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Community Buildings Licensing Policy

JUNE 2013

ACKNOWLEDGEMENTS

The City of Ryde would like to thank all those involved in the consultation for this Policy including:

- Child and Family Interagency
- West Ryde Community Centre Tenant Committee
- Brush Farm House Tenant Committee
- Christian Community Aid
- Eastwood Women's Rest Centre (Country Women's Association)
- Ryde Multicultural Centre
- North Ryde Community Aid Centre
- North Ryde Community Pre-School
- Eastwood Occasional Child Care Centre
- Goulding Hill Pre-School Inc.
- Montessori Children's House
- KU Children's Services
- Cerebral Palsy Alliance
- Brush Farm Historical Society
- Macquarie Community College
- Department of Corrective Services
- City of Ryde Art Society
- Ryde District Historical Society

The City of Ryde would like to acknowledge the following Councils whose Policies and advice assisted in the drafting of the Policy:

- Bankstown
- City of Sydney
- Hornsby
- Ku-ring-gai
- Randwick
- Wyong

WHO IS ACCOUNTABLE WITHIN COUNCIL FOR THIS POLICY?

The development, implementation, review and evaluation of this Policy is the responsibility of the Community and Culture Unit.

The Properties Team, Buildings Team and Legal Counsel will be required to administer parts of the Policy.

For further information on this policy or any of the procedures within, please contact the Coordinator – Community Projects (Community Buildings), Community and Culture:

Phone: (02) 9952 8222

Email: cityofryde@ryde.nsw.gov.au

Post: Locked Bag 2069
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HOW WILL THIS POLICY BE REVIEWED?

To ensure this policy develops over time to align with better practice and the changing needs of the community, it will be reviewed four years after its adoption date.

Feedback from Councillors, tenants, potential tenants, the community service sector, and staff will be sought to measure the effectiveness of the policy and its implementation.

Contents

CHAPTER ONE
Context

POLICY CONTEXT

Community Buildings play a pivotal role in improving the quality of life of our community. They have been identified by both the community and the service sector as being vital to the delivery of affordable services that meet the community's needs.

In the City of Ryde's Community Strategic Plan, this role is highlighted in 'A City of Wellbeing', Goal Two which states:

> *All residents feel supported and cared for in their community through the provision of ample services and facilities.*

In the City of Ryde, affordable accommodation for community service providers is limited and demand is high. Council supports numerous not-for-profit organisations that provide a diverse range of services including: childcare, early childhood health, family support, the arts and culture sector, heritage activities, community aid, youth services, community support, migrant support and disability support services.

After listening to both tenants and the service sector, and having considered the community's expectations and Council's legal, probity, and community service responsibilities, this Licensing Policy has been established with the aim of creating consistency in how Council manages its Community Buildings and establishing processes to create transparency and ensure equity when tenanting new or vacant buildings.

To achieve a robust Policy and consensus on how Council manages its assets, Council established an internal multi-disciplinary project team, sought best practice examples to inform discussion, and undertook participatory engagement with existing tenants and the community services sector.

LEGAL CONTEXT

This Policy was developed and will be implemented in accordance with the following related policies, plans and legislative requirements.

Related Council Policies include:

- Community Facilities – Future Directions (2010)

Related Council Plans include:

- Community Strategic Plan (2011)
- Cultural Spaces and Places Plan (2011)
- Community Hubs Identification Study (2012)
- Local Environment Plan 2012
- Asset Management Plan (2012)
- Long Term Financial Plan (2012)
- Development Control Plans
- Conservation Management Plans
- Plans of Management

Related Acts and Regulations include

- *The Crown Lands Act* (1989)
- *Local Government Act* (1993)
- *Heritage Act* (1977)
- *Dividing Fences Act* (1991)
- *Environmental Planning and Assessment Act* (1979)
- *Smoke Free Environment Act* (2000)
- Crown Lands Regulation (2005)
- Local Government General Regulation (2005)

CHAPTER TWO
Approach

WHAT BUILDINGS ARE COVERED UNDER THIS POLICY?

For the purposes of this policy, Community Buildings are those buildings Council provides to not-for-profit community services organisations and commnity groups meeting the identified social needs of the Ryde community (**APPENDIX F**).

The following buildings are not eligible under this Policy:

- Halls primarily used as venue for hire
- Sport, recreational and amenity buildings
- Commercial or retail buildings
- Corporate buildings of Council
- Libraries.

WHAT IS THE PURPOSE OF THIS POLICY?

Community Buildings are a strategic tool to build and sustain not-for-profit sector capacity, address community needs and generate social capital. These objectives are only possible if Council's Licensing Policy provides consistent, equitable and transparent processes in the management of community buildings. Under this Policy, Council will:

- Seek to sustainability manage community buildings by recovering only all or part of the operating, maintenance, and renewal costs from the tenants who occupy them, based on the tenants capacity to contribute.
- Make transparent assessments of tenant's requests for subsidies incorporating their capacity-to-contribute and community benefit (Chapter 3).
- Provide costed and tailored maintenance plans outlining tenant operational, maintenance, and renewal responsibilities (Chapter 4).
- Optimise use and provide incentives for planned investment in community buildings (Chapter 5).
- Provide clear, consistent, equitable and transparent processes on how Council provides access to, licenses and manages community buildings and assesses tenant capacities (Chapter 6 and Chapter 7).

WHAT DOES THIS POLICY ACHIEVE?

The objectives of this policy are to:

a. **Support** not-for-profit sector organisations to provide **affordable services** to meet **community needs** as identified in the Community Strategic Plan.
b. Recognise the **social value and benefits** provided by community service
c. Facilitate **sector and cultural development.**
d. Develop the **capacity** of the service sector
e. Ensure **fair and equitable access** and **optimise use** of community buildings
f. Ensure a **transparent and consistent process** in how organisations apply for, occupy and contribute to community buildings
g. Ensure **sound financial management** and effective administration of Council's community buildings and value for money for Ryde ratepayers.
h. Implement **standardised licence** documentation.

