) of the Rural Fire Levy.
- The State Emergency Management Levy is collected by Council on behalf of the State Government so no remission or rebate from Council is available to community groups.

4.2.2.3 Assessing Type B Group: Substantial Commerciality

The group's revenue raising streams include those of Type A Groups but also include the regular operation of a bar and commercial kitchen, charge industry recognised gate entry fees and commercial sponsorship. Community groups who operate gaming machines are not eligible for rate rebates and charge remissions.

4.2.2.4 Remissions Granted to Type B Groups

The following rebates and remissions are available to eligible Type B Community Groups:

- Rate Remission: Fifty percent (50%) of the general property rates up to a maximum of \$1,000 per year;
- Charge Remission: Twenty percent (20%) up to a maximum of \$200 per year on total Utility Charges (Sewerage and Water Access Charges) and the Waste Management Levy;
- Rural Fire Levy: One hundred percent (100%) of the Rural Fire Levy.
- The State Emergency Management Levy is collected by Council on behalf of the State Government so no remission or rebate from Council is available to community groups.

4.2.3 Application and Continuation of the Remission

The remission/s, if approved, will apply from the start of the rating period in which the application was successful and will be shown on the rates notice.

Applications for Rate and/or Charge Remission will only be considered for not-for-profit, community groups as defined above and which comply with all the eligibility criteria.

There is a responsibility upon the not-for-profit, community group to contact the Council when there is a change that could affect the status of the remission so as to avoid the necessity for the Group to reimburse the remission so obtained, including changes in the level of commerciality of the Group

Where the Rate and Charge Remission applies, Council will remit the appropriate amount off the rates notice.

4.2.3.1 Application Process for Community Groups with Council Lease

- Council will allocate Rate Rebate and remission entitlements to eligible Community Groups with a Council Community Lease.
- It is the responsibility of the Community Group to contact Council should the Group believe it has not been granted these entitlements.
- Council may need to conduct a site inspection and / or request further information.
- If in circumstances where a Group does not fulfil its lease obligations, the remission may be cancelled.

4.2.3.2 Application Process for Other Community Groups

- An initial application using the approved form must be lodged and approved applicants are reviewed annually for eligibility.
- The application must also include any two of the following supporting documentation:
 - A copy of the Group's constitution or certificate of incorporation;
 - Minutes of its most recent Annual General Meeting;
 - Incorporated groups are to provide a copy of their most recent audited financial statement (no greater than 12 months old), unincorporated groups are to provide a copy of their most recent reconciled financial statement (no greater than 12 months old);
 - Details of the Group's not-for-profit status from the Australian Taxation office or similar.

5. REVIEW

It is the responsibility of the Director Corporate and Community Services to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed annually or as required by Council.

**APPENDIX 3 ITEM-8 COMMUNITY LEASING AND RATE AND SERVICE
REBATES AND REMISSIONS FOR NOT FOR PROFIT
GROUPS**

Community Partnerships Program Policy

Council Policy <input type="checkbox"/>	Internal Policy	Guideline / Procedure <input type="checkbox"/>
Draft <input type="checkbox"/>	Final <input checked="" type="checkbox"/>	Version: 1.0
File Ref:		Policy Section:
Date Adopted: 15/2/2017		Review Date:
Author:		Review Officer:

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1 POLICY INTENT

The Community Partnerships Program Policy enables Council to respond in a fair, transparent and consistent manner to the requests for community assistance that are best conceptualised as a "community partnership", with Council as one of the member partners.

It is directly linked to the following Corporate Plan Community Strategy (COM 3):

"Encourage the building of strong partnerships with community, private sector and government so as to build community capacity and develop strategies to encourage and support leadership and self-responsibility in the community."

The Community Partnerships Program Policy is aligned with the Community Leasing Policy and the Rate Rebate and Remission Policy and collectively they outline Council's policies for a wide range of assistance to eligible not for profit community groups.

2 PURPOSE

The purpose of the Community Partnerships Program (CPP) is to enhance community wellbeing and prosperity by contributing to community partnerships for events, projects and activities that deliver significant community benefits in towns, districts and the whole shire. The community benefits could include social, economic, environmental and cultural benefits.

