



SERVICE DELIVERY STANDING COMMITTEE MEETING

Monday 13 February 2023

Council Chambers

126-138 Main Road Speers Point

6.30pm

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

T 02 4921 0333 F 02 4958 7257 E COUNCIL@LAKEMAC.NSW.GOV.AU

126-138 MAIN ROAD SPEERS POINT NSW 2284 BOX 1906 HUNTER REGION MAIL CENTRE NSW 2310



@LAKEMAC



LAKEMACCITY



LAKEMAC.COM.AU

Meetings of Lake Macquarie City Council are conducted in accordance with the Code of Meeting Practice which supports open, accessible and accountable government.

Councillors are reminded of the oath or affirmation of office taken at the start of the Council term:

- To undertake duties in the best interests of the people of Lake Macquarie City and the Lake Macquarie City Council.
- To faithfully and impartially carry out the functions, powers, authorities and discretions under the *Local Government Act 1993* or any other Act to the best of their ability and judgment.

Councillors are also required to declare and appropriately manage conflicts of interest under the Code of Conduct.

Council meetings are streamed live on Council's website at webcast.lakemac.com.au

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

Service Delivery Standing Committee Meeting

Agenda

Monday 13 February 2023

6.30pm

Apologies: For the non-attendance of Councillors

Declaration of Interests:

Presentations: Nil

Service Delivery Standing Committee Meeting - Monday 13 February 2023 (2)	4
23SD001 Child Safe Policy	pg 4
23SD002 Edgeworth, 5 Minmi Road, Leasing of Hall to Community Organisation	pg 16

***Recommendations to the Service Delivery Standing Committee Meeting
Monday 13 February 2023***

23SD001	Child Safe Policy
----------------	-------------------

Key focus area	2. Lifestyle and wellbeing
Objective	2.1 Our community has access to adaptable and inclusive community, health and wellbeing services
File	F2022/02166 - D10892576
Author	Community Planner Children and Families - Jessica Salvador
Responsible manager	Manager Community Partnerships - Andrew Bryant

Executive Summary

This report provides Council with an overview of the requirements under the updated *Children's Guardian Act 2019*. It details how Council will comply with the legislation and be a child safe organisation.

Recommendation

Council:

- A. adopts the new Child Safe Policy (Attachment 1)
- B. rescinds the Code of Conduct for Councillors – Version 6, Code of Conduct for Council Staff – Version 6, and Code of Conduct for Council Committee Members, Delegates of Council, and Council Advisors – Version 3,
- C. adopts the Code of Conduct for Councillors – Version 7 (Attachment 2), Code of Conduct for Council Staff – Version 7 (Attachment 3), and Code of Conduct for Council Committee Members, Delegates of Council, and Council Advisors – Version 4 (Attachment 4).

Discussion

The *Children's Guardian Act 2019* (the Act) was updated in 2022, requiring councils to review child safe policies and procedures. The Act applies to all employees and persons acting in a public official capacity (Councillors). The Act requires Council to ensure that all employees and Councillors are aware of their responsibilities under the Act, through policies, procedures and training.

A key element of the requirements is to embed child safety in organisational leadership, governance and culture, with policies and procedures documenting how the organisation meets its child safe obligations. The proposed new child safe policy summaries Council's child safety approach for Councillors, staff, volunteers, contractors, other people who may work with Council and the wider community.

The legislation also requires Council to adopt a code of conduct to ensure employees, Councillors, and others conducting business on behalf of Council are acting in a child safe manner. Council currently has three Codes of Conduct which were most recently adopted on 26 April 2022 (22SP043) aligning with the model code of conduct prescribed by law. The three codes are:

- [Code of Conduct for Councillors - Policy - External - Version 6](#)
- [Code of Conduct for Council Staff - Policy - External - Version 6](#) and
- [Code of Conduct for Council Committee Members, delegates of Council and Council Advisors - Policy - External - Version 3](#)

Councils may enhance or strengthen the standards prescribed under the model code in their adopted codes of conduct. Council's current adopted codes include some additional standards relating to discrimination, bullying and harassment, protecting young people, acceptance of gifts and benefits, use of social media, and access to staff and information.

