

GO4 – Licence Application – Gordon Lewis Oval – Sportsground Parade, Appin

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10845

TRIM 9020

EXECUTIVE SUMMARY

- The purpose of this report is to obtain Council approval to enter into negotiations for a Licence Agreement on Lot 1 DP 245866 Sportsground Parade Appin with the Appin Men's Shed under Sections 46, 47 & 47A of the Local Government Act.
- The report recommends that monitoring of the building maintenance is to form part of the quarterly review with the tenant and Council's Facilities and Recreation Department.
- The Mayor and General Manager be authorised to execute the Licence Agreement including those requiring the Common Seal of Council.
- The Licence Agreement may not be entered into until the Final Occupation Certificate has been issued by the consent authority, Wollondilly Shire Council.
- The agreement will not operate to fetter Council's statutory obligations or discretions.
- That Council consider waiving part of the Licence Application Fee of \$1748.50.

REPORT

The Appin Men's Shed community group have submitted an application to enter into a Licence Agreement for the use of a Metal Clad Shed at, Lot 1 DP 245866 Sportsground Parade, Appin (currently under construction).

In accordance with Council's Fees and Charges the applicant is required to pay \$1,748.50 - Applicant Fee, which covers Council's costs to enter into an agreement.

The Men's Shed advise that they contribute to Wollondilly and adjoining regions by undertaking projects that benefit the community for example possum boxes for WIRES, restoration of Beulah homestead etc. The organisation currently maintains and manages the Appin Public Tennis Courts and the Appin Mine Memorial site.

The current annual minimum rent for the premises in accordance with Council's Fees and Charges is \$515.00. The applicant is seeking for this fee to be waived.

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A Licence agreement does not infer exclusive use of a premises and it is proposed that Council enter into the agreement for a five (5) year term. During this term of occupation Council are to monitor the maintenance level on the building required by the applicant to ensure that the building is kept in a well maintained and satisfactory condition in accordance with the agreed terms of the Licence.

Under the Local Government Act (LGA) Sections 46, 47 and 47A Council are able to enter into Leases, Licences and Other Estates on "Community Land" in accordance with the existing Plan of Management (POM). The POM specifically provides for Council to consider an application on its merits for the activities such as the Men's Shed.

The building