WHAT ARE THE PRINCIPLES OF THIS POLICY?

The principles of this policy are to:

a. Support the delivery of **quality services** from the licensing of community buildings
b. Generate **co-ownership** of the policy development and implementation processes with tenants
c. Provide **equitable** and non-discriminatory **access** to community buildings
d. Ensure **consistent, transparent** and **accountable** processes
e. Deliver co-location of compatible organisations to **optimise use** of buildings
f. Generate **Social Capital** (robust supportive networks, trust among our diverse community and a sense of belonging)
g. **Actively involve** the community in the planning, design, operation and management of community buildings.

CHAPTER THREE
Determining Licence Fees

HOW ARE LICENCE FEES AND SUBSIDES DETERMINED?

Council recognises that community buildings provide significant value to the community. For this reason, there is no profit to Council resulting from licence fees. Instead, Council will seek to recover some or all of the costs of operating, maintaining and renewing community buildings in the interest of sustainable management and to ensure their long-term viability.

These costs are determined by a condition audit planned to be undertaken every five years and compared to a baseline audit conducted in 2012. The costs of maintaining the buildings are shared between the tenant and Council through standardised responsibilities (Chapter 4). The responsibilities assumed by Council (Council's costs) form the basis of the licence fee.

Council offers subsidies based on a discussion with tenants and then applying a standardised assessment process. This is in recognition of tenants' range of capacity to contribute to Council's costs. The Assessment Tool (**APPENDIX C**) uses a points-based system to establish tenants' capacity-to-contribute and community benefit. The Assessment process establishes tenants eligibility for a subsidy category.

The Subsidy Scale (**TABLE 1** and at **APPENDIX D**) outlines subsides provided to each category. Additional subsides are provided for Category 1 tenants through exemption of maintenance and renewal responsibilities and some operational expenses (see page 13).

Table 1

TENANT CONTRIBUTES	COUNCIL SUBSIDIES	CATEGORIES BASED ON TENANT'S CAPACITY TO CONTRIBUTE AND COMMUNITY BENEFIT
10%	90%	**Category 1** Example: Small, volunteer managed and operated groups with little or no recurrent or project funding.
30%	70%	**Category 2** Example: Small organisations with paid staff. Recurrent funding but with little capacity to raise additional funding through fees, fundraising.
50%	50%	**Category 3** Example: Medium-sized organisations with recurrent funding and capacity to raise additional funding through fundraising, grants, investments.
70%	30%	**Category 4** Example: Medium-sized organisations delivering services over two LGAs or more, with recurrent funding and capacity to raise significant additional funding.
100%	0%	**Category 5** Example: Large, state wide organisations with recurrent funding and substantial capacity to raise significant additional funding.
Fee to be negotiated	0%	**Category 6** Example: Organisations with greater capacity to pay through commercial avenues or fees above industry average or Government Departments.

HOW IS THE LICENSING FEE DETERMINED?

A step-by-step guide on the licensing process is at page 12.

CHAPTER FOUR

Obligations For Tenants and Council

ANNUAL OBLIGATIONS

Under this Policy, Tenants and Council have operational, maintenance and renewal responsibilities. Category 1 tenants have significantly reduced responsibilities which form an additional subsidy. Tenants in Categories 2 to 6 have standardised responsibilities and tailored maintenance plans.

Council has an obligation to manage its buildings appropriately and to maintain them in safe condition. Council commissioned a condition audit by independent auditors in 2012 which provided a condition rating and maintenance and renewal plans for each building.

Council will aim to undertake building audits every five years (prior to licence renewal) to determine the condition of the building and whether any new issues have arisen. These audits will compare the present condition with the condition at the time of the audit undertaken in 2012 and the maintenance and renewal plans for the building.

WHAT ARE THE TENANT'S OBLIGATIONS?

Council has standardised tenant obligations that include operational, maintenance and renewal responsibilities and will audit buildings to confirm they are being maintained appropriately.

Category 1 Tenants

Recognising the very limited capacity to contribute and that they primarily share community buildings with others, Category 1 tenants are provided with an additional subsidy for all maintenance or renewal responsibilities (**APPENDIX B**).

Council also recognises that Category 1 tenants may not have the financial and managerial capacity to absorb and deliver all the operational costs associated with tenanting a building. Operational expenses can also be provided as an additional subsidy, depending on the individual nature of the Category 1 tenant, if required.

Category 2 – 6 Tenants

Tenants in Categories 2 – 6 have standard responsibilities (**APPENDIX A**).

For tenant maintenance and renewal responsibilities, each tenant is provided with a costed maintenance plan detailing all responsibilities of the tenant, timeframes and costs. Operational matters are determined by each tenant according to their needs.

The tenant can determine how the maintenance plan is implemented, providing the condition of the property is in line with the standard determined in the maintenance plan. Council will provide feedback to the tenant through condition audits, at a minimum every five years.

Other obligations

In addition to building obligations, all tenants are required to provide their annual report and audited financial statements to Council within three months of the publication every year.

WHAT ARE COUNCIL'S OBLIGATIONS?

Council will schedule its maintenance and renewal obligations according to Council's budget and priority of works as identified in the building audits.

Council is responsible for:

1. Operational Matters
   • Water rates and sewerage
   • Fire safety (complies with statutory fire safety obligations including inspections)
   • Termite protection
   • Access control (swipe cards and keys)
   • Building insurance
   • Graffiti removal (on external surfaces)
   • Some operational expenses for Category 1 tenants, as negotiated.

2. Maintenance
   • Structural maintenance such as roof covering, windows and drains (including gutters)
   • Air-conditioning maintenance (if ducted)
   • External fabric (anything on the outside of the building, including weatherboard, cladding, paint etc)
   • Major electrical or plumbing work (such as collapsed pipes or tree root issues)
   • All maintenance responsibilities for Category 1 tenants.

3. Renewals
   • Capital upgrades (subject to Council funding)
   • Floor covering after standard use determined by the manufacturer
   • All renewal responsibilities for Category 1 tenants.