The draft revised codes of conduct will support Council in meeting the new legislation and ensure all employees and Councillors are supported to understand appropriate behaviours around children. They will help to safeguard children from abuse and neglect and help prevent employees and Councillors engaging in reportable conduct. The wording of the draft standards of behaviour are consistent across the codes and have been developed with reference to the latest guidance from the Office of the Children's Guardian and the approaches of other NSW councils. Standards will be enforced through the existing code of conduct regime and procedures, in addition to other legislative requirements. New versions of each code of conduct showing tracked changes are attached to this report (See attachments 2, 3 and 4).

Should Council approve the draft Child Safe Policy and updated codes of conduct, Council staff will then update internal policies and procedures around reportable conduct, risk management and communication. Staff and Councillors will also be provided with updated child safe training.

Assessment of options

The draft Child Safe Policy ensures that Council meets its legislative requirements under the Act and provides clear standards for behaviour when interacting with children for staff, Councillors and anyone working on Council's behalf.

The draft codes of conduct ensure Council's position on acting in a child safe manner is clear and current in light of legislative updates and offer a basis for promoting behavioural standards in training. Council can choose not to adopt the draft policy and codes but risks non-compliance with the Act.

Community engagement and internal consultation

External engagement has been conducted with the following:

- Local Government Child Safe Working Group – Lake Macquarie City Council is a representative on this group and has engaged with the group on effectively implementing the Act across the organisation. The group has recommended the Child Safe Policy be an external policy and Councillors are provided with training to understand responsibilities under the Act.
- Office of the Children's Guardian (OCG) – Consultation with the Child Safe Team to ensure that Council is meeting its obligations under the legislation. The OCG confirmed they are embedding a framework of continuous improvement for child

safety, and organisations should be reflecting and improving their policies and processes on an ongoing basis.

A virtual briefing for Councillors was made available from Monday 6 February.

The following internal stakeholders have been consulted in development of the draft policies:

- Executive – Discussion and feedback on support for Councillors to understand obligations under the Act.
- Legal – Discussion and feedback into Child Safe Policy, training development and legal obligations under the Act.
- Communications and Corporate Strategy – Discussion around the review of the Code of Conduct for Councillors.
- Internal Ombudsman – Determining processes for reportable conduct to ensure consistency across Council and encourage a culture of reporting.
- People and Culture Team – Discussion and development of a training package for Councillors and updating current training for all employees.

Key considerations

Economic impacts	None.
Environment	None.
Community	The recommendation will raise awareness to the community of the child safe measures Council is undertaking to protect and support children.
Civic leadership	Adopting the policies will enable Council to take a leadership role in the community in being a child safe organisation and promoting our child safe vision to the community.
Financial	Failure to embed the Act and improve our child safe policies and processes may lead to financial penalties.
Infrastructure	None.
Risk and insurance	The Act states that the health and safety of all children should take priority of all other aspects. To ensure that children are safe when engaging with Council, employees and Councillors, policies and processes must be compliant with child safe practices. Council is committed to creating work practices which support the wellbeing of the community.

Legislative and policy considerations

The Children's Guardian Act 2019

Local Government Act 1993

Local Government (General) Regulation 2021

Attachments

- | | | | |
|----|--|----------------------|-----------|
| 1. | Draft Child Safe - Policy - external - Version 1 | | D10965885 |
| 2. | Draft Code of Conduct for Councillors - Policy - External - Version 7 | Under separate cover | D10969045 |
| 3. | Draft Code of Conduct for Council staff - Policy - External - Version 7 | Under separate cover | D10969042 |
| 4. | Draft Code of Conduct for Council committee members, delegates of Council and Council advisors - Version 4 | Under separate cover | D10969039 |



Council Policy

Child Safe

Version 1 - DRAFT

CD DRAFT

02 4921 0333 | COUNCIL@LAKEMAC.NSW.GOV.AU

126-138 MAIN ROAD SPEERS POINT NSW 2284 | BOX 1906 HUNTER REGION MAIL CENTRE NSW 2310

LAKEMAC.COM.AU



Policy - external Child Safe

Introduction

Purpose

Lake Macquarie City Council ('Council') is committed to providing safe and inclusive environments for all children. We will act upon every report of child abuse, and breach of the child safe standards of behaviour. We strive to ensure children can participate in all aspects of our service in a safe and rewarding manner. This policy aims to provide a framework for how our organisation can be responsive to children's needs, how our workforce can interact appropriately with children and how we respond to ensure children's safety is held in the highest regard. We strive to always enact the three underlying principles of child safety:

1. The likelihood of children being harmed is reduced
2. The likelihood of Council staff identifying and reporting harm is increased
3. Council responds appropriately to disclosures, allegations and suspicions of harm

Scope

This policy is applicable to everyone engaged in Council activities, including:

- employees of Council
- Councillors

Policy statement

Council is committed to being a child safe organisation, by embedding the NSW Child Safe Standards into our leadership, governance and organisational culture. We acknowledge the significant lifelong impact any form of abuse can have on children and young people, and we strive to ensure all children are kept free from harm whilst engaging with our services. We recognise that feeling safe is just as important as being safe and we are committed to upskilling our workforce to build awareness and accountability in embedding the standards, particularly in responding to child safety in everything we do. We will engage with our youngest population in ways that are meaningful and relevant to them. We strive to ensure our community is a place where all children are valued, respected and, above all, safe.

Child Safe Standards

Council fully supports and adopts the ten child safe standards identified by the Royal Commission into Institutional Responses to Child Sexual Abuse. The ten standards will be progressively adopted and implemented across Council's policies, procedures and practices.

The ten child safe standards are:

1. Child safety is embedded in organisational leadership, governance and culture
2. Children participate in decisions affecting them and are taken seriously
3. Families and communities are informed and involved
4. Equity is upheld, and diverse needs are taken into account
5. People working with children are suitable and supported
6. Processes to respond to complaints of child abuse are child focused
7. Staff are equipped with the knowledge, skills, and awareness to keep children safe through continual education and training
8. Physical and online environments minimise the opportunity for abuse to occur

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.



Policy - external Child Safe

9. Implementation of the Child Safe Standards is continuously reviewed
10. Policies and procedures document how the organisation is child safe

Principles

Recruitment, Employee and Councillor Conduct and Training

Employee and Councillor conduct

All employees and Councillors have a responsibility to adhere to this policy, associated procedures, relevant codes of conduct including the acceptable standards of behaviour for child interactions.

Employees who are required to hold a working with children check for the purposes of their work, must adhere to the Child Safe policy and Code of Conduct at all times, both while at work and when not at work. Breaches of the Code of Conduct's acceptable standards of behaviour for child interactions can lead to a reportable allegation, disciplinary action, up to, and including termination of employment for employees. Refer to the Working with Children Check procedure for details on which positions require a check.

Recruitment and employment

Council will meet legal requirements to ensure that only employees and volunteers with a valid Working with Children Check are engaged in child-related work. The Working with Children Check is an essential part Council's recruitment process to prevent people who pose a risk to the safety of a child from being employed or engaged in child-related work.

Hiring managers and recruitment staff, together with relevant Directors are responsible for:

- ensuring working with children checks have been carried out for designated roles before hiring a prospective employee, and
- not continuing to employ, in child-related work, a person that has been identified as disqualified from the check.

In addition to a Working with Children Check, Council will ensure that a Police check and child safe questions are included in interview questions and reference checks for child-related positions.

Training requirements

Training and induction are important to ensure that all employees and Councillors understand that the safety of children is the responsibility of everyone. All employees and Councillors will be provided with appropriate training to ensure that they understand their responsibilities in protecting children from abuse and their obligations under the Children's Guardian Act 2019.

Council aims for all employees, Councillors, and community members engaged in Council programs and services, to feel confident and comfortable in discussing any allegations of child abuse or child safety concerns. Relevant workforce areas are trained to identify, assess, and minimise risks of abuse and to detect potential signs of abuse to children and young people.

All employees will be provided an induction to the Code of Conduct with acceptable standards of behaviour for child interactions, and an online e-module on protecting and supporting children and young people. All employees must undertake training that has been identified as required for their role.

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.



