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Community Occupancy Guidelines

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Introduction

These Community Occupancy Guidelines (**Guidelines**) have been developed in accordance with, and to support implementation of, the Tasman District Council's (**Council**) Community Occupancy Policy (**Policy**).

These Guidelines will assist Community Groups in understanding the process to be followed when applying for Community Occupancy (**occupancy**) and how their application will be assessed.

These Guidelines must be read in conjunction with the Policy. In the event of any inconsistency, the Policy will prevail.

The application process

Community Groups must apply for an occupancy agreement if they wish to occupy Council property.

Applications for an occupancy agreement will be considered on a case-by-case basis, either when Council property becomes available or prior to the expiry of an existing occupancy agreement. The application process can take several months to complete.

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The application process involves:

- registering the Community Groups' interest in an occupancy agreement;
- an early scoping conversation;
- submitting a formal application for occupancy;
- assessment of the application;
- public notice or consultation if required;
- a decision on whether to enter into an occupancy agreement.

A Community Group that meets the eligibility criteria set out in the Policy and wishes to occupy Council property may register their interest by contacting the Council via email at property@tasman.govt.nz and requesting an early scoping conversation.

Community Groups with existing occupancy agreements must contact the Council before their expiry to open discussions on a new occupancy agreement; Community Groups who are renewing an occupancy agreement may not be required to undergo an early scoping conversation.

Early scoping conversations

An early scoping conversation enables the Council to hear the needs of Community Groups and identify which, if any, Council property and form of occupancy agreement is appropriate.

The Council and Community Group representatives will discuss their needs and issues openly, fairly and collaboratively at the meeting to identify the type of property and occupancy agreement that may be most appropriate for the Community Group. The formal application process and requirements may also be discussed.

Staff will take notes of the meeting and provide these to the Community Group to ensure shared understanding of what was discussed and to provide written evidence of the early scoping conversation.

After the meeting, if the Council consider that a community occupancy agreement is appropriate, the Community Group will be invited to make a formal application.

If the Council consider that an occupancy agreement is not appropriate for the Community Group, they will inform the Community Group and provide reasons for the decision and advice on the terms in which an application may be appropriate.

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Formal application

If a Community Group wishes to progress their interest, they must submit a formal application using this online form available here [link to Councils website], which can be provided by post if required.

Community Groups may apply for any of the three types of occupancy agreement listed below. Community Groups should, but are not limited to, apply for the type of occupancy agreement identified by Staff as most appropriate for the Group in their early scoping conversation.

Ground lease	Where the Council owns the land, and the Community Group has exclusive use of the land as defined in the lease and owns any buildings or other improvements. Community Groups have the right to exclusive use of the land.
Premises lease	Where the Council owns the land and any buildings on it. Community Groups have the right to exclusive use of the premises as defined in the lease.
Licence to occupy	Where the Council owns the land and any buildings on it. Community Groups have the right to non-exclusive use.

The Council will not consider incomplete applications.

Council may seek further clarification or require the Community Group to provide additional information. If the Council has requested further information from a Community Group, consideration of the application will stop until the further information has been provided The Community Group's representatives may be invited to meet with the Council to discuss their application and any queries or issues they may have.

The Council will consider an application incomplete if it does not include all the required information or if the applicant does not provide further details when requested.

The Council will assess applications that are consistent with the standard terms of the Policy and these Guidelines, in accordance with the delegations in place at the time.

Vacancy

When a property becomes vacant, the Council will consider options to identify whether community occupancy is deemed the most appropriae strategic direction for the future use of the site.

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Where the Council identifies a property available for occupancy, the Council will publicly notify this information. Public notification may include:

- public advertisement; or
- an expression of interest process; or
- direct notification to Community Groups who have registered interest.

The Council will allocate occupancy to ensure maximum community benefit and to respond to changing demands. Community Groups will be assessed against the eligibility and assessment criteria as per the Policy and Guidelines

The Council will assess all applications against the Policy to select a suitable Community Group.

Application assessment

The Council will assess the application in accordance with the Policy and these Guidelines.

The 'Matters for consideration' outlined below will be applied when making an assessment of:

- new occupancy agreement applications;
- occupancy agreement renewals;
- new occupancy agreements;
- new subleases
- varying existing occupancy agreement.