The Community Partnerships Program is an efficient and effective means of harnessing Council and community resources to achieve community benefits, especially those that are community driven as it reinforces contributions to the event, project or activity as a shared responsibility by community partners.

3 WHAT IS A COMMUNITY PARTNERSHIP?

A community partnership is an agreement between Council and another partnership member or members to do something together that will benefit all involved, often resulting in achievements that might not have been possible alone.

The Community Partnerships Program is about *contributory* partnerships where partnership members co-contribute to the event or activity.

Council is one partnership member and other partnership members could be individuals, community groups, sporting clubs, service clubs, and not for profit organisations.

The partnership work is most often *in addition* to the regular work of the parties involved in the community partnership.

4 THE COMMUNITY PARTNERSHIPS PROGRAM

The Community Partnerships Program manages community requests for council assistance for community partnerships.

The Community Partnerships Program Policy clearly sets out the types of assistance Council can contribute to the partnership and the process for negotiating the terms and conditions of the partnership with Council.

5 PROGRAM PRIORITIES AND ASSESSMENT

5.1 PROGRAM PRIORITIES

Priority will be given to requests for community partnerships:

- By not-for-profit organisations that rely on volunteers.
- That demonstrates contributions by other partnership members.
- That has a plan in place to become self-sustaining, if it is not a one off activity or event.
- That demonstrates the contribution by Council cannot be provided by any other partner and is crucial to the success of the event/activity/project.
- No other Council assistance is already provided and the level of historical assistance provided by Council is low.
- That demonstrates significant community benefits will be achieved by the partnership.
- That is financially viable.
- That aligns closely with the Mareeba Shire Council Corporate Plan.

5.2 HOW WILL THE REQUEST BE ASSESSED?

To apply for assistance under the Community Partnership Program, individuals and organisations should firstly contact the Community Wellbeing Officer to discuss their community partnership. A letter of request or email should then be lodged with Council detailing the community partnership and the contribution requested of Council.

Requests for community partnerships will be assessed on how well the request aligns with the Program Purpose and Priorities.

5.3 WHEN CAN A REQUEST BE SUBMITTED?

Requests for a Council contribution to a community partnership will be considered throughout the year, but must be submitted to Council at least six weeks before the contribution is required to allow quotes to be obtained and, where necessary, work to be scheduled.

Requests requiring a significant Council contribution that are greater than \$5000 will be considered during the annual budget planning process and must be received by Council no later than 1 February each year.

6 TYPE OF COUNCIL CONTRIBUTIONS

6.1 CASH DONATIONS

Council will consider contributing a cash donation to a community partnership. This includes cash for reimbursement of out of pocket expenses incurred by a community partner for approved activities.

6.2 MAJOR COMMUNITY PARTNERSHIPS

Council will consider contributing to major community partnerships especially for major community events, festivals and exceptional projects which demonstrate significant community, economic and /or environmental benefits and impacts and have high alignment with the Corporate Plan.

**Community Partnerships Program Policy**

Special requests for major contributions by Council to community works programs on Council owned land and reserves, that are not included in Council's Land and Facilities budget, may also be considered.

Council Officers will liaise with major community partnership members to reach agreement on specific ways that they will acknowledge Council's assistance. Discussions will also be held to ensure effective and efficient use of Council funds and to settle on a planned approach towards decreasing reliance on Council assistance.

These requests will be considered on an annual basis, during the budget planning phase. Letters of request must be received at Council by 1 February of the financial year before the contribution is required.

6.3 IN-KIND CONTRIBUTIONS

Council will consider requests for in-kind contributions regarding the use of Council's tables, chairs and other event equipment on the basis that the community partner agrees to collect, clean and return the equipment to Council during normal Council business hours. Council will not deliver these items and any damages must be paid for by the other community partner/s.

Requests for in-kind contributions by Council to a community partnership, such as a community event or project, will be considered throughout the year, but must be received at least 6 weeks before the in-kind contribution is required.

6.4 RATE AND CHARGE REMISSIONS

Another way that Council assists community groups is to grant a remission to Council approved community groups, based on the level of commerciality of the organisation. Council is committed to supporting not for profit community groups to have access to affordable space for community activities but excludes the subsidisation of commercial activity. This assistance applies to eligible community groups in the shire, irrespective of whether or not they occupy Council land or facilities.