4. Legal matters
   • Fees to prepare deed (standard licence).

CHAPTER FIVE
Optimising Use and Investment

CAN TENANTS INVEST IN THE BUILDINGS?

Capital contributions (investing in buildings by tenants) that are in excess of the tenant responsibilities (**APPENDIX A**) are encouraged. All capital contributions must be approved by Council and will be discussed on a case-by-case basis. The process to apply for and undertake capital works can be found on page 12.

This policy identifies two types of capital contributions:

- renewal or increase in service delivery
- enhance or increase in service quality.

Renewal or increase in service delivery

The tenant must demonstrate that the capital contribution either reduces Council's maintenance and renewal expenditure or that it is improving the capacity of the building to provide increased community services reflecting community need. This discussion will be undertaken with the following minimum considerations:

- the purpose of the proposed works in response to demonstrated community need
- the proposed works in the context of the building
- the service's viability and performance
- the service's strategic plan and business model
- council's strategic plans
- community expectations
- how the contribution is funded.

Renewal or capital contributions to increase service delivery in excess of $100,000 will trigger a discussion with Council about length of tenure. The maximum tenure that will be offered to tenants is five years with a five year option where capital contributions are made.

Enhance or increase in service quality

Capital contributions that enhance or increase the quality of a tenant's services will not trigger discussion about length of tenure, but will impact on the Capital Investment section of the Assessment Tool, undertaken at the next Licence renewal. These capital contributions can accumulate during the current licence term and may reduce future licensing fees at the time of next licence assessment.

Grants funding

Tenants are encouraged to apply for grants to improve the building they occupy. If a tenant is applying for a grant for a capital contribution, Council must endorse the proposal before it is submitted.

Impact on Tenant Obligations

All work undertaken by a tenant requires the tenant to be responsible for all future maintenance, repair and replacement of those works. At the end of any licence, any fixed additions or new structures installed or erected by the tenant revert to Council's ownership after the licence expires. At Council's request, tenants may be asked to remove these improvements.

Tenants should note they are not entitled to any equity in the building or any compensation for making capital contributions.

CAN TENANTS CO-LOCATE?

The City of Ryde encourages all tenants to use the building as efficiently as possible, sharing use and management where possible. This will ensure sustainability and access for services that meet the community's needs.

Tenants with capacity to co-locate another service must inform council of the opportunity.

Council must approve all co-location, and tenants are not permitted to sublicense. Procedures on how to co-locate are found on page 12.

CHAPTER SIX

Providing Consistent, Equitable & Transparent Licensing Processes & Access to Buildings

WHAT IS THE LICENSING PROCESS?

Council has an obligation to provide consistent, equitable and transparent licensing procedures. This policy includes procedures (page 14-16) to reflect three licensing contexts, including:

- Tenants with lapsed or soon to lapse licences in 2013
- Tenants with existing licence arrangements (renewal)
- New tenants.

All eligible tenants will receive a standard, five year licence.

TENANTS WITH LAPSED LICENCES

This policy has been created in a context where many tenants are unlicensed and is based on a principle that no tenant is required to apply for the building they currently occupy. Therefore, all existing tenants will be relicensed according to this policy but without entering into an Expression of Interest process (see page 14).

WHAT IS THE RENEWAL REVIEW PROCESS?

Following the renewal of tenants with lapsed or soon to be lapsed licences in 2013, tenants seeking to renew their licence will be required to undertake a review of their service at each relicensing period.

Tenants and Council will undertake a review of the service to determine whether the tenant has:

- Maintained the building in accordance with the Maintenance Plan and in the designated condition
- Demonstrated their ability to meet community needs and ability to deliver services and programs as described within the designated use, including providing information on the number of clients, services and programs provided and breakdown of high-level client information (with acknowledgement to client confidentiality)

- Ensured services are provided in a manner that is inclusive and free of discrimination
- Maintained a constructive relationship with Council, including:
  - meeting all obligations under the license
  - respond in a timely fashion to correspondence from Council
  - engage with the Council on delivering its strategic plan, such as attending consultation sessions and planning forums
  - acknowledge Council's support in printed collateral and forward copies of any acknowledgement or positive media to Council.
- Demonstrated their ability to maintain and create partnerships and work cooperatively within the sector including (where possible) delivering partnership projects and/or attending service interagency meetings, planning forums and consultation meetings
- Demonstrated an active interest in co-location with likeminded services where possible. Any co-location must be approved by Council (see Section on page 12).

If tenants meet all review criteria above, the tenant's licence renewal will be recommended for another five year term (see page 14-16).

WHAT HAPPENS IF THE REVIEW IDENTIFIES NON-COMPLIANCE ISSUES?

If a tenant does not meet the review outcomes, an Action Plan will be developed in consultation with the tenant to address issues identified in the review process. The Action Plan will detail the issues and remedies. A timeframe will be negotiated for implementation of the Action Plan, to a maximum length of 12 months.

If at the end of the Action Plan, the tenant still does not comply with the criteria, the building will be considered available for new tenants through an Expression of Interest process.

Providing Consistent, Equitable & Transparent Lisensing Process & Access to Buildings

HOW CAN ORGANISATIONS ACCESS VACANT COMMUNITY BUILDINGS?

Council is committed to providing equitable access for potential tenants of new or vacant community buildings through an Expression of Interest (EOI) process.
The EOI process procedures, including eligibility and standard assessment criteria, are defined on page 15.

When buildings are vacant or under-utilised, opportunities can arise to provide community buildings to not-for-profit organisations for outreach or sessional services for short periods of time.

Prospective tenants can request accommodation through the Application for Community Buildings Form (**APPENDIX D**). The form requires interested organisations to determine whether they require sessional (temporary) or licensed accommodation. If an organisation requires licensed accommodation and completes the Form, the organisation will be placed on a register and notified when buildings become vacant and the associated EOI process is launched.

UNFORSEEN RELOCATIONS

If a building becomes uninhabitable for unforeseen reasons, such as a natural disaster, Council will make every endeavour to find alternative accommodation for the tenant. However, Council does not have an obligation to provide accommodation if alternatives are not forthcoming.