Policy - external Child Safe

Child safety risk management plans

Identifying risks to children and young people and implementing controls to mitigate these risks is an essential factor in keeping children safe. Child safety risk management plans will document how the safety and welfare of children and young people participating in events, programs and services delivered by Council are managed. Child safety risk management planning is incorporated into risk management review and actions for the following:

- each individual Council staffed facility where children attend, and
- each unique service offered to children (regardless of whether or not the service is exclusively for children), and
- each event, program or service provided by Council employees delivered outside of a staffed Council facility, where children are expected to attend or be present.

Reporting and responding to child safety concerns

All Council employees and Councillors must comply with legal requirements and adopted procedures and report known, suspected or alleged child abuse, misconduct or inappropriate behaviour. Requirements and processes are outlined in the Protecting and Supporting Children and Young People procedure. If an allegation of abuse, inappropriate behaviour, misconduct or a safety concern is raised, Council will:

- ensure that processes for responding to alleged abuse and misconduct are fair and focus on child safety
- assess and where appropriate, investigate the allegation
- in the event that an employee or Councillor poses a serious risk of abusing a child under the age of 18, remove or reduce the risk to the child
- provide reports and/or progress updates to the relevant authorities and where appropriate people involved in any incident
- maintain confidentiality, in accordance with legislation, for all records and information relating to child safety and protection matters. All records will be maintained in secure electronic files and access will be strictly controlled
- provide support or make referrals for support to alleged victims, their families and affected Council employees or Councillors, such as helping them understand their rights and the process that will be followed in responding to allegations of reportable conduct, and assistance in accessing counselling or other support as required, and
- undertake timely reviews of organisational child safety policies, procedures and/or relevant child safety risk management plans following an incident to help drive continuous improvement.

Grants and contracts involving child-related work

Council has leases, licences and service agreements with a number of sporting/recreational organisations and/or community organisations that provide services for the benefit of the community on behalf of the Council, including aquatic and leisure centres, child care, and recreation facilities.

Where any relevant contractual agreements include the delivery of child-related work on behalf of or in conjunction with the Council, the agreement must contain clauses outlining the organisation's responsibilities under all applicable child safety and protection legislation and Council's child safety policies.

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.



Policy - external Child Safe

National Redress Scheme

Council acknowledges the life-long impact of institutional child sexual abuse on survivors and is a participating organisation in the National Redress Scheme. As a participating organisation, if a survivor of child sexual abuse seeks access to the National Redress Scheme, Council will act with discretion, in good faith and use its best endeavours to assist people applying for redress by searching for and providing information.

Review and Evaluation

This policy will be reviewed every two years, or in line with legislative changes.

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.



Policy - external Child Safe

Controlled Document Information

Authorisation Details

Folder No:	F2022/02166	TRIM Record No:	D10965885
Audience:	External - Councillors and staff		
Department:	Community Partnerships	Officer:	Community Planner Children and Families - Jessica Salvador
Key focus area(s):	Connected Communities		
Review Timeframe: Max < 4 years	2 years	Next Scheduled Review Date:	February 2025
Authorisation:	Council		
Authorisation - Council Adoption Date:			

Related Document Information, Standards & References

Related Legislation:	(Legislation Name)	(Relationship/Context)
	<i>Child Protection (Working with Children) Act 2012</i> <i>Child Protection (Working with Children) Regulation 2013</i>	It is an offence for an employer to fail to obtain and verify the details of a worker employed to work with children or to keep a record of the details obtained. The bill provides for penalty infringement notices to be served on employers who fail to ensure staff working with children have obtained clearance.
	<i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i> <i>NSW Children (Education and Care Services National Law Application) Act 2010 (NSW)</i>	Definition of risk of significant harm, making reports of child abuse and neglect to relevant agencies, mandatory reporters. Education and care services must keep children safe and report any instances of child abuse and neglect.
	<i>Criminal Legislation Amendment (Child Sexual Abuse) Act 2018 No 33</i>	This includes the 'failing to protect' offence where a person will commit an offence if they know that another adult in the organisation who works with children poses a serious risk of physically or sexually abusing a child. This also includes the 'failing to report' offence where a person will commit an offence for failing to report child abuse. The new offence, section 316A, will apply where a person knows, believes or reasonably ought to know that a child abuse offence has been committed against a child.
	<i>Civil Liability Amendment (Organisational Child Abuse Liability) Act 2018 No 56</i>	Councils can be held vicariously liable for the abuse of children perpetrated by people who are employed by council and by people who are "akin to employees" of council.
	<i>Children's Guardian Act 2019 (November 2019)</i> <i>NSW Child Safe Standards</i>	Council's have obligations to implement and continuously review the 10 child safe standards throughout their organisation policies and processes. Councils have obligations to investigate reportable allegations and to make determinations about

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.



