

# Community-Led Projects Policy

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<b>Associated Policies/Documents</b>	Procurement Policy Sportsground Management Policy Grants (Incoming) Management Policy Guidelines for Community-Led Projects Community Engagement Strategy 2022 - 2026
<b>Directorate:</b>	City Services
<b>Responsible Owner:</b>	Manager – Technical Services
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## 1. Policy Purpose

The *Community-Led Projects Policy* provides Shoalhaven City Council employees and the general public with information about how community-led initiatives for projects on land owned or managed by Shoalhaven City Council will be received, assessed, and facilitated.

## 2. Statement

Council acknowledges there are a range of benefits to supporting community-led initiatives to deliver projects on land owned or managed by Shoalhaven City Council.

Council is committed to realising these benefits through the provision of appropriate resources to support community groups to make contributions to the improvement of community infrastructure throughout the City of Shoalhaven (the City), whilst also recognising that officials and officers have an obligation to retain authorities required under prevailing legislation.

Applications for community-led projects should be received in a manner that enables the enterprise Project Management Office (ePMO) - which has recently been created in conjunction with efforts to improve Shoalhaven City Council's financial sustainability - to provide oversight and governance for all projects that affect Council's asset portfolio.

### 2.1. Benefits of Community-Led Projects

- a) Projects identified by sporting, social, educational, demographic, cultural and geographical groups of people within the City, and which are important to them, can be considered on a footing that is commensurate with projects identified by Council officers, Councillors, and other stakeholders.
- b) There are opportunities to bring to bear the skills, knowledge, experience, qualifications and resources of members of the community to deliver benefits for the City.
- c) Council's financial resources are able to be augmented by the value capture of volunteerism and local expertise of community participants who may be able to access funding through programs not ordinarily available to Council.
- d) The sense of ownership and connection the community feels towards assets and facilities Council has stewardship of can be enhanced through the delivery of community-led projects.
- e) Delivery of community-led projects can foster social cohesion and community spirit.
- f) Provision of appropriate resources to support delivery of community-led projects can lead to improved trust in Council's ability to deliver solutions to problems / issues identified by the community.

## 2.2. Risks Associated with Community-Led Projects

- a) Generally, due to the high-risk nature of construction activities involved in delivering capital works projects, it is not considered appropriate to adopt a blanket policy position providing endorsement for community groups to undertake works on land owned or managed by Council without appropriate oversight.
- b) Projects may fail if there is not an accountable application process, supported by appropriate staff resourcing and communications materials.
  - i. Those staff resources are sometimes not available and this can increase the risk of project failure.
- c) Adequate resourcing needs to be provided to support receipt, processing, and oversight for community-led projects.
- d) There may be an unsustainable expectation by community groups that projects that are not adequately funded will be funded by Shoalhaven City Council instead.
- e) Without an appropriate agreement in place between a community organisation and Shoalhaven City Council, there may be a lack of understanding of the expectations, roles and responsibilities of all stakeholders.
- f) Failure of promised private sector largess to manifest.

## 3. Definitions

Term	Meaning
City of Shoalhaven (the City)	The proper noun used to describe geographic limits of the area serviced by Shoalhaven City Council.
Community Consultative Body (CCB)	<p>Resident representative groups that:</p> <ul style="list-style-type: none"> <li>are endorsed by Council as the representative group for residents and ratepayers in a given area;</li> <li>have geographic boundaries covering an area with a common interest.</li> </ul> <p>CCBs have the general support and confidence of the local community to:</p> <ul style="list-style-type: none"> <li>Disperse information;</li> <li>Promote and facilitate discussion;</li> <li>Communicate shared and collective views of the community to Council.</li> </ul>
Community group / organisation	A group of like-minded individuals organised for the purposes of achieving a common objective in their community.
Community infrastructure	Also known as 'social infrastructure', includes facilities (and related services) in the fields of: culture and entertainment, aquatics, sports fields and courts, parks and open spaces, and community buildings.
Community-Led project	Projects that are initiated, planned, and sometimes delivered by a community group.

