

Donated facilities on public land

Policy, procedure, protocol	Policy
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Related documents	Privacy Management Plan
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Section / Department	Open Spaces & Facilities
Linkage to Our Community Plan	1 Society
Objective	1.1 We will have proud and inviting communities
Strategy	1.1.4 Encourage greater awareness of our earliest communities and inhabitants, in partnership with local Aboriginal and Torres Strait Islander communities

1. Purpose

Council is from time to time approached by individuals, companies or community groups offering to make a donation either by way of the construction of public facilities on public land or a contribution (financial support, work in kind or materials) towards such facilities.

The purpose of this policy is to provide criteria against which Council would:

- (a) determine whether to accept the offer of a donation, and
 - (b) provide advice to prospective donors as to those facilities Council would be willing to accept as a donation,
- based on whether the facility meets community needs and is suitably located.

2. Definitions

Public facilities include buildings (kiosks, toilets, shelters, sheds, pools etc) and structures (benches, playground equipment, barbeques, clocks, walkways etc.)

3. Background/legislative requirements

1. To establish guidelines for determining which offers of donations of, or towards, public facilities on public land Council may consider accepting.
2. To provide guidelines for the preparation of a list of public facilities Council would consider accepting and so assisting individuals, companies and community groups wishing to make a donation to choose a suitable project.
3. To provide a process to determine whether offers of donations are accepted or declined

4. Policy, protocol or procedure statement

1. All offers to donate or contribute to public facilities are to be made in writing and addressed to the General Manger.
2. Generally, Council will only accept the donation of public facilities or contribution towards public facilities on public land where those facilities are included in:
 - An adopted Section 94 Contributions Plan, or
 - A Plan of Management for the public land on which the facility is to be located, or
 - Council's works program or priority list for that type of facility.
3. The General Manager or his delegate will be authorised to accept donations or contributions which meet the criteria set out in (2) above.
4. Any proposals not meeting the criteria in (2) above are to be referred to full Council for a decision.

5. The decision to accept the donation of a facility will not prejudice Council's determination of any development application submitted for that facility.
6. If a development application is required for the public facility on Crown reserves, notification under the *Native Title Act 1993* (Cth) to the traditional owners will be required if native title is determined to exist;
7. The development application assessment process will include a cultural assessment involving a check of the Aboriginal Heritage Information Management System (AIHMS) and any other cultural heritage information known to be recorded by Council concerning the Crown Reserve.
8. If Council agree to accept the donation of a public facility, Council will waive any development fees associated with the project in accordance with Council's Donations Policy.
9. Council will not support the placement of any memorial plaques to individuals or other similar features on donated public facilities. Plaques or signs acknowledging the contribution of community groups or funding authorities will be acceptable.