Policy - external Child Safe

	<p><i>National Redress Scheme for Institutional Child Sexual Abuse Act 2018 (Cth).</i></p> <p><i>Privacy and Personal Information Protection Act 1998 (NSW)</i></p> <p><i>State Records Act 1998 (NSW)</i></p> <p><i>United Nations Conventions on the Rights of the Child</i></p>	<p>reportable convictions, which are convictions for an offence. The Act also requires a relevant entity to have a Code of Conduct and policies in place to prevent and detect reportable conduct by employees of the entity.</p> <p>All councils in NSW are part of the redress scheme under which, if requested, the Mayor will provide a personal response and apology to a victim of child sexual abuse, and the General Manager/CEO will provide all available information and documentation to assist in an investigation of historical cases of child abuse.</p> <p>All persons involved in investigations have the right to have their personal information protected. Records must be kept secure and safe.</p> <p>The Convention outlines 54 articles which relate to children rights, including the right to be safe and protected from harm.</p>
Related Policies:	(Policy Name)	(Relationship/Context)
Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:	<p>(Document Name)</p> <p>Protecting and Supporting Children and Young People – Internal Procedure (Version 1, September 2021)</p> <p>Working with Children Check - Internal Procedure (Version 1, September 2021)</p>	<p>(Relationship/Context)</p> <p>Reportable Conduct procedure for all employees.</p> <p>Working with Children Check for all child identified positions.</p>
Standards, COP's & Other References	<p>(Standard, COP or Other References)</p> <p>Ten Child Safe Standards</p>	<p>(Relationship/Context)</p> <p>October 2021 – Amended Children's Guardian Act.</p> <p>New Regulations for mandatory child safe standards</p>

Definitions

Term / Abbreviation	Definition
Abuse	All forms of physical, and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment, resulting in actual or potential harm to the child's health, survival, development or dignity.
Allegation	Includes an allegation which involves behaviour that is reportable conduct, as well as behaviour that is exempt from notification to the NSW Office of the Children's Guardian, but which is required to be investigated by Council.
Child / Children	A person who is under 18 years of age.
Child-Related Work	<p>Work which involves direct contact by the worker with a child or children where that contact is a usual part of and more than incidental to the work. It also includes work that is likely to involve contact with a child in connection with at least one of the 20 legislated categories of child-related work, which include:</p> <ul style="list-style-type: none"> education and care and child-minding services mentoring and counselling services for children clubs or other bodies providing programs and services for children entertainment for children – includes sporting, cultural or other entertainment venues used primarily by children and entertainment services for children transport services for children - including school bus services, and taxi services for children with a disability. <p>It may also include a worker who has access to confidential records or information about children.</p>
Employee	Any person engaged in work for Lake Macquarie City Council in any of the following

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.