Term	Meaning
Conflict of interest (pecuniary / non-pecuniary)	<p>A private or personal interest you have in a matter that may result in a benefit to you or someone you know. Conflicts of interest can be <i>pecuniary</i> (involving financial / monetary / commercial benefit) or <i>non-pecuniary</i> (involving non-financial benefits).</p> <p>They exist when a reasonable and informed person would perceive that you could be influenced by a private interest and commonly arise out of:</p> <ul style="list-style-type: none"> <li>• family or personal relationships;</li> <li>• involvement in sporting or social groups and associations;</li> <li>• involvement in religious or cultural groups and associations.</li> </ul>
Council ( <i>the</i> Council)	The governing body of Shoalhaven City Council (consisting of 13 elected councillors).
Enterprise Project Management Office (ePMO)	The body within Shoalhaven City Council responsible for setting strict budget controls and parameters for projects to ensure they are efficient and enduring.
FAQ	Frequently Asked Question.
Guideline	Resource material developed to support the implementation of a policy and/or to achieve a desired outcome.
Integrated Planning and Reporting (IP&R)	A suite of plans that set out a vision, goals, and strategic actions for Shoalhaven City Council, as required by the Office of Local Government (the regulating body of local governments in New South Wales).
International Association of Public Participation Australasia (IAP2)	<i>A not-for-profit organisation that aims to communicate the principles of public participation and how to achieve effective community and stakeholder engagement (or public participation).</i>
Officer / staff	Permanent, fixed term, temporary and casual employees of Shoalhaven City Council.
Official	A person holding public office or having official duties (including a councillor)
Person Conducting Business or other Undertaking (PCBU)	For the purposes of work health and safety legislation, the term PCBU is used to describe the activity of any business or organisation. A person who performs work for a PCBU is considered a worker under the <i>Work Health and Safety Act 2011</i> .
Policy	A document that outlines a clear and contemporary direction reflecting the Council's position on matters that affect the community.
Policy <i>provision</i>	A condition, or instrument, or requirement of a given policy.

Term	Meaning
Project	Organised efforts to deliver a measurable outcome with a defined timeframe.
Project Lifecycle Management (PLM)	<p>An internal framework (module) developed by Shoalhaven City Council to:</p> <ul style="list-style-type: none"> <li>• Improve ability to capture more robust project justification and background information to enhance Council-wide budget prioritisation and decision making.</li> <li>• Provide a single source of truth on the status of a project throughout its lifecycle.</li> <li>• Better functionality and less manual data entry by staff.</li> </ul>
Shoalhaven City Council (Council)	The organisation responsible for the delivery of services in the City of Shoalhaven (local government area)
Stakeholder	A person, group, or organisation with a vested interest, or stake, in the decision-making and activities of a business, organisation or project.
Volunteer / volunteerism	The use or involvement of volunteer labour, organisational effort, fundraising (that may constitute an 'in-kind' contribution to a project).

## 4. Provisions

The following provisions apply to the receipt, assessment, and delivery of community-led projects on land owned or managed by Shoalhaven City Council.

### 4.1. Resourcing

- a) Council will give consideration to the allocation of necessary and appropriate resources to support the implementation of this policy, including through Integrated Planning and Reporting plans, such as its Community Strategic Plan, Resourcing Strategy and annual Delivery Program Operation Plan and Budget.

### 4.2. Development of a Guideline and Supporting Information

- a) Shoalhaven City Council will develop and maintain information to enable community groups seeking to plan or deliver a community-led project to understand the requirements, obligations, and risks associated with doing so.

These materials should include (but are not limited to):

- i. A webpage on Council's website to host all related materials, which will function as a readily accessible 'portal' where all relevant information will be made available for anyone considering a community-led project;
- ii. An easy-to-understand guideline document (titled: *Guidelines for Community-Led Projects*), with information about how to plan for, and make an application to deliver, a community-led project;

- iii. Application forms (in analogue and digital format), aligned with the enterprise Project Management Office's framework for assessment of projects that impact Shoalhaven City Council's asset portfolio;
- iv. A comprehensive range of FAQs, providing easy-to-understand answers to common questions.

#### **4.3. Before Making an Application**

- a) Community groups seeking to undertake work (deliver a project) shall give consideration to this policy and related resources, including information published to the Community-Led Projects Portal (webpage) and the *Guidelines for Community-Led Projects*, prior to lodging an application to deliver a community-led project.
- b) Community-groups shall demonstrate provision of adequate resources to deliver proposed project outcomes *in-full* (own funds, grant funds [received or future], in-kind contributions, or combination).
- c) Any community-led project proposal involving the use of Shoalhaven City Council financial resources (general fund, loans, developer contributions, or similar) will be referred to the enterprise Project Management Office for review and be assessed as part of Council's annual budget review processes.

Note: The *Delivery Program Operational Plan and Budget* outlines Council's annual resourcing and project delivery priorities and is adopted in June each year (for the following financial year).