CHAPTER SEVEN
Policy Procedures

HOW ARE LICENCE FEES DETERMINED?

Council recognises that community buildings provide significant value to the community. For this reason, there is no profit to Council resulting from licence fees. Instead, Council will seek to recover some or all of the costs of operating, maintaining and renewing in the interest of sustainable management and to ensure the long-term provision of community buildings.
This approach involves three steps:

Step 1 – Understanding building costs

Council takes into account how much each building costs to operate, maintain and renew based on a condition audit undertaken every five years, and based on an audit undertaken in 2012 .

Step 2 – Understanding who is responsible for what

Allocate each building's costs based on the responsibility of Council and the Tenant based on the standard responsibilities (**APPENDIX A**). The costs-to-Council component forms the basis of the tenant's licence fee.

Step 3 – Determining licence fees and subsidies?

The tenant's capacity-to-contribute and community benefit are determined through a standard assessment tool. The Assessment Tool (**APPENDIX C**) is used to establish subsidy eligibility for each tenant category based on a capacity-to-contribute criteria. Council will provide subsidies against the cost-to-council to operate, maintain and renew the building.

The assessment to establish the level of subsidy eligibility is undertaken in a partnership between the tenant and Council. The following points and category system applies:

- 67-76 points = Category 1
- 57-66 points = Category 2
- 47-56 points = Category 3
- 31-46 points = Category 4
- 15-30 points = Category 5

The Subsidy Scale outlines the subsidies provided to each category (**APPENDIX E**).

Government Departments and tenants that charge fees above the market average are exempt from this Assessment Tool and therefore designated as Category 6.

Other considerations

Licence fees will incur an annual increase. Annual increases will be based on the Local Government Cost Index which is set by IPART.

Licence fee transition periods can be offered to tenants on a case-by-case basis.

HOW ARE TENANT OBLIGATIONS MANAGED?

Tenant/Council Responsibilities

Tenant and Council responsibilities are standardised (**APPENDIX A** and **APPENDIX B**). Tenants have maintenance and renewal plans which they are required to implement. These plans are created by building condition auditors. Maintenance plans tailored to tenants are set at the start of the licensing process for tenants to implement.

Tenants with a Category 1 level of subsidy are not required to undertake maintenance or renewal. Category 1 tenants must promptly report any maintenance works that are required to Council and Council has a responsibility to respond in a timely manner.

Council recognises some tenants may not have the capacity to undertake maintenance works. For those tenants not in Category 1, Council can undertake works but will charge the tenant accordingly. This arrangement will be agreed upon during the licence negotiations.

It is the tenant's responsibility to connect all operational services (sewer and water excepted) at the start of their licence with billing arranged directly between the service provider and the tenant.

Plans of Management and Conservation Management Plans

All tenants must adhere to any existing Plans of Management associated with the site or Conservation Management Plans for the building. Copies of these documents will be provided to the tenant.

Breach of Licence

If a tenant breaches their licence, an Action Plan will be developed in consultation with the tenant to address non-compliance. A timeframe will be negotiated for implementation of the Action Plan, to a maximum length of 12 months.

If at the end of the Action Plan, the tenant still does not comply with the criteria, the licence will be terminated and the building will considered available for new tenants through an Expression of Interest process.

HOW DO TENANTS MAKE CAPITAL CONTRIBUTIONS?

Council Approval

Tenants who seek to make a capital investment must seek approval from Council. These requests must be provided in writing to the Council (see page 2 for details).

Council approval will be determined through discussions with the tenant, considering the proposed works in the context of the building, the service's viability and performance, the service's strategic plan and business model, Council's strategic plans, planning considerations and community expectations of how the contribution is funded.

If a development application is required, the tenant must seek Council's owner consent prior to lodgement. The development application process is separate from the licensing process.

The tenant is responsible for preparing the development application (and obtaining owner's consent from Council). If approved, the tenant will be responsible for the management of the works and equipment and ongoing maintenance. In most cases, works need to be carried out by a licensed contractor.

Impact on Tenant Obligations

Work undertaken by a tenant requires the tenant to be responsible for any future maintenance, repair and replacement of those works.

At Council's request, any additions or structures made by the tenant that are in poor or very poor condition must be removed by the tenant at their expense or should this fail to happen, Council may terminate the licence agreement.

HOW DOES COUNCIL SUPPORT CO-LOCATION?

Council or tenants can identify possible co-location opportunities. If co-tenanting is determined as viable, Council will support co-location through the provision of the licensing processes and development of a governance framework to support the operations of the co-tenant. All co-location must be approved by Council.

All new or vacant buildings will undergo an Expression of Interest process for their use (page 26). This process may identify a range of community service providers who may wish to utilise a licenced community building for compatible co-location options.

Governance Frameworks

In recognition that co-location is a process that needs to be well managed, Council has developed governance frameworks to support tenants. These frameworks assist existing and new tenants to establish:

- A shared vision for the building
- A process to work collaboratively
- A detailed list of the practicalities of sharing accommodation
- A dispute resolution procedure.

Co-located groups will assume proportionate responsibility for operational, maintenance, renewal responsibilities based on floor space occupied and types of activities undertaken. If a group does not agree to their allocated responsibilities, they will be responsible for the cost of installing a separate meter to record and measure designated services, such as electricity.

Sublicensing

Council will undertake the licensing process for all buildings, including buildings that have co-tenant arrangements. Tenants are not permitted to sublicense the buildings they occupy.

MEDIATION PROCESS

The purpose of the mediation process is to address concerns in the case of organisations/tenants feeling that the Policy was not applied accurately or fairly.

Organisations/tenants will be required to formally document their concerns and discuss with the Manager, Community and Culture. If concerns are not adequately addressed a review Panel, consisting of the Manager, Community & Culture, Section Manager - Property, and an independent Council Officer will review the concerns.

If required, the General Manager will review the outcome of the Panel and make a determination.

HOW DO TENANTS ACKNOWLEDGE COUNCIL SUBSIDIES?