Policy - external Child Safe

	<p>capacities:</p> <ul style="list-style-type: none"> • full-time, part-time, casual, temporary and fixed term employees • volunteers • contractors and labour hire, engaged in child related work or students on placement
Contracted Service Provider	An organisation or entity contracted to provide goods, services or programs involving child-related work on behalf of or in conjunction with Council, where that entity has been engaged as a result of informal and formal procurement processes such as Request for Quotations (RFQs), Tenders, Expressions of Interest (EOIs), and one-off or standing purchase orders.
Direct Contact	Means physical or face-to-face contact, phone and video link, and contact online.
Investigation (of Reportable Allegations or Conduct)	<p>The process in which Council:</p> <ul style="list-style-type: none"> • gathers all relevant facts • manages risks to children, employees, councillors and the organisation during an investigation • makes an assessment as to whether an allegation is reportable under the reportable conduct scheme • notifies the Children's Guardian of the reportable allegation or conduct • makes a finding of reportable conduct including whether an allegation is sustained or not, and • provides information to assist any relevant employment proceedings.
National Redress Scheme	The redress scheme provides child abuse survivors with access to redress for historic crimes.
Reportable Allegation	<p>A reportable allegation in relation to an employee of the Council, means:</p> <ol style="list-style-type: none"> a) if the employee holds, or is required to hold, a working with children check clearance for the purpose of employment - an allegation that the employee has engaged in conduct that may be reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee's employment; or b) if the employee or councillor is not required to hold a working with children check clearance for the purpose of employment or official duties with Council—an allegation that the employee or councillor has engaged in conduct that may be reportable conduct, unless the conduct is alleged to have occurred outside the course of the employment or public official duties with Council.
Reportable Conduct	<p>Reportable conduct means the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:</p> <ol style="list-style-type: none"> a) sexual offence b) sexual misconduct c) ill-treatment of a child d) neglect of a child e) an assault against a child f) failure to reduce or remove the risk of a child becoming a victim of abuse or failing to report child abuse g) behaviour that causes significant emotional or psychological harm to a child.
Survivor	A person who has suffered sexual abuse that is within the scope of the National Redress Scheme.

Consultation (update for each version created)

Key Departments, Teams, Positions, Meetings:	Legal Counsel, City of Sydney, Office of the Children's Guardian, People Culture and Risk, Manager of COPA,
---	---

Version History

Version No	Date Changed	Modified By	Details and Comments
1	February 2023	Jessica Salvador	New external policy

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

23SD002	Edgeworth, 5 Minmi Road, Leasing of Hall to Community Organisation
----------------	--

Key focus area	5. Connected communities
Objective	5.2 We are a supportive and inclusive community
File	F2022/02072 - D10941466
Author	Community Development Officer - Emilie Wiggers
Responsible manager	Manager Community Partnerships - Andrew Bryant

Executive Summary

Edgeworth Library is available for leasing to a community organisation following the transition of library services to be co-located within the development of the new Sugar Valley Library Museum.

This report details the result of the Expression of Interest process and the recommendation of the assessment committee.

Recommendation

Council:

- A. Authorises the granting of a lease over 5 Minmi Road Edgeworth (being part of Lot 1050 DP 803399), illustrated by the yellow colour on Attachment 1, as follows:
 1. Lessee: St Vincent De Paul
 2. Term: One (1) year with four (4) year option
 3. Rental: \$3350 per annum (plus GST)
 4. Conditions: Consistent with the standard terms for community leases adopted by Council in resolution 19DS002 on 25 February 2019 (Lease Equity Model)
- B. Authorises the execution of the lease and associated documents by the relevant authorised officer, or under seal if required.

Discussion

In preparation for opening Sugar Valley Library Museum in early 2023, the Edgeworth Library facility is in the process of decommissioning with library stock being relocated to the new building. Library services will be delivered from Edgeworth Library until the transition to Sugar Valley Library Museum is complete and operational. The Edgeworth Library facility will be leased as a community facility to ensure ongoing community benefits and services can be provided within the local vicinity.

The Edgeworth Library facility located at 5 Minmi Road, Edgeworth (Lot 1050 DP 803399) is Community land zoned B1 – Neighbourhood Centre. A map of the indicative leased area is

shown in Attachment 1. The indicative leased area includes the front half of the former Edgeworth Library facility, with the rear section of the building continuing to be occupied by the Edgeworth Child and Family Health Centre.

In November 2022, Council staff conducted an Expression of Interest (EOI) seeking a community organisation to lease the Council-owned facility. Council staff advertised the EOI through a media release and community networks.

Five applications were received:

- St Vincent De Paul
- The Canopy Inc
- Edgeworth Memorial Neighbourhood Centre
- Catapult Dance
- Lake Mac Birth Movement

Applicants were asked to demonstrate how they met the following selection criteria:

1. How will your service use the facility to benefit the local Edgeworth community?
2. How will you work in partnership with other stakeholders and community activities to deliver services for the local Edgeworth area?
3. How will your organisation use and look after the facility? Consider opening hours, staff presence, availability for hirers or broader community use, risk management, building improvements and other relevant policies and procedures.