- d) Applicants must demonstrate provision of adequate funding to cover any (all) unanticipated additional project expenses (contingency funding).
- e) Council officers shall be satisfied Shoalhaven City Council will not be exposed to costs to rectify / complete works that may arise in the event a community group becomes insolvent / unable to proceed part-way through delivery of a community-led project.
- f) Council officers will be made available to provide advice to community groups interested in planning or delivering a community-led project (resource-dependent).

#### **4.4. Receipt of Applications**

- a) Applications to deliver a community-led project must be submitted in accordance with the provisions of this policy and the *Guidelines for Community-Led Projects*.

#### **4.5. Assessment and Determination of Applications**

- a) All applications related to community-led projects received by Shoalhaven City Council will be assessed and determined in accordance with the provisions of the *Community-Led Projects Policy*, *Guidelines for Community-Led Projects* and other related policies and legislation.
- b) When assessing applications, and liaising with community groups, Council officers shall proactively identify opportunities / ways / options to 'empower' community groups to deliver community-led projects in accordance with engagement methods developed by the International Association of Public Participation Australasia and as adopted in Shoalhaven City Council's *Community Engagement Strategy 2022 – 2026*.
- c) Applications related to community-led projects located at sportsgrounds managed by Shoalhaven City Council will be assessed in accordance with the *Community-led Projects Policy* and the *Sportsgrounds Management Policy*.



- d) All applications will be assessed against criteria that allows Council officers to determine that risks associated with the project are within acceptable ranges and that Council's obligations at law are able to be maintained throughout delivery of the project and operation of any assets delivered as part of the project (that form part of its asset portfolio).
- e) Council staff may request applicants to provide further information (as required) to enable a full and proper assessment of the community-led initiative in accordance with this policy.

### 4.6. Prior to Commencing Work (Work Health and Safety)

- a) Community organisations may be required to enter into an agreement (*Matrix of Responsibilities*) with Shoalhaven City Council, clearly identifying: roles; responsibilities; and resourcing contributions (of all parties).
- b) Volunteers must be inducted into Council's WHS system prior to undertaking any work on Council-owned or managed land.
- c) Prior to undertaking any work, any contractor engaged by a community group / organisation to undertake work on Council-owned or managed land must:
  - i. be inducted into Council's WHS system, and;
  - ii. provide evidence of relevant qualifications / licences.
- d) Community groups (their representatives, consultants, principal contractors or sub-contractors) seeking to undertake work on land owned or managed by Shoalhaven City Council must receive permission (in writing from a delegated officer or via a resolution of Council) to do so prior to undertaking such works.

### 4.7. General Provisions

- a) Any person involved in a community-led project must disclose any/all direct and indirect conflicts of interest (pecuniary or non-pecuniary), or perceived conflicts of interest (pecuniary or non-pecuniary), by notifying an officer of Shoalhaven City Council.
- b) All persons engaged in procurement on Council's behalf must exercise the highest standards of integrity in a manner able to withstand public scrutiny.
- c) If procurement (of materials or services) is to be funded directly by Shoalhaven City Council (Council will be paying the contractor / supplier) then Council's internal procurement procedures and policies must be followed, in accordance with Council's obligations under the *Local Government Act 1993*.
- d) Any Person Conducting Business or other Undertaking (PCBU) on land owned or managed by Shoalhaven City Council shall demonstrate adequate record keeping practices, in accordance with the *State Records Act 1998*.

## 5. Implementation

The *Community-Led Projects Policy* applies to all Shoalhaven City Council staff and the general public (including community groups, and recognised Community Consultative Bodies) involved in delivering community-led projects on land owned or managed by Shoalhaven City Council.



### 5.1. Administration

- a) The Community-Led Projects Policy (and associated supporting materials) will be administered by Shoalhaven Swim Sport Fitness (Open Space & Recreation Planning team, with oversight provided by the enterprise Project Management Office).

### 5.2. Application

- a) The provisions of the *Community-Led Projects Policy* will be applied by all staff involved in the receipt, assessment, and facilitation of community-led projects.
- b) Similarly, the provisions of the *Community-Led Projects Policy* will apply to community groups seeking Council support for a community-led project(s).

### 5.3. Enforcement

- a) Appropriate enforcement action(s) will be taken by Council officers (under delegation) in any circumstance where a community-led project is found to be in breach of any provision of this policy, related policy, or any applicable legislation.
- b) Enforcement action(s) undertaken in accordance with the *Community-Led Projects Policy* may be taken against any individual, community group, Community Consultative Body, contractor and/or consultant undertaking work in conjunction with a community-led project on land owned or managed by Shoalhaven City Council and will be commensurate with the risk and/or impacts associated with the activity.