Tenants and Council are required to acknowledge each other's contribution to improving the quality of life of our residents through community buildings.

The support Council provides to tenants through the provision of subsided buildings must be acknowledged within all publications and information the tenant provides to the public. Council is required to acknowledge the support provided to all tenants in the annual report and management plans.

Tenants are encouraged to erect signage advertising their services. Services are required to obtain Council approval for any external signage to ensure appropriateness and compliance with all legislative requirements. Signage must acknowledge Council. The tenant is responsible for all costs associated with the creation, erection and maintenance of signage that they install. A development application may be required for some signage. Tenants can determine whether a development application is required by contacting Council on 9952 8222.

WHAT ARE THE LICENSING PROCESSES?

What is the Licence Documentation?

Council is committed to making the licensing process as user-friendly as possible by providing licence documentation in plain-English.

Three licence documents have been prepared based on the responsibilities of tenants, including:

- Small, volunteer based organisations (**APPENDIX C**)
- Not-for-profit organisations with paid staff (**APPENDIX H**)
- Designated Community Centre buildings (**APPENDIX I**)

What is the Licensing Process for tenants with a lapsed or soon to lapse licence (2013 to 2015)?

This policy has been created in a context where many tenants are unlicensed and based on a principle that no tenant is required to apply for the building they currently occupy.

The process for re-licensing in 2013 to 2015 includes the following steps:

Step 1: Council will establish key terms with the tenant during the consultation phase, including:

    a. Licensing Fee

       i. Undertake the Assessment in partnership

       ii. Apply relevant subsidy

       iii. Notify tenant of annual increase

    b. Licence Term (length)

    c. Licence Hours

    d. Designated Use

    e. Responsibilities

Step 2: Tenant and Council agree on key terms with tenants providing acceptance in writing.

Step 3: Key terms recommended to Council.

Step 4: If Council endorses the recommendation, a standard licence will be prepared.

Step 5: Tenant accepts and signs the licence

Step 6: Notification of licence to community (if required)

Step 7: General Manager to authorise licence under delegation.

Policy Procedures

What is the Licensing Process for tenants occupying a community building?

Following the renewal of existing tenants with lapsed licences, tenants will be required to provide information to ensure they have met their service standards through a review before relicensing is considered.

Step 1: For tenants in community buildings, an assessment of the tenancy will be undertaken 12 months before their licence is due to expire. The review criteria is detailed on page 10.

Step 2: If the tenant meets the review criteria, they are recommended for continued occupancy and continue to Step 3. If a tenant does not meet the review criteria, please see page 10.

Step 3: Establish key terms with tenant including:

    a. Licensing Fee

       i. Undertake the assessment in partnership

       ii. Apply relevant subsidy

       iii. Notify tenant of annual increase

    b. Licence Term (length)

    c. Licence Hours

    d. Designated Use

    e. Responsibilities

Step 4: Tenant and Council agree on Key Terms.

Step 5: Key Terms recommended to Council.

Step 6: If Council endorses the recommendation a standard licence will be prepared.

Step 7: Tenant to finalise, accept and sign licence.

Step 8: Notification of licence to community (if required).

Step 9: General Manager to authorise licence under delegation.

WHAT IS THE LICENSING PROCESS FOR NEW OR VACANT BUILDINGS?

The licensing process for new or vacant buildings has the following steps:

Step 1: Expression of Interest process is undertaken with the following minimum requirements. Council will:

- Publish EOI documentation on Council's website. The documentation will identify the building, outline eligibility requirements, closing date and time, requirements for the tenants, selection criteria (see below) and opportunities for co-location.
- Advertise the Expression of Interest in the local paper, on the Council website and at Ryde Service Interagency meetings.
- Advertise the Expression of Interest process for at least six weeks.
- Provide at least one opportunity for a site inspection within office hours.
- Form an assessment panel of no less than three Council staff.
- Seek co-tenanting arrangements within the EOI process and facilitate any discussion between potential tenants.
- Provide a recommendation to Council with key licence terms determined as per this policy in consultation with the proposed tenant.

Eligibility requirements include:

a. Evidence that proposed use is permissible with the land use and zoning.

b. Evidence that the applicant is an incorporated not-for-profit community organisation that is legally recognised (proof of non-profit status will be required). Where appropriate an organisation must be registered with the necessary authority (proof of such registration will be required).

c. Appropriate completion of the EOI application.

The generic criteria include:

a. The charter of the organisation must be in keeping with Council's priorities and community needs as identified in the Council's Community Strategic Plan.

b. The needs of target groups (specific communities) and priority social issues in the City of Ryde should be considered and reflected in program and service delivery, eg culturally and linguistically diverse people.

c. The organisation must provide or demonstrate a need for services and/or programs that are delivered to residents within the City of Ryde.

d. The organisation must provide services and/or programs that will enhance the well-being, deliver practical outcomes and/or respond to social issues for the community.

e. The organisation must demonstrate that it has limited capacity to receive support from government or the private sector to meet its accommodation needs and that it is unable to meet its accommodation needs independently.

f. The organisation must be willing to work in partnership with the council and other community organisations on relevant community programs.

g. The organisation must be willing to co-locate with other services and share resources (except in special circumstances).

h. The organisation will ideally have a track record of community development and promotion of positive interaction between diverse groups in the City. Alternatively, the organisation will be staffed and managed by people with experience in this area.

i. The organisation must demonstrate its commitment and capability to manage the building appropriately, including:
    i.   keeping the building in good repair
    ii. undertake scheduled maintenance
    iii. fulfil insurance requirements
    iv. undertake other management tasks as requested by Council.

e. The organisation must be solvent and financially viable (audited financial reports will be required).

Council reserves the right to add criteria and consider applications from organisations that do not meet some of the advertised criteria.