An assessment committee was formed with a community representative and Council staff who reviewed written applications in December 2022. After reviewing written applications, the assessment committee conducted face-to-face interviews with four applicants in December 2022 and January 2023 to gather information, and clarify outstanding matters.

The community leases incorporate lease equity terms and conditions, whereby the rent is determined by the age and condition of the building, the lessee's capacity to generate income, and their level of funding received. The lease equity contribution model is reviewed on a five-yearly basis, with the next review to be undertaken in late 2023, and implemented in early 2024. Five-year leases are issued for the corresponding period. The land is zoned for business purposes, and the proposed use is consistent with the zoning and expected use of the land. There are no foreseeable impacts to local residents with no residents immediately adjacent to the premises.

The assessment committee have therefore recommended an initial one-year lease incorporating the current lease equity terms, followed by a further four-year option incorporating the 2023/2024 lease equity terms and conditions. This has been discussed and agreed to in-principle with the recommended applicant.

Assessment of options

It is proposed Council authorises a one-year lease with a four-year option to St Vincent De Paul over the hall located at 5 Minmi Road, Edgeworth. The assessment committee found St Vincent De Paul (SVDP) demonstrated the ability to provide a new service meeting the needs of the Edgeworth community, proposed appropriate utilisation of the facility and complementary operations in-keeping with surrounding infrastructure, businesses and organisations.

St Vincent De Paul will extend their emergency relief, homelessness and housing support, counselling and casework services to have a home base in Lake Macquarie. The organisation's plans of use will provide additional community benefits and improve access for the community to critical social service support. Housing, homelessness and financial relief supports are much needed in Lake Macquarie during an ongoing time of housing and financial stress. St Vincent De Paul are the only remaining Specialist Homelessness Service in Lake Macquarie with open books taking on new customers. Their plans of use will provide the organisation with physical office space in the Lake Macquarie area, particularly the north-western corridor. This will reduce the amount of travel time required to visit customers experiencing homelessness or at risk of homelessness across the city, allowing additional customers to be serviced and others to receive a higher level of service provision.

St Vincent De Paul demonstrated they will work together with other local stakeholders to complement existing services, and their services will be provided to all ages and demographics. Outreach and appointment-based services will occur from the facility, making use of the existing public transport infrastructure. The recommended applicant illustrated their existing partnerships and extension of these partnerships to meet the needs of the local community and has consistent financials enabling the continuation of service, and a history of facility management. They also demonstrated their knowledge of the local Edgeworth and western corridor area, the ability to implement their use, activate the facility quickly and develop their ideas and proposals.

Council staff do not recommend leasing the facility to The Canopy Inc as their proposal for a Family and Children's Hub was deemed a less appropriate use of the facility compared to the SVDP proposal. The facility comes with access challenges for the proposed plans of use to operate safely. The facility faces a main road without easy access to car parking or a drop-off zone, has no existing play equipment or large outdoor space enabling lines of sight and supervision, and does not provide a fully functioning kitchen to host proposed nutritional or group-based parenting programs. The proposed plan would serve a specific demographic within the community. The Canopy is already located within the catchment area leasing Cameron Park Community Centre, Pasterfield Community Centre and the Hunter Life Education building in Edgeworth adjacent to the Edgeworth Library facility.

Council staff do not recommend leasing the facility to Edgeworth Memorial Neighbourhood Centre (EMNC) as the assessment committee deemed their proposed plans a less appropriate use of the facility compared to SVDP. The proposed plans of use are for activities that are already able to be provided within the area and neighbouring suburbs such as education and training, workshops or meeting room hire. The proposed plans have the potential to be provided from their existing leased facility. The proposed plans were deemed less suitable for the location considering the potential for simultaneous group offerings in neighbouring facilities with limited car parking options. The limited resourcing capabilities to activate the facility in addition to their existing leased premises were also acknowledged by EMNC during interview.