### 5.4. Exclusions

Exclusions apply to the *Community-Led Projects Policy*.

Community-led initiatives (proposals / applications) will not be considered where the initiative relates to any one of the following classes of asset / land owned or managed by Shoalhaven City Council:

- |  |  |
|--|--|
| a) Utilities                           | h) Flagship entertainment centres (Shoalhaven Entertainment Centre)  |
| b) Roadways (pavements and drainage)   | i) Flagship sportsgrounds (Artie Smith Oval)   |
| c) Aquatics centres (indoor & outdoor) | j) Waterways   |
| d) Tourist (holiday) parks             | k) Environmentally sensitive areas (as defined in Section 3.3 of the <i>Shoalhaven Local Environmental Plan 2014</i> ) |
| e) Car parks                           |  |
| f) Cemeteries                          |  |
| g) Boat ramps / slips and jetties      |  |

Limited exclusions apply to the *Community-Led Projects Policy*.

- l) In any instances where provisions of this policy conflict with (are in contradiction to) any other Council policy, the provisions of that policy shall prevail.

## 6. Related Legislation, Policies or Procedures

### 6.1. Guidelines

The Community-Led Projects Policy relates to, and should be read in conjunction with, the *Guidelines for Community-Led Projects*.

## 6.2. Policy

The *Community-Led Projects Policy* will be applied in conjunction with the following Council policies (including, but not limited to):

- Procurement Policy – POL22/191
- Sportsgrounds Management Policy – POL18/70
- Grants (Incoming) Management Policy – POL24/71
- Community Engagement Strategy 2022 - 2026

## 6.3. Legislation

The *Community-Led Projects Policy* will be applied in conjunction with related prevailing legislation (including, but not limited to):

- *Biodiversity Conservation Act 2016 (NSW)*
- *Crown Land Management Act 2016 (NSW)*
- *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*
- *Environmental Planning and Assessment Act 1979 (NSW)*
- *Fisheries Management Act 1994 (NSW)*
- *Local Government Act 1993 (NSW)*
- *Shoalhaven Local Environmental Plan 2014*
- *State Records Act 1998 (NSW)*
- *Work Health and Safety Act 2011 (NSW)*

Note: Any provision (or part) of the *Community-Led Projects Policy* that contradicts any piece of prevailing legislation will be considered void (and of no effect).

## 7. Risk Assessment

Risk Category	Risk	Notes
Reputation	Decisions made without strategic input and/or inadequate consultation may lead to negative outcomes for public property, resulting in negative media and reputation damage to Council.	The referral of all projects that will impact upon Council's infrastructure portfolio through the enterprise Project Management Office for review via the Project Lifecycle Management system is a measure to mitigate this risk.
Financial	Decisions made without consistency in relation to legislation, project management, work health safety, and risk management may lead to negative outcomes for	Some key considerations in relation to risk management of community-led projects with respect to Council finances include: <ul style="list-style-type: none"> <li>• Contract security (e.g. retention of funds or bank guarantees) is not secured in Council's favour to offset the risk of Council incurring costs to rectify</li> </ul>

Risk Category	Risk	Notes
	Council's financial position in the medium/long term.	<p>works if necessary or to motivate groups to complete all elements of a project (e.g. provision of Works as Executed drawings, Operation and Maintenance documentation, etc.). This is distinct from projects where contractors are engaged by Council.</p> <ul style="list-style-type: none"> <li>Community infrastructure generally does not yield sufficient income to fund its own renewal, increasing the risk that infusion of Council funds (to operate or maintain) will be required in the medium/long term.</li> </ul>
Financial	For every community-led project, there is a risk the community group may find the project overwhelming, withdraw interest / services, which may result in a community-led project being transferred to Council prior to completion, exposing Council to financial impacts.	<p>It is necessary for both parties to plan to avoid and mitigate this risk to ensure a community group has the capacity to complete the project (in full), and/or to ensure Council has adequate financial and/or staff resourcing available if the project is transferred to Council for completion.</p> <ul style="list-style-type: none"> <li>Consideration must be given to a community group's capacity to adequately finance a proposed community-led project. Community groups must demonstrate provision of adequate financial resources to cover any unanticipated additional project expenses (contingency funding).</li> <li>Consideration must be given to a community-group's capacity to deliver project objectives <i>in-full</i>, so as to minimise Council's potential exposure to costs to rectify / complete that may arise should a community group become insolvent, or unable to proceed, part-way through delivering a community-led project.</li> </ul>
Property & Infrastructure	<p>Non-compliant design or work (to relevant standards and codes), failing to improve fit-for-purpose property / infrastructure.</p> <p>Avoidable and/or excessive delays in completing the project.</p> <p>Actions that may severely disrupt community activities / services without appropriate communication.</p>	<p>The referral of all projects that will impact upon Council's infrastructure portfolio through the enterprise Project Management Office for review via the Project Lifecycle Management system is a measure to mitigate this risk.</p>
People / Reputation /	Insufficient organisational resources to support receipt, processing, and	<p>The volume of incoming requests for community-led projects, and the prioritisation of these, needs to be considered when allocating staff resourcing and processing time to each incoming request, and</p>