Step 2: Assess EOI applications and discuss key terms (licence fee, licence term, responsibilities) with preferred applicant

Step 3: Seek Council endorsement to licence preferred applicant with key terms

Step 4: If endorsed by Council, notify unsuccessful applicants and prepare the Heads of Agreement (key terms) for the prospective tenant, including:

  a. Licensing Fee
     i.   Undertake the Assessment in partnership
     ii. Apply relevant subsidy
     iii. Notify tenant of annual increase
  b. Licence Term (length)
  c. Licence Hours
  d. Designated Use
  e. Responsibilities

Step 5: Tenant to review and sign Heads of Agreement

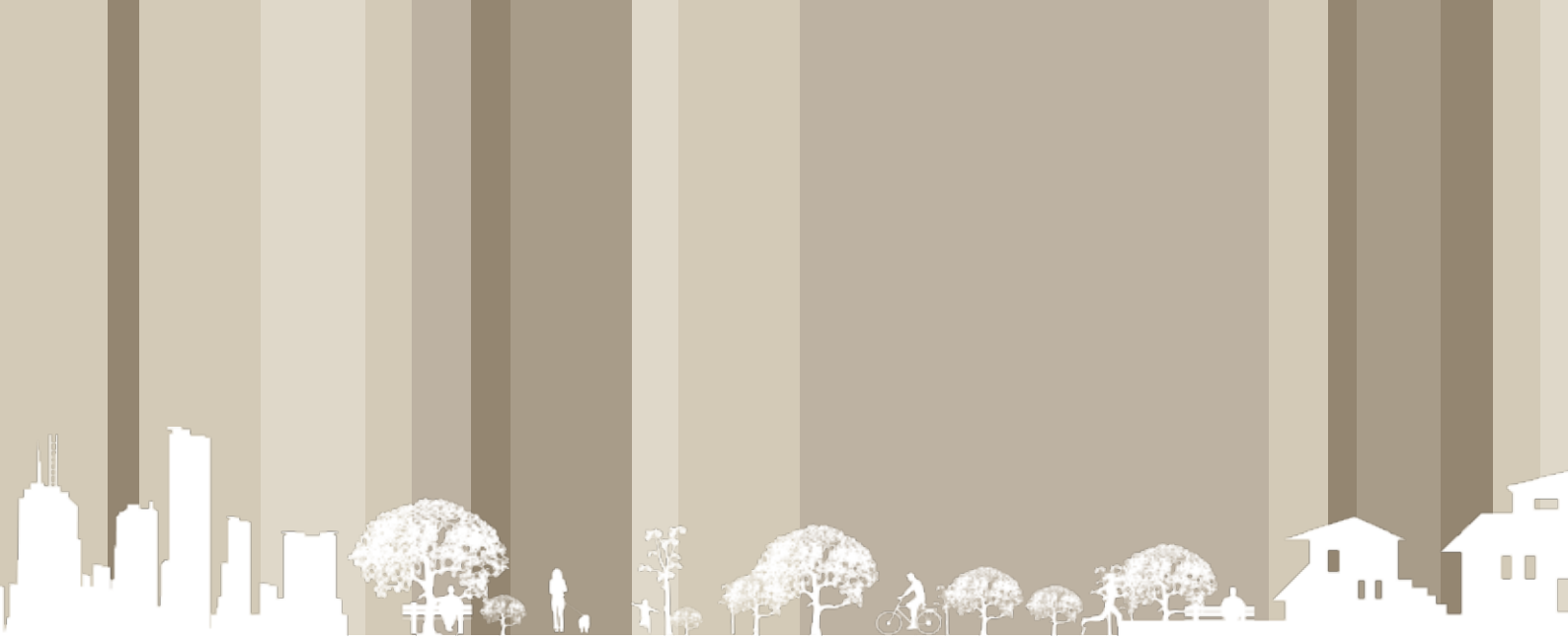**Step 6:** Preparation of licence

Step 7: Tenant to finalise, accept and sign licence

Step 8: Notification of licence to community (if required)

Step 9: General Manager to authorise licence under delegation.

Step 10: Handover and site induction.

Appendices

Tenant Responsibility

1. OPERATIONAL

- Electricity
- Gas
- Cleaning
- Pest control
- Insurance (public liability, glass, contents)
- Communications (telephone, internet)
- Charges imposed by any authority
- Indoor and outdoor gardening and/or landscaping
- Light bulbs
- Broken glass (unless broken by Council)
- Remove any trees that are deemed to be unsafe (subject to Council approval)
- Rest room services (sanitary services)
- Security (security system and telephone line)
- Water usage
- Waste (for new tenants only).

2. MAINTENANCE

- Fixtures and fittings are maintained in a good condition and working order including curtains, blinds, doors, locks, window frames, fittings, floors, plaster on walls and ceilings, paint on the walls and ceiling, pipes, cables, decking, light fittings and electrical installations.
- Air conditioning maintenance (unless ducted)
- Maintain gates and fences, including boundary fences
- Anything broken by the licensee.

3. RENEWAL

- Internal painting
- Air-conditioning (if installed by the tenant).

4. FIT-OUT

- Any fit out requirements are the responsibility of the licensee, including any fit out that is required for licensing or other statutory obligations, such as soft floor.
- Make good provisions are included in the licence, requiring the site to be returned to its original condition by the licensee (aside from fair wear and tear).

5. TENANT LEGAL COSTS

Council Responsibility

1. MAINTENANCE

- Structural maintenance such as roof covering, windows and drains (including gutters)
- Air-conditioning maintenance (if ducted)
- External fabric (anything on the outside of the building, including weatherboard, cladding, paint etc)
- Major electrical or plumbing work (such as collapsed pipes or tree root issues).

2. OPERATIONAL

- Water rates and sewerage
- Fire safety (complies with statutory fire safety obligations including inspections)
- Termite protection
- Access control (swipe cards and keys)
- Building insurance
- Graffiti removal.

3. RENEWALS

- Capital upgrades (subject to Council funding)
- Floor covering after standard use.