Council staff do not recommend leasing the facility to Catapult Dance Group. The assessment committee were supportive of providing Catapult with a facility in Lake Macquarie however their proposed plans of use are deemed less suitable to SVDP. Catapult Dance Group demonstrated their extensive and deep partnerships with community organisations, the community needs and strengths to be met, and their commitment to supporting participation from low socio-economic backgrounds. However, their proposed plans of use are not in keeping with surrounding infrastructure and user groups considering their 9am – 9pm daily operations contributing to increased noise levels and the need to rely on private carparks from neighbouring businesses. Council staff will continue to support Catapult to locate a more suitable facility within Lake Macquarie.

Council staff do not recommend leasing the facility to Lake Mac Birth Movement. While their holistic parenting and birthing support is welcomed and encouraged to operate within Lake Macquarie, the organisation is yet to be incorporated. They are unable to provide the necessary evidence of documentation such as audited financials. They have less experience as an organisation in leasing a Council facility when competing with other applicants who are incorporated with extensive experience and expertise in this area.

Community engagement and internal consultation

Council held a four-week EOI period and a site inspection of the facility for potential applicants. The site tour was held and attended by applicants on Wednesday 16 November 2022.

The assessment panel included one community representative and two Council staff. The panel members did not declare any conflict of interest and were the only persons involved in reviewing the applications. The community representative provided valuable input with over 10 years' experience in managing a local facility, bringing knowledge of the catchment area and a history of working with community organisations to the assessment process. The assessment panel were unanimous, following face-to-face interviews, in the recommendation to lease the facility to St Vincent De Paul.

Consultation occurred with the existing tenant of the rear section of the building (Edgeworth Child and Family Health Centre), and Council staff from Community Partnerships, Development, Assessment and Certification, and the Procurement Services teams.

Key considerations

Economic impacts	Leasing the facility to St Vincent De Paul will ensure Council property is used and maintained. It will also support not-for-profit businesses by the provision of infrastructure to continue service delivery. The proposed plans of SVDP have the potential to provide job growth.
Environment	The use of the facility by St Vincent De Paul is consistent with the land zoning being B1 – Neighbourhood Centre. On-site management by an active community organisation will assist in the care and maintenance of the facility and its surrounds. The proposed plans of use will be in keeping with current management, utilising appointment-based methods and public transport options to manage foot and car parking traffic.
Community	Leasing the facility to St Vincent De Paul will provide a facility to a community organisation delivering critical services to the community of Edgeworth and surrounding areas. It will also enable St Vincent De Paul to extend its service provision in housing, homelessness and emergency relief in the northwest Lake Macquarie region. The proposed facility utilisation is complementary to the services of neighbouring lessees including Edgeworth Memorial Neighbourhood Centre and the Edgeworth Child and Family Health Centre.

Civic leadership	Leasing the facility to St Vincent De Paul will enable the delivery of services to meet the social needs of the local Edgeworth area. It will allow Council to continue to operate in partnership with community organisations. It will also allow Council to demonstrate acting towards meeting the increasing needs of housing and homelessness in the city.
Financial	<p>Council will receive \$3350 per annum for leasing the facility. St Vincent De Paul are able to afford the use of the facility and will have the potential to seek return fees from hirers to support their not-for-profit service delivery.</p> <p>St Vincent De Paul will be responsible for covering the costs of utilities such as water, electricity and telephone/telecommunications, as well as non-structural maintenance and cleaning costs.</p> <p>Council will be responsible for the payment of Council Rates for the property and the lease preparation fees, which are included in Council budgets. These costs are consistent with lease equity provisions. Future lease agreements will be aligned with lease equity provisions following process review.</p>
Infrastructure	<p>Leasing the facility to St Vincent De Paul will ensure a regular schedule of maintenance and cleaning is provided for a Council facility, with support from Council staff. Security of the Council facility is also increased by daily use.</p> <p>The proposed plans of SVDP will maximise optimal use of the facility's design and surrounding infrastructure.</p>
Risk and insurance	<p>Public Liability Insurance coverage will be provided by St Vincent De Paul for the leased area.</p> <p>Risk mitigation will be covered by St Vincent De Paul applying organisational policies and procedures as mentioned in their application to manage the facility.</p>

Legislative and policy considerations

Lease equity model of management, adopted by Council on 25 February 2019.

Attachments

1. Map of Labelled Indicative Leasing Area D10968583

