



Draft Works on Council Owned Facilities and Managed Land (Funding Support) Policy

Policy owner	Director Corporate and Commercial
Department	Property and Commercial
Date endorsed	D Month Year
Next review date	D Month Year
TRIM reference	26/42340

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Policy statement / objectives

Kiama Municipal Council is committed to sustainably managing Council's assets for present and future users whilst complying with all legislative and regulatory requirements. Council welcomes initiatives by Community, Sporting and other non-government entities for grant funded proposals for improvements on Council owned or managed facilities and land where those works are appropriate and service the overall public interest.

The objectives of this Policy are to:

- Support projects that deliver demonstrated community benefit and contribute to the sustainability of Council-owned assets and align with the Community Strategic Plan (CSP), strategic priorities and long-term financial plans.
- Provide clarity and consistency for applicants seeking Council support for grant applications for projects on Council-owned or managed facilities or land.
- Establish guidelines to ensure requests for support are assessed and managed in an efficient, transparent, and consistent manner and that the roles and responsibilities of Council staff, elected members and applicants are clearly defined.
- Provide clear direction on the process of undertaking works, including planning coordinating, controlling, executing and monitoring of approved activities and ensure appropriate ongoing management of delivered infrastructure assets.

Scope

This Policy applies to all requests from community, sporting and other non-government entities, related to grant funded proposals for improvements on Council owned or managed facilities and land.

The Policy does **not** apply to:

- Requests for financial donations, contributions or sponsorship (covered under separate Council policies).
- Work on Crown Land not managed by Council.
- Areas within a road reserve, even when in connection with works on Council owned or managed land. Separate applications and approvals are required under section 138 of the *Roads Act 1993*.

References

- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Local Government Act 1993*
- *Work Health and Safety Regulation 2017*
- *Crown Land Management Act 2016*
- *Native Title Act 1993 (Cth)*
- *Corporations Act 1997*
- *Charitable Fundraising Act No 69, 1991*
- *National Construction Code 2022*
- Council's Community Strategic Plan (CSP)
- Council's Delivery Program and Operational Plan (DPOP)
- Council's Asset Management Plans

- Council's Code of Conduct
- Council's Risk Management Framework
- Council's Project Management Framework
- Council's Plans of Management

Consultations

- Director Strategies and Communities
- Director Infrastructure and Operations
- Manager Operations and Maintenance
- Manager Property and Commercial
- Grants Officer
- Head of Implementation

Definitions

Term	Definition
Applicant	Community, sporting and other non-government entities
Construction work	In accordance with clause 289(1) of the <i>Work Health and Safety Regulation 2017</i> : "Any work carried out in connection with the construction, alteration, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a structure."
Community Land	Community Land is land classified under the <i>Local Government Act 1993</i> (NSW) and Land under the <i>Crown Land Management Act 2016</i> and reflects the importance of the land to the community because of its use or special features.
Council	Means "The Council of the Municipality of Kiama".
Funding Body	An external entity such as a government agency or philanthropic organisation that offers grants.
Grant	A financial contribution provided by an external organisation to fund specific Council activities, projects, or programs.
Operational Land	Operational Land as classified under the <i>Local Government Act 1993</i> . Operational land has no special restrictions other than those that may apply to any piece of land. Operational land is used for Council's administrative and works functions.
Plan of Management	A Plan of Management prepared over Council owned and managed land that is classified as Community Land and is written by Council in consultation with the community and in accordance with the NSW <i>Local Government Act 1993</i> . A Plan of Management identifies the important features of the land, categorises the land (e.g. natural significance, sportsground, park), clarifies how Council will manage the land, and indicates how the land may be used or developed (e.g. leases, licences and short term uses).

Term	Definition
Native Title	Native Title is the recognition that Aboriginal and Torres Strait Islander have ongoing rights and interests in land and waters. These rights may still exist on some Council managed Crown Land. This is a legal requirement under the <i>Native Title Act 1993</i> (Cth). If the project involves works on Council managed Crown Land, Council needs to ensure if Native Title exists and confirm whether the project can proceed and if consultation with the Traditional owners is needed. Council has a responsibility to ensure all legal steps are followed before works begin.
Non-Government Organisations	A defined body with a legal entity that is incorporated under the <i>NSW Corporations Act 1997</i> and/or registered under the <i>Charitable Fundraising Act No 69, 1991</i> . The Charity is Not Funded, Not for Profit and charitable purposes are for public benefit.