4. LEGAL FEES TO DOCUMENT AND PREPARE DEED (STANDARD LICENCE)

Tenant Responsibility

1. Operational

- Electricity
- Gas
- Cleaning
- Pest control
- Insurance (public liability, glass, contents)
- Communications (telephone, internet)
- Charges imposed by any authority
- Indoor and outdoor gardening and/or landscaping
- Light blubs
- Broken glass (unless broken by Council)
- Remove any trees that are deemed to be unsafe (subject to Council approval)
- Rest room services (sanitary services)
- Security (security system and telephone line)
- Water usage
- Waste (for new tenants only).

2. Fit-out

- Any fit out requirements are the responsibility of the licensee, including any fit out that is required for licensing or other statutory obligations, such as soft floor.
- Make good provisions are included in the licence, requiring the site to be returned to its original condition by the licensee (aside from fair wear and tear).

3. Tenant legal costs

City of Ryde

Council Responsibility

1. Operational Matters

- Water rates and sewerage
- Fire safety (complies with statutory fire safety obligations including inspections)
- Termite protection
- Access control (swipe cards and keys)
- Building insurance
- Graffiti removal (on external surfaces)
- Other operational expenses as negotiated

2. Maintenance

- All maintenance responsibilities

3. Renewals

- All renewal responsibilities

4. Legal matters

- Fees to prepare deed (standard licence)

Assessment Tool

CAPACITY-TO-CONTRIBUTE			
Government funding p.a.	Up to $100,000	Up to $200,000	Up to $350,000	$350,000+
	8 points	6 points	4 points	1 point
Fundraising p.a.	Up to $50,000	Up to $150,000	Up to $300,000	$300,000+
	8 points	6 points	4 points	1 point
Fees p.a.	Limited or no ability to charge fees	Fees are dependent on clients' ability to pay	Has ability to charge fees	Charges at market rate
	8 points	6 points	2 points	1 point
Assets	Up to $75,000	Up to $150,000	Up to $300,000	$300,000+
	8 points	6 points	4 points	2 points
Funding sources	No funding	1 to 3 sources	4 to 8 sources	More than 8 sources or more
	4 points	3 points	2 points	1 point
Service coverage	Ryde only	2 LGAs	2 LGAs or more	State-wide
	4 points	3 points	2 points	1 point

CAPITAL INVESTMENT			
Capital investment	$300,000+	$200,000 – $300,000	$100,000 – $200,000	$0 – $100,000
	8 points	6 points	4 points	2 points

Assessment Tool

City of Ryde

COMMUNITY BENEFIT			
Client base in Ryde	Above 90%	Above 75%	Above 60%	59% or less
	8 points	6 points	4 points	2 points
Partnerships between NGOs, Council, Government	4 partnerships	3 partnerships	2 partnerships	1 partnership
	4 points	3 points	2 points	1 point
Nature of service	Service is unique in Ryde	Service is one of a limited number of providers in Ryde	Service is one of many service providers in Ryde	Service is one of many service providers in Ryde and surrounds
	4 points	3 points	2 points	1 point
Accessibility – Clients from CALD and ATSI backgrounds	Above 35%	Above 25%	Above 15%	Under 15%
	4 points	3 points	2 points	1 point
Staff	Volunteer only	Less than 20 paid staff	Less than 50 paid staff	50+ paid staff
	4 points	3 points	2 points	1 point
Accessibility – Clients with low income	20%+	15%+	10%+	Under 10%
	4 points	3 points	2 points	1 point

APPLICATION FOR COMMUNITY SPACE
Licensed or Sessional

Community Buildings play a pivotal role in improving the quality of life of our community. The City of Ryde is therefore committed to providing access to subsidised accommodation for the not-for-profit sector.

The City of Ryde accommodates a large number of services and has many requests for accommodation. When community buildings become vacant, the City of Ryde undertakes an Expression of Interest process to allocate that space in a consistent, transparent and equitable way.

There are opportunities to place services in temporary accommodation as a sessional service or in partnership with an existing service while suitable licensed accommodation remains unavailable on a needs basis and as opportunities arise.

REQUEST FOR ACCOMMODATION (PLEASE INDICATE)	
Licensed	You will be placed on our mailing list for when buildings become vacant and the Expression of Interest process is launched.
Sessional	We will attempt to find you short term space to deliver your services.
Both	Mix of both.

ABOUT YOUR SERVICES (PLEASE DESCRIBE)
Service Name
Description of service
Community benefit
Number of clients in the City of Ryde
Funding bodies
Current service location
Is it subsided accommodation
Reason for request

REQUIREMENTS FOR SPACE (PLEASE DESCRIBE)	
Time needed	eg. Length of time and when
Minimum requirements (space)	eg. location, hours, days,
Minimum requirements (practicalities)	eg. access to communication services
Can the service continue in Ryde without space?	

Please complete the following form to indicate your service's accommodation needs.
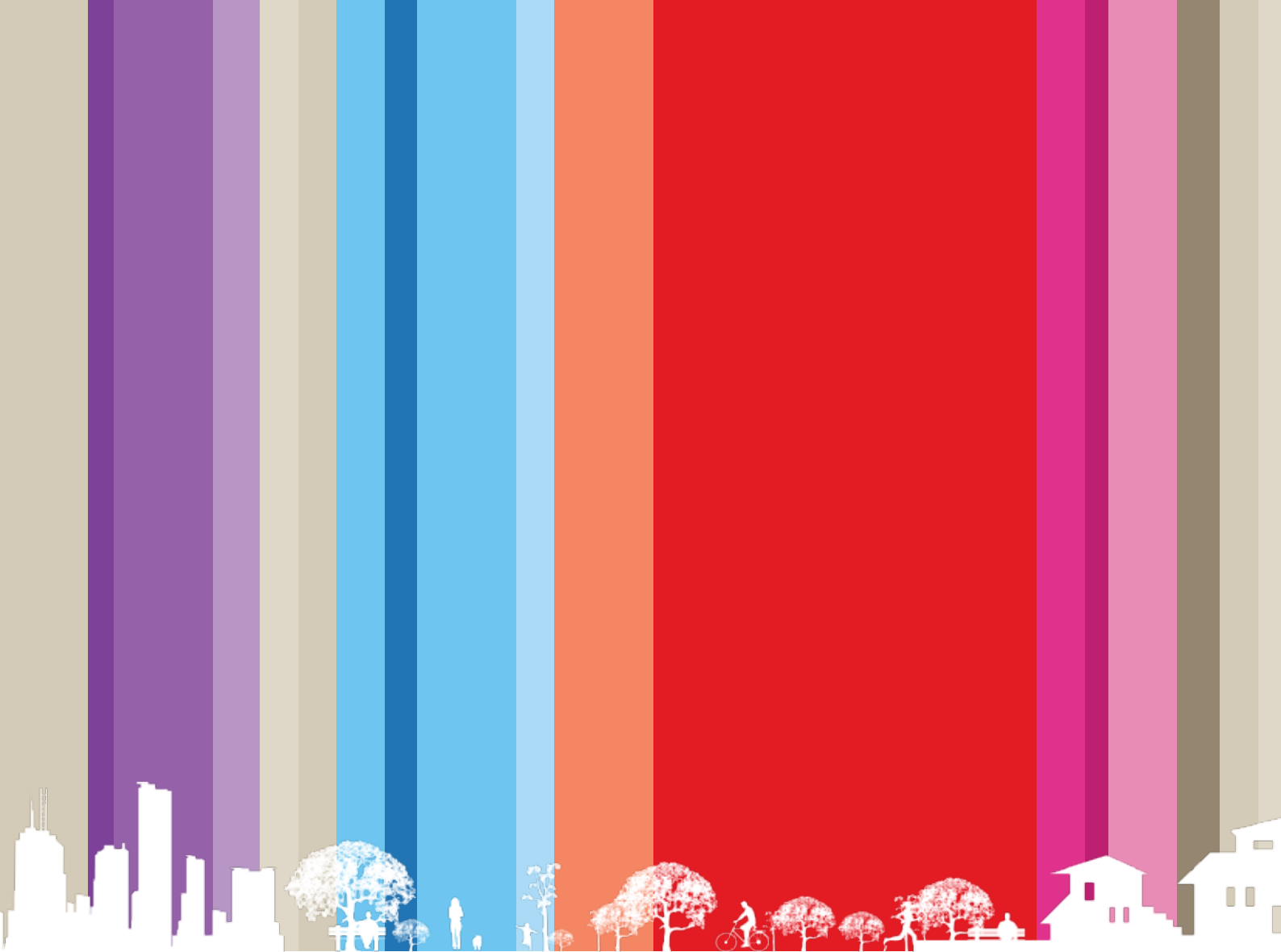
Subsidy Scale

TENANT CONTRIBUTES	COUNCIL SUBSIDIES	MAINTENANCE UNDERTAKEN BY TENANT	OPERATIONAL COSTS UNDERTAKEN BY TENANT	TENANT GROUPS BASED ON CAPACITY TO CONTRIBUTE & COMMUNITY BENEFIT
10%	90%	0% (additional subsidy)	100%	**Category 1** Small, volunteer groups with no recurrent and little project funding.
30%	70%	100%	100%	**Category 2** Small organisations with paid staff. Recurrent funding but with little capacity to raise additional funding through fees.
50%	50%	100%	100%	**Category 3** Medium-sized organisation with recurrent funding and capacity to raise additional funding through fundraising, grants, investments etc.
70%	30%	100%	100%	**Category 4** Medium-sized organisations delivering services over 2 LGAs or more with recurrent funding and capacity to raise significant additional funding.
100%	0%	100%	100%	**Category 5** Large, state wide organisations with recurrent funding and substantial capacity to raise significant additional funding.
Fee to be negotiated	0%	100%	100%	**Category 6** Organisations with greater capacity to pay through commercial avenues or fees at or above market value.

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LIST OF BUILDINGS INCLUDED UNDER THE POLICY

PROPERTY	SUBURB	TENANT
3-5 Anthony Road - Ground (Suite 6)	West Ryde	Ryde Family Support Services
3-5 Anthony Road - Ground (Suite 7)	West Ryde	Northern Sydney Local Health District
3-5 Anthony Road - Level 1 (Suite 9)	West Ryde	Relationships Australia (NSW)
3-5 Anthony Road - Level 1 (Suite 9)	West Ryde	Good Beginnings Australia Ltd
3-5 Anthony Road - Level 1 (Suite 9)	West Ryde	Korean Lifeline
3-5 Anthony Road - Level 1	West Ryde	West Ryde Neighbourhood Childcare Centre
3-5 Anthony Road - Level 3	West Ryde	The Benvolent Society
45 West Parade (cnr Hillview Road)	Eastwood	Country Women's Association
10 Lakeside Road	Eastwood	Christian Community Aid
12 Lakeside Road	Eastwood	
2 Dickson Avenue	West Ryde	
Lions Park	West Ryde	Ryde Multicultural Centre
4 Cutler Street	North Ryde	North Ryde Community Aid Centre
13 Clermont Street	North Ryde	North Ryde Community Pre-School
55 Hillview Lane	Eastwood	Eastwood Occasional Child Care Centre
2 Hancott Street	Ryde	Goulding Hill Pre-School Inc.
109 Cressy Road	North Ryde	Children's House Montessori School
2b Rutledge Street	Eastwood	KU Children's Services
147 Cox's Road	North Ryde	KU Children's Services
167 Shaftsbury Road	Eastwood	VACANT
74 Agincourt Road	Marsfield	Cerebral Palsy Alliance
19 Lawson Street	Eastwood	Brush Farm Historical Society
19 Lawson Street	Eastwood	Macquarie Community College (Brush Farm House)
19 Lawson Street	Eastwood	Corrective Services NSW
12 Turner Street	Ryde	Macquarie Community College (The Parsonage)
8 Turner Street	Ryde	Macquarie Community College (Westward Cottage)
770-782 Victoria Road	Ryde	City of Ryde Art Society
770-782 Victoria Road	Ryde	Ryde District Historical Society

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Lifestyle and opportunity
@ your doorstep