Matters for consideration

The Council will consider the questions below as a guide to assess whether an application aligns with the guiding principles of the Policy. The Council may take into account any other relevant information.

Relationship and occupancy expectations

- Does the Community Group have a relationship with the Council preceding the occupancy agreement?
- Does the Community Group have a history of compliance with occupancy agreements?
- Is the Community Group able to provide evidence of the financial ability to meet its obligations under the terms of the occupancy agreement?
- Is the number of members/users of the Community Group sustainable and viable for the term of the occupancy agreement?

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- If the Community Group is not targeted at a specific segment of the community (e.g. children or senior citizens), does the Group have open membership criteria and not exclude people who may wish to participate?
- Are the Community Group's membership fees set at a reasonable level in relation to the cost of providing the activity or the cost of running the organisation?
- Does the Community Group have a clear and effective governance structure?
- Does the Community Group hold some form of insurance, if applicable?
- Is the Community Group able to effectively maintain the occupied area and comply with regulatory requirements to operate the building (e.g. Building WOF, certificate of public use)?
- Are there costs involved in altering the building or space to accommodate the Community Group?

Suitability of the Council property

- If a the Council property is or is on reserve land, is the Community Group and use compatible with reserve values and classification as defined by the Reserves Act 1977 and meets the requirements of any relevant Reserve Management Plan, Reserves General Policies, and other relevant law?
- Is it feasible for the Community Group to use private property instead of Council property?
- Is the Community Group willing to consider sharing use of resources and/or the facility?
- Is the building or space suitable for the Community Group in terms of location, physical characteristics, accessibility, potential impact on neighbours or other users, statutory requirements, resources consents, or other Council plans, policies, or strategies?
- Are there other options the Community Group may have for accommodation?
- Does the Community Group have car parking requirements and/or will the Community Group's activities increase the anticipated number of users of the building or space?

Community benefit

- Does the Community Group have a history of working positively in the community?
- Is the Community Group a non-profit entity where any funds generated support positive community outcomes?
- Will the benefit of granting the occupancy agreement outweigh the loss of any open space for the public?
- Does the Community Group provide a community service or recreational, educational or cultural benefit to the community?
- Are other Community Groups nearby offering similar services or activities?

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- Does the Community Group contribute positively to one or more Community Outcomes of Tasman's 10-Year Plan?
- Does the Community Group provide a service or benefit to the community that may not otherwise exist?
- Does the Community Group provide evidence of how its activities will benefit the community?

The Council will also consider the significance of the decision in line with the Council's Significance and Engagement Policy. This Policy determines whether further engagement may be required for the Council to make a decision, and the extent of any engagement with the community and stakeholders. The Council will either approve the application, request more information from the Community Group, or decline the application.

The Council may:

a. commission a report or seek advice from any person on any matter concerning the application or site;
b. obtain any relevant information on the proposed activity or structure that is the subject of the application.

Council may recover these costs from the Community Group and will obtain the Community Group's agreement before commissioning any advice or reporting.

If Council has identified a need to obtain further information and considers the cost should be met by the Community Group, and the Community Group does not agree to meet the costs, Council may not further consider the application.

Building additions or alterations

The Council will evaluate proposals to build or alter a structure on the occupied area based on need, usage, design compatibility, impact on the area, financial capability of the applicant, strategic vision, potential for shared use, conservation of open spaces, and protection of existing facilities.

Rights of renewal

The following process will occur if an existing occupancy agreement has a right of renewal and ifthe agreement does not specify a process for exercising right of renewal:

the Community Group will inform the Council in writing that they wish to renew their occupancy agreement, . Either party can initiate contact. The Council will grant a right of renewal if the Community Group has complied with the terms of the existing occupancy agreement. If a Community Group does not inform the Council that it wishes to exercise a right of renewal, the Council will contact the Community Group using contact details

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provided by the Group to discuss renewal. If the Community Group does not respond, the occupancy agreement will end at its expiry.

Monitoring and implementation

This Guideline will be updated or amended from time to time for the purpose of assisting in the administration of Community Occupancies.

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