Variation and review

Council reserves the right to review, vary or revoke this Policy.

Review history

Date reviewed	Date adopted / endorsed	Brief detail of amendments
May 2026		New Policy

POLICY

1. Background

Proposals for improvements on Council owned or managed facilities and land, must be undertaken in accordance with legislative, regulatory and governance compliance requirements and minimise the overall risk to Council. Organisations must therefore gain approval from Council before progressing any grant applications, development application, construction works or equipment / materials purchases.

The development of infrastructure assets directly impacts on Council's core business, financial reporting and asset depreciation schedules. A clear and consistent approach is required to ensure alignment with Council's Community Strategic Plan (CSP), Delivery Program and Operational Plan (DPOP) and Asset Management Plans.

2. Types of Support

Council may provide different forms of support for community-led proposals. The type of support offered will depend on the nature of the project, alignment with Council priorities, and the level of commitment being sought.

2.1. In-Principle support

- A formal acknowledgement that Council supports the project in principle.
- Confirms the project aligns with the Community Strategic Plan and provides community benefit.
- Does not commit Council to financial or in-kind contributions, asset ownership, or ongoing obligations.
- Typically issued as a general support letter signed by the Chief Executive Officer (CEO) or delegated officer.

2.2. In-Kind support

- a) Support provided through the use of Council facilities, staff expertise, equipment, or other non-financial resources.
- b) Must be clearly defined, costed, and approved through the appropriate delegation process.
- c) Any in-kind contribution must be budgeted for and cannot create an unfunded liability for Council.
- d) Council will generally not financially contribute to construction works unless it forms part of the approved DPOP or is approved by Resolution of the Council.

2.3. Not supported

Council will not support proposals that:

- a) Do not align with the Community Strategic Plan or other adopted strategies, priorities and long-term financial plans.
- b) Duplicates existing services or infrastructure.
- c) Creates an unreasonable financial, legal, environmental or reputational risk for Council.
- d) Are submitted with insufficient notice to allow proper assessment.
- e) Require delivery within an unreasonable time.
- f) Contradicts land regulations or conflicts with an existing agreement, including (but not limited to), event permits, access over Council land permits, leases or licenced areas.

2.4. Letter of Support and Landowner Consent

For Grant funding and Development Applications, a Letter of Support and/or Landowner Consent will be required to be issued in writing by Council confirming agreement for the proposal to occur on Council owned or managed facilities and land.

Landowners Consent is obtained via Council resolution with delegation assigned to the CEO to sign and execute. Adequate time to prepare a Council report and seek approval must be provided.

All Letters of Support or Landowner Consent:

- a) Will outline the level of support, the agreed scope of the proposal and any conditions that may be applied by Council in relation to the agreement.
- b) Do not constitute any form of agreement or approval other than enabling lodgement of an application to which it relates.
- c) Are only valid for the specific proposal and grant application being applied for. If a grant application is unsuccessful, a new Letter of Support or Landowner Consent will be required to be obtained from Council for any subsequent grant applications, even if it is for the same proposal.
- d) For a major project on Council-owned or managed assets, will confirm Council's role as Project Manager and the requirement for sufficient project management budget and contingency allocation.
- e) For Development Applications, will typically only be provided after Pre-Lodgement meetings have been held with Council's planning staff.

Council reserves the right to decline or withdraw support at any level where projects do not align with changed circumstances to strategic priorities, funded liabilities or unacceptable risk.

2.5. Project Management

Each application will be assessed in accordance with Council's Project Management Framework to determine whether the proposal, in its entirety, is considered a Small, Medium or Large project to ascertain what level of project management support is necessary. Small / minor projects such as painting, new furnishings or equipment, replacement of existing flooring, window coverings, doors, kitchens (excluding waterproofing works), or other minor internal works, may be undertaken by the Applicant's qualified, licensed and insured contractors and managed by the Applicant, subject to prior Council approval.

For all other projects, Council will act as the Project Manager to oversee the delivery of the project proposal. Council may at its discretion, also engage the resources of professional project management services, to undertake planning, quotation / tendering, coordinating, executing, monitoring and reporting of approved activities to ensure compliance with statutory and regulatory requirements and industry standards. An allowance for project management must be included into the overall project budget.

For large projects, Council's project management framework may require the formation of a project steering committee, consisting of members of Council and the key stakeholders to provide information and guidance on the delivery of the project.

2.6. Submission of Grant Funding Applications

For supported proposals, Council will co-ordinate the submission of any grant funding application to ensure that all aspects of the grant application are completed, accurate, contains relevant information and submitted on time to enable the highest likelihood of success.

3. Roles and Responsibilities

3.1. Council (Elected members)

- a) The elected Council holds ultimate oversight.
- b) Responsible for adopting this Policy and any future amendments.
- c) Consider and endorse requests for **partnership or financial support** that require a Council resolution.
- d) Provide strategic direction and ensure support is consistent with the Community Strategic Plan and budget priorities.
- e) Retain discretion to approve or decline support requests where significant commitments or risks are involved.
- f) Resolve to give land owners consent to the CEO for specific projects.

3.2. Chief Executive Officer (CEO)

- a) Approve and sign letters of support where projects align with Council's strategic objectives and do not involve significant financial or operational implications.
- b) Refer applications requiring formal Council resolution (e.g., Landowners Consent, financial, or partnership commitments) to the elected Council.
- c) Ensure consistent application of this Policy across all departments.

3.3. Directors and Managers

- a) Assess requests against Council's strategic priorities, financial implications, and asset management responsibilities.
- b) Approve or decline requests for **in-principle support** where delegated, providing a documented rationale for such decision.

- c) Identify risks or obligations associated with projects and refer matters requiring higher approval to the CEO or Council.
- d) Ensure appropriate resourcing and compliance with operational and financial plans if in-kind or partnership support is proposed.
- e) Adhere to the Council's project management framework and ensure appropriate engagement with key stakeholders internally and externally and adequate public records are recorded.

3.4. Manager Property & Commercial

- a) Review projects on Council Managed Crown Land and where applicable, prepare relevant documentation for referral to Native Title Services Corporation (NTS Corp) for consultation and comments.
- b) Provide guidance on the Native Title process and ensure regular communication is undertaken with the Applicants on the Native Title process.
- c) Maintain records of Native Title assessments, responses and correspondence.
- d) Review projects to determine if new leases, licences or permits are required.
- e) Review projects to determine if the proposal is small / minor in complexity.

3.5. Grants Officer / Property Officer

- a) Acts as the first point of contact for applicants.
- b) Provide guidance on the policy, process, and application requirements.
- c) Review requests for completeness and alignment with policy objectives.
- d) Review any existing permits, leases or licences for the land / facility.
- e) Prepare draft letters of support for consideration by the relevant Manager or Director.
- f) Maintain records of requests, assessments, and letters issued.
- g) Coordinate and submit grant funding applications (Grants Officer only)

3.6. Funding Applicants (Community and sporting groups, not for profit organisations)

- a) Submit a written request for a letter of support within the required notice period.
- b) Provide sufficient information to enable assessment.
- c) Ensure all required documentation is complete and accurate.
- d) Acknowledge that a Letter of Support does not imply automatic financial or in-kind assistance unless explicitly stated.

4. Delegations and approvals

The authority to approve and sign letters of support is delegated as follows:

Type of Support	Approval / Signatory	Notes
In-principle support (no financial or in-kind contribution)	Chief Executive Officer (CEO) or delegate (eg, Director)	Standard support letters confirming alignment with Council priorities.
In-kind support (use of facilities, staff time, equipment, or other resources)	CEO (on recommendation of Director/Manager)	Must be costed, budgeted, and approved within existing operational plans.

High-risk or exceptional requests (where reputational, legal, or financial risks are identified)	Resolution of Council	May include projects of significant scale or long-term asset management implications.
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5. Performance Register

A confidential Register of applications, assessments and performance of all parties in the undertaking of improvement works will be maintained. This Register will be considered during the assessment of future applications.

Related forms / documents

- Works on Council Owned Facilities and Managed Land (Funding Support) Procedure

Attachments

Attachment 1	Nil
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Authorisation

Name: Council resolution No: ****

Date: Date adopted by Council

Item 15.1

Enclosure 1