



ORGANISATIONAL SERVICES STANDING COMMITTEE MEETING

Monday 11 May 2020

Held remotely via Microsoft Teams

Check website for livestream details

6.00pm

Committees will be held in the following order:

Development and Planning Standing Committee
Planning for the Future Standing Committee
Organisational Services Standing Committee
Built and Natural Assets Standing Committee
Service Delivery Standing Committee
General Business Committee

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To support open, accessible and transparent government, the Council meetings of Lake Macquarie City Council are streamed live on Council's website at webcast.lakemac.com.au

This allows our community greater access to Council proceedings, decisions and debate.

Organisational Services Standing Committee Meeting

Agenda

Monday 11 May 2020

6.00pm

Apologies: For the non-attendance of Councillors

Declaration of Interests:

Presentations: Nil

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Recommendations of the Organisational Services Standing Committee Meeting

Monday 11 May 2020

20OS012	Belmont TAFE - Acquisition of part 647 Pacific Highway
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Key focus area	5. Connected communities
Objective	5.1 Public spaces help connect us with each other and the world
File	F2014/01109-02 - D09660947
Author	Property Contracts Officer - Carlos Ferguson
Responsible manager	Manager Property & Business Development - David Antcliff

Executive Summary

Council’s approval is sought for a minor amendment to its resolution of 25 November 2019 for the acquisition of part of the Belmont TAFE site at 647 Pacific Highway, Belmont.

The amendment relates to ancillary costs payable by Council to facilitate completion of the acquisition.

Recommendation

Council authorises amendment to Part B of its resolution passed on 25 November 2019 to read as follows: “Council will be responsible for all reasonable costs associated with the survey, subdivision and acquisition of the land authorised for acquisition in Recommendation A, including TAFE’s reasonable legal costs.”

Discussion

Council’s resolution dated 25 November 2019 (19OS041) authorised acquisition of part of Belmont TAFE’s site for \$320,000, for the purpose of extending the Fernleigh Awabakal Shared Track (FAST).

In addition to the purchase price, Council’s resolution stated that “Council will be responsible for survey and registration costs associated with the subdivision of the E2 land identified for acquisition. Each party will be responsible for its own legal costs.”

The specific exclusion of legal costs from the resolution has caused an inconsistency between Council’s resolution and TAFE’s Ministerial approval to complete the sale. The proposed amended resolution will clearly place on record Council’s agreement to meet the legal costs of the acquisition and resolve the inconsistency in documentation.

It is noted that Council’s letter of offer to TAFE originally stated: “Council will bear all reasonable costs associated with the land transfer, subdivision and creation of new title/deposited plan”.

This minor additional cost is considered reasonable given the complex history of the matter, which has been in negotiation since 2014 involving multiple reviews. Payment of these

ancillary costs, including legals, is consistent with Council's approach to similar priority acquisitions, and is critical to Council being able to complete the acquisition in a timely manner.

Assessment of options

It is recommended that Council agrees to cover TAFE's ancillary costs, including legal costs. Opposition to payment of the associated cost could result in Council experiencing significant delays in acquiring the E2 portion of the Belmont TAFE site, or prevent Council from being able to acquire the land. The E2 portion of the Belmont TAFE site is required for a planned extension of the Fernleigh Awabakal Shared Track, and any delays in acquiring this land would adversely impact planning and delivery of this infrastructure.

Community engagement and internal consultation

Internal consultation has been undertaken with Financial Services, and no concerns were raised.

Key considerations

Economic impacts	None.
Environment	None.
Community	The proposal will assist in delivering recreational facilities for the community.
Civic leadership	None.
Financial	Funding of the recommended costs will be met from the Open Space Reserve. Financial Services has confirmed the funds are available for the acquisition. Budget has been allocated for the acquisition in December Review of the 2019-2020 Operational Plan.
Infrastructure	The proposal will facilitate acquisition of land necessary for the provision of the Fernleigh Awabakal Shared Track extension.
Risk and insurance	None.

Legislative and policy considerations

Local Government Act 1993

Acquisition and Divestment of Land Policy

Attachments

Nil.

200S013	Requests for Donation and Financial Assistance under Section 356 of the Local Government Act 1993
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Key focus area	5. Connected communities
Objective	5.2 We are a supportive and inclusive community
File	F2018/00118/06 - D09675136
Author	Council Liaison Officer - Ruby Sione
Responsible manager	Communications and Corporate Strategy Section Lead - Kate Davies

Executive Summary

This report considers an application for donations and financial assistance made under Council’s Funding Assistance Policy, in accordance with Section 356 of the *Local Government Act 1993*.