Risk Category	Risk	Notes
Property & Infrastructure	oversight for community-led projects.	processing time for each stage of managing an approved community-led project.
People	Decisions made without consistency in relation to legislation, project management, work health safety, and risk management may increase the likelihood of unacceptable construction standards and processes, exposing workers (volunteers) and the community to injury.	<p>Key points to consider in relation to risk management of construction activities with respect to safety on land owned or managed by Council include:</p> <ul style="list-style-type: none"> <li>• Under the <i>Work Health and Safety (WHS) Act 2011</i> (NSW) Council is the Person Conducting Business or Undertaking (PCBU) and has a responsibility to, so far as is reasonably practicable, ensure the safety and health of workers while at work (this includes volunteers).</li> <li>• Construction activities for community-led projects is classed as high-risk construction work under the <i>Work Health and Safety Regulation 2017</i> when works involves demolition, movement of powered mobile plant, a risk of falling more than 2 metres, or disturbance of asbestos, etc. If the value of construction activities exceeds \$250,000, a principal contractor must be appointed to the project.</li> <li>• Safe operation of plant and equipment and safe work procedures are a legislative requirement of Council under WHS legislation.</li> <li>• Council must take steps to ensure safety of workers / volunteers / contractors is ensured during high-risk activities on Council-owned and managed land.</li> <li>• Community organisations (CCBs, sporting clubs, etc.) undertaking or supervising (directing) work on Council-owned or managed land are considered volunteers, and therefore 'workers' under WH&amp;S legislation.</li> <li>• These groups are likely to be considered Person Conducting Business or other Undertaking (PCBU) for the purposes of WHS legislation.</li> <li>• Volunteers must be inducted into Council's WHS system prior to undertaking any work on Council-owned or managed land.</li> <li>• Any contractor engaged by a community organisation to undertake work on Council-owned or managed land must be inducted into Council's WH&amp;S system prior to undertaking any work.</li> <li>• Staff support in relation to the above may include: <ul style="list-style-type: none"> <li>○ Assessment of applications to undertake work on Council-owned or managed land;</li> <li>○ Induction of volunteers;</li> </ul> </li> </ul>

Risk Category	Risk	Notes
		<ul style="list-style-type: none"> <li>Induction of contractors;</li> <li>Support with legally required safety documentation, for example a Safe Work Method Statement required for high-risk construction work.</li> </ul>
Environment	Decisions made without consistency in relation to legislation, environmental impacts and sustainability may lead to irreversible or long-term environmental damage, breaches, and fines.	The referral of all projects that will impact upon Council's infrastructure and/or property portfolio through the enterprise Project Management Office for review via the Project Lifecycle Management system is a measure to mitigate this risk.
Governance (probity, transparency, resilience to scrutiny)	Contractual arrangements that do not benefit the community and Council, failure to consider expert advice, and breaches in procurement activities (undertaken without appropriate oversight).	<p>All persons engaged in contractual arrangements and procurement on Council's behalf must exercise the highest standards of integrity in a manner able to withstand public scrutiny.</p> <p>Fairness and impartiality, disclosure of direct and indirect interest conflicts of interest, or perceived conflicts of interest, are imperative to the transparency and resilience to scrutiny. Any Person Conducting Business or other Undertaking (PCBU) on land owned or managed by Council shall demonstrate adequate record keeping practices, in accordance with the <i>State Records Act 1998</i>.</p> <p>Selection of suppliers to undertake project work should be able to withstand auditing and public scrutiny through an open and fair processes.</p>

## 8. Monitoring and Review

The *Community-Led Projects Policy* will be reviewed within four-years of its adoption, and at least once within the term of an elected Council (or earlier should circumstances warrant a revision).

## 9. Ownership and Approval

Responsibility	Responsible Owner
Directorate	City Services (origin: City Lifestyles)
Endorsement	EMT
Approval/Adoption	Council