Therefore, community groups are assessed according to their level of commerciality and assigned (by Council) to one of two community group types:

- Type A Community Group - limited commerciality
- Type B Community Group - substantial commerciality.

This categorisation not only enables Council to make available fair, reasonable and transparent assistance to each community group, depending on their level of commerciality, but it also recognises that community groups can change over time experiencing increased or decreased levels of commerciality and the group's categorisation can be changed accordingly. Council will offer a higher level of assistance to Type A Community Groups than those assessed as Type B Community Groups.

6.4.1 Rate Rebate and Remission Policy

The Rate Rebate and Remission Policy relates to the granting of rebates and remissions of Council rates and charges for not for profit community groups. To be eligible for rates rebates and charges remissions, applicants must meet the definition of a community group (Section 4.2) and meet the eligibility criteria (Section 4.2.1) of the Rate Rebate and Remission Policy. The Rate Rebate and Remission Policy also outlines the application and continuation processes for the remission. These requests will be considered on an annual basis, during the budget planning phase. Letters of application must be received at Council by 1 February of the financial year before the funding is required.

**Community Partnerships Program Policy**

Community groups wishing to apply for a rate remission are encouraged to read the Rate Rebate and Remission Policy before applying.

6.4.2 Assessing Type A Groups: Limited Commerciality

The group's revenue raising streams are limited to membership fees, community donations, minor event charges, raffles and other fundraising and food canteen. If the group has a bar, then patrons are mainly members and limited profit is made.

6.4.3 Remissions Granted to Type A Groups

The following rebates and remissions are available to eligible Type A Community Groups:

- Rate Remission: One hundred percent (100%) of the general property rates per year;
- Charge Remission: One hundred (100%) per year on Utility Charges (Sewerage and Water Access Charges) and the Waste Management Levy;
- Rural Fire Levy: One hundred percent (100%) of the Rural Fire Levy.

6.4.4 Assessing Type B Group: Substantial Commerciality

The group's revenue raising streams include those of Type A Groups but also include the regular operation of a bar and commercial kitchen, gaming machines, charge industry recognised gate entry fees and commercial sponsorship.

6.4.5 Remissions Granted to Type B Groups

The following rebates and remissions are available to eligible Type B Community Groups:

- Rate Remission: Fifty percent (50%) of the general property rates up to a maximum of \$1,000 per year;
- Charge Remission: Twenty percent (20%) up to a maximum of \$200 per year on total Utility Charges (Sewerage and Water Access Charges) and the Waste Management Levy;
- Rural Fire Levy: One hundred percent (100%) of the Rural Fire Levy.

6.4.6 State Emergency Management Levy

The State Emergency Management Levy is collected by Council on behalf of the state government, so no remission or rebate from Council is available to community groups.

6.5 WATER CONSUMPTION FEES

Council will consider providing a donation towards water consumption costs for eligible community groups, if water consumption exceeds \$100 per annum. To be eligible for financial assistance community groups must also meet the eligibility criteria at Sections 8 and 9 of this policy and meet the definition of a community group as defined below:

- a) A not for profit, incorporated group or association of persons with the primary aim of conducting activities and providing services for community benefit; and
- b) The community group relies predominantly on volunteer labour, community fundraising, membership fees and donations;
- c) The community group does not receive state or federal government operational grants and does not rely on a fee for service business model.

Eligible community groups are classified by Council into three (3) categories depending on water usage and a level of assistance is provided to each category as follows:

- Group 1:** Community groups watering playing fields and large public lawns/grounds
- Assistance:** 35% of actual annual water consumption up to a maximum \$2,000 donation
- Group 2:** Community groups watering for dust suppression eg. Horse and pony clubs, rodeo associations
- Assistance:** 35% of actual annual water consumption up to a maximum \$1,000 donation
- Group 3:** Community groups using water for human consumption and gardens
- Assistance:** 35% of actual annual water consumption up to a maximum \$500 donation

Requests for a donation for water consumption fees will be considered throughout the year and must be made in writing by letter or email to the Community Wellbeing Officer, Mareeba Shire Council. Approved requests will be paid as a donation on the rates notice to offset the costs of water consumption and will apply from the next rating period after approval is granted.

6.6 COMMUNITY LOANS

Council may contribute to community partnerships with not-for-profit organisations in the form of a low interest or interest-free community loan. Applications will be assessed by Council on a case by case basis, taking into consideration the purpose of the loan and the extent to which the loan is expected to benefit the community.

Requests for a community loan will be considered throughout the year, but must be submitted to Council at least six weeks before the contribution is required to allow time for the assessment process.

7 DELEGATED AUTHORITY

Staff delegations are in place to simplify the process of approving requests for Council contributions to community partnerships that comply with the principles outlined in the policy.

Delegations for staff approved requests are as follows: Manager Community Wellbeing - \$500.

The Mayor and Chief Executive Officer have the delegated authority to make variations to particular circumstances regarding contributions provided under the Community Partnerships Program.

8 ELIGIBLE APPLICATIONS

Eligible community applications for Council contribution to community partnerships are those where:

- a) The applicant is an incorporated association or has an auspice body.
- b) The applicant or proposed event, project or activity is based within the Mareeba Shire Council boundaries.
- c) The project or activity provides a direct benefit to residents of the Mareeba Shire Council area.
- d) The applicant is able to demonstrate financial viability and competence and the ability to

**Community Partnerships Program Policy**

- achieve stated goals.
- e) Incorporated groups are able to provide a copy of their most recent audited financial statement.
- f) Unincorporated groups are able to provide a copy of their most recent reconciled financial statement.
- g) The applicant is an individual who can clearly demonstrate that the project or activity they propose demonstrates community benefit and the requested Council assistance will be used for community benefit.
- h) Applications from educational providers are made for donations towards initiatives outside of Education Queensland's responsibilities and which contribute to a broader community benefit. Such applications must be lodged by the school's Parents and Citizens Association or a suitable community-based auspice body.
- i) The application clearly demonstrates it meets the Community Partnerships Program priorities at Section 5 of this policy.
- j) The application is not retrospective to recover costs already incurred, unless in exceptional circumstances.
- k) Additional eligibility criteria apply for rate rebates and charges remissions (Section 6.4) and water consumption donations (Section 6.5).

9 INELIGIBLE APPLICATIONS

Applications not eligible for Council assistance are those where:

- a) The applicant is a political organisation.
- b) The funds are to be used towards wages/salaries, other operating and administrative costs.
- c) The applicant is a previous recipient of Council assistance who has failed to meet the conditions of financial or in-kind support received.
- d) The applicant is a group or organisation that has an unmet debt to Council at the time of the application.
- e) An application for a cash donation is applied for retrospectively.
- f) The request is for a private business venture or activity.
- g) Projects are under litigation.
- h) The request can be or is being dealt with by other Council provision for support including specific project grants or Council works program.
- i) The funds are to cover subscription or membership fees.
- j) The applicant or event has already received \$2,000 from Council in the financial year and is not classed as a major event.
- k) Incorporated groups are not able to provide a copy of their audited financial statement.
- l) Unincorporated groups are not able to provide a copy of their reconciled financial statement.
- m) An applicant's total expenses are being met through sponsorship.
- n) The community organisation is requesting cash or in-kind assistance for maintenance of community facilities that are owned by Mareeba Shire Council. These types of requests are to be referred to the Facilities Officer.
- o) The community organisation has a lease agreement with Mareeba Shire Council and the request from the organisation is for the Community Partnerships Program to cover part or all of the costs that the community organisation has agreed to meet as part of the terms and conditions of their lease with Council. For example, costs such as contents and public liability insurance will not be paid for by Council under the Community Partnerships Program as it is the responsibility of the community organisation leasing the facility to meet these costs as per the lease agreement.

10 CONDITIONS

The following conditions apply to requests for Council assistance under this program:

- a) The application is made in writing by letter or email and submitted to the Community Wellbeing Officer Mareeba Shire Council.
- b) Two quotes from local businesses are to be submitted with the application where the cost is above \$1,000.
- c) Council donations to community organisations do not include GST.
- d) Any approved grant will lapse if not claimed within three months following the date of approval.
- e) All recipients of \$100 or more from Council through this policy are required to acknowledge the assistance of Mareeba Shire Council. This acknowledgement is to be included in promotional material for the event.
- f) The use of any part of the grant for purposes other than specified in the letter of approval is not permitted without prior approval in writing by Council.
- g) Mareeba Shire Council takes no responsibility for financial losses or physical injury incurred as a result of involvement in the supported event or activity.

11 FURTHER INFORMATION

For further information please contact:
Community Wellbeing Officer, Mareeba Shire Council
Tel: 1300 308 461
Website: www.msc.qld.gov.au

**APPENDIX 4 - ITEM-9 COMMUNITY MANAGEMENT OF HALLS AND
ASSOCIATED FACILITIES POLICY****Community Management of Halls &
Associated Facilities Policy**

Council Policy <input type="checkbox"/>	Internal Policy <input type="checkbox"/>	Guideline/Procedure <input type="checkbox"/>
Draft <input type="checkbox"/>	Final <input checked="" type="checkbox"/>	Version: 1.0
File ref: POL-ADM-COM	Policy Section: Community Wellbeing	
Date Adopted:	Review Date:	
Author: Manager Community Wellbeing	Review Officer:	

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1. POLICY INTENT

1.1 PREAMBLE: COMMUNITY MANAGEMENT OF HALLS

Council recognises the significant community benefits to be gained by supporting the community management of halls and associated facilities such as sports fields, tennis courts and amenities blocks, in towns and districts in the shire.

Historically, community halls have played a central role in facilitating social connection and cohesion by providing a place for people to gather, socialise, conduct community business, celebrations, hold fundraising events, do arts and crafts, get active with health and fitness activities and a multitude of other functions. Over the years, the level of community hall activity has significantly reduced, resulting in the halls becoming underutilised council assets.

The community management of halls is a commitment by Council to re-position community halls in local communities as well used and valued community assets. Community Management Groups responsible for the management of the local hall are drawn from the community serviced by the facility, so have intimate knowledge of how best to manage the hall to increase usage in ways that suit unique local characteristics and issues. Council is committed to handing over the management of the halls to these groups and supporting their community hall management role in the community.

2. PURPOSE

The purpose of this policy is to guide the implementation of Community Hall Management Agreements between Council and Management Groups, to jointly manage and operate Council-owned halls. Through the provision of a coherent framework to the Management Groups, Council will ensure that fair, equitable and ongoing usage is available to community groups and residents.

This policy will:

- Provide clarity on the scope and purpose of Community Hall Management Agreements;
- Define the relationships and responsibilities of Council, Management Groups and facility users;
- Provide user-friendly processes for groups seeking to formalise an agreement with Council to manage a Community Hall, and for groups seeking to hire the facility for their use;
- Detail a partnership approach to the community management of halls, where Council supports the Management Group to manage the hall, encourage user-activities and increase the capability of committee members.

2.1 OBJECTIVES

The objectives of this policy are to:

- Support local Management Groups to manage community halls to become well used and valued spaces for a diverse range of community, recreational and sporting activities to enhance community connectedness, liveability and wellbeing in the Shire;

- Support the Management Group to competently manage hall usage and the facilities as they see fit;
- Increase the capacity of the Management Group by providing security of tenure to occupy and invest in facilities and access grants for the benefit of the community;
- Ensure decisions about community hall management agreements are made in a transparent, consistent and fair manner, whilst allowing some flexibility to take into account special circumstances.

3. SCOPE

3.1 COMMUNITY MANAGEMENT OF HALLS

- This policy applies to the community management of a Council owned hall by a local Management Group.
- Council will hand over the management of a community hall to a suitable local Management Group and will support the group to manage the facility.
- The hall is, and will remain, the property of the Council, however, the issuing of a Management Agreement enables the Management Group to manage the facility as it sees fit on a long term basis.

4. POLICY STATEMENT

4.1 MANAGEMENT GROUP

3.1.1 The Management Group is an incorporated not for profit community group comprising of local residents and may be an existing community group, a User Group of the hall or a group specifically established to manage the local hall.

3.1.2 It is preferred that Management Groups are incorporated legal bodies so they can insure and protect members and access government grants to conduct activities or improve facilities for community benefit.

3.1.3 The primary focus of the Management Group is to ensure the fair, equitable and ongoing usage of the facility by the Management Group, community groups, clubs, associations, societies, the general public and Council.

3.1.4 The Management Group will manage the day-to-day operation of the hall in accordance with the terms and conditions of the Community Hall Management Agreement and will be responsible for operating expenses.

3.1.5 The Management Group will aim to manage bookings and activities in such a way as to ensure full utilisation of the hall.

3.1.6 Full and adequate books of accounts and booking records will be established and kept by the Management Group and provided to Council on request.

3.1.7 The Management Group will provide Council with monthly usage statistics and operational reports by the first working day of each month, or as requested.

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The information required in the operational report will be agreed to between Council and the Management Group, and may include number of bookings, any safety concerns or incidents and maintenance or works which the Management Group has identified, or other matters agreed between the Management Group and Council.

3.1.8 Where the Management Group is also a User Group of the hall, the Management Group agrees to adopt a Usage Plan whereby the facility is available to User Groups 80% of the time.

4.2 MANAGEMENT AGREEMENT

3.2.1 A Community Hall Management Agreement (Management Agreement) grants the Management Group the right to operate, use and manage the Hall and associated facilities in accordance with the Agreement and the Usage Plan.

3.2.2 A Management Agreement will commence on the date it is executed and continues in perpetuity until Council or the Management Group provides written notice to the other party, three months prior to the intended end date of the agreement, or in the case that the Management Group ceases to operate.

3.2.3 The Management Group and a Council representative will review the Management Agreement on an annual basis.

4.3 MANAGEMENT AND USE OF FACILITY

3.3.1 The Management Group will take all reasonable steps to advertise and encourage shared use of the Facility by community groups, clubs, associations, societies and the general public.

3.3.2 The Management Group, if required, may utilise a small area of the Facility for administration purposes and as an office for the Management Group.

3.3.3 The Management Group will determine appropriate fees to be charged for use of the Facility and are to be set at a level to ensure full and equitable access to and availability of the Facility for the whole community.

3.3.4 The Management Group may, at its discretion, reduce or waive any fees they have set for hiring of the Facility.

3.3.5 The Management Group will have discretionary power to make certain decisions relevant to User Groups or other groups or individuals who may seek to utilise the Facility, and the extent of this discretionary power is outlined in the Management Agreement.

3.3.6 Fees derived by the Management Group in the operation and management of the Facility shall be used to cover the operating expenses for the hall and any surplus funds are to be spent on the hall following approval by Council.

5. SUMMARY OF RESPONSIBILITIES

Table 2. Summary of Responsibilities

	Item	Management Group Responsibility	Council Responsibility
1	Operating Expenses including Cleaning, Gas, Telephone	Yes	No
2	Electricity - shared connection with Council	Yes	Yes
3	Electricity - sole connection	Yes	No
4	Cost to Repair Property Damage	Yes	No
5	Furniture and equipment	Yes	No
6	Minor Maintenance and Refurbishments	Yes	No
7	Major Maintenance and Refurbishments	No	Yes
8	Hall User Agreements & Fee Collection	Yes	No
9	Administrative Records: including accounts, monthly usage statistics, other records reflecting the management of the facility	Yes	No
10	Advertisement of Facility for community utilisation	Yes	Yes - at its discretion and in consultation with the Management Group
11	Insurance - Contents/Chattels	Yes	No
12	Insurance General Building	Yes, at Group's discretion	No
13	Insurance - Public Liability	Yes	Yes

Notes:

2 & 3. Some halls have one electricity meter which is used by Council for other purposes and in such cases, electricity costs will be met by the Management Group and Council on a pro-rata basis.

6. The Management Group is responsible for all minor maintenance of the Facility, which is defined as a sensible and practical repair on a like-for-like basis for the continuance of operations, preservation, protection, repair to and upkeep, normally lasting no longer than one day. It can also include tangible changes to improve service delivery within the premises.

7. The Council is responsible for major maintenance of the Facility, which is defined as maintenance which is either infrequent in nature or which is scheduled on a non-routine basis and may require setting aside funds over a period of time or issuing additional debt to fund it.

8. The Management Group will ensure that Hall User Agreements are in place with all User Groups and that fees are collected and accounted for appropriately.

11 & 12. The Council will not insure the hall, furniture or equipment contained in the facility. The Management Group may, at its discretion, insure the hall contents and or building, at its own expense.

13. Both Council and the Management Group are responsible for providing and maintaining public liability insurance.

6. REVIEW

This policy is to remain in force until otherwise determined.