Recommendation

Council approves a \$2,000 donation to the Lake Macquarie Locomotive Society (application a).

Discussion

Under Section 356 of the *Local Government Act 1993*, Council provides donations and financial assistance to help maximise community benefit by supporting community, sporting and cultural projects and events in Lake Macquarie City. Council’s Funding Assistance Policy provides the framework to assist Council in the equitable distribution of its annual donations and funding assistance allocation. Section 4.1.1 of the Funding Assistance Policy considers requests from not-for-profit groups and organisations with significant local membership or participation, and/or are undertaking a project with significant local benefits. The maximum allowable donation per financial year under this section is \$2,000.

Assessment of options

One application has been received for consideration in May 2020. This application has been assessed by staff against the criteria in the Funding Assistance Policy and is detailed in Attachment 1. Community engagement and internal consultation

Consultation has been undertaken with the applicant, Council’s Communications and Corporate Strategy, Arts, Culture and Tourism, Development Assessment and Certification and Community Partnerships departments.

Key considerations

Economic impacts	None.
Environment	None.

Community	The donation will support accessible community facilities and tourism in the community, creating positive attitudes and a liveable community.										
Civic leadership	The donation will allow Council to work in partnership with the organisation to provide the best result for the community.										
Financial	<p>If Council approves application (a) as recommended, the total balance of allocated funding for May will be \$2,000.</p> <table> <tr> <td>Donations budget (2019-2020)</td> <td style="text-align: right;">\$65,000</td> </tr> <tr> <td colspan="2"><u>Less:</u></td> </tr> <tr> <td>Donations fund commitments as at 30 April 2020</td> <td style="text-align: right;">-\$59,290.45</td> </tr> <tr> <td>May 2020 commitment</td> <td style="text-align: right;">\$2,000</td> </tr> <tr> <td>Remaining funds</td> <td style="text-align: right;">\$3,709.55</td> </tr> </table>	Donations budget (2019-2020)	\$65,000	<u>Less:</u>		Donations fund commitments as at 30 April 2020	-\$59,290.45	May 2020 commitment	\$2,000	Remaining funds	\$3,709.55
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Donations fund commitments as at 30 April 2020	-\$59,290.45										
May 2020 commitment	\$2,000										
Remaining funds	\$3,709.55										
Infrastructure	None.										
Risk and insurance	None.										

Legislative and policy considerations

Local Government Act 1993

Funding Assistance Policy

Attachments

- Attachment 1 - Requests for Donations and Financial Assistance - May 2020 D09675155

a)	Applicant	Project	Funding Requested	Funding Recommendation
	Lake Macquarie Live Steam and Locomotive Society	Disabled Toilet Ramp – Concrete Pathway	\$2,000	\$2,000
<p>Request details</p> <p>The Lake Macquarie Live Steam and Locomotive Society is a not-for-profit organisation that delivers model engineering with a focus on the skills required to manufacture a scale live steam locomotive.</p> <p>They offer a range of services from their Velinda Street, Edgeworth premises to the community including use of the facilities with a nominal donation fee, and free public rides on the last Sunday of each month from 12.30pm to 3.30pm, which usually attracts more than 1,000 visitors.</p> <p>Due to the increase in membership over the past two years, they have recently built a second shed, which stores mowers and other equipment used for ground maintenance.</p> <p>The Lake Macquarie Live Steam and Locomotive Society is seeking funding for a concrete pathway in front of their disabled toilet ramp as well as in front of the ambulatory male and female toilets for improved accessibility.</p>				
<p>History</p> <p>Donation and financial assistance funding history:</p> <p>2018/2019: \$2,000 - Storage shed</p> <p>2015/2016: \$1,000 - Concrete slab for St Johns Ambulance parking onsite</p>				
<p>Policy provisions (4. Donations and Financial Assistance)</p> <p><i>4.1.1 Not-for-profit groups and organisations that have significant local membership or participation, and/or are undertaking a project that shows significant local benefits, may be eligible for assistance.</i></p>				
<p>Additional information</p> <p>As this project specifically provides support to the Lake Macquarie community, this application is consistent with the policy and is recommended for approval. It closely aligns with Council's Disability Inclusion Action Plan as we aim to build positive attitudes and create liveable communities for people of all abilities.</p>				

Total Funding Requested	Total Funding Recommended
\$2,000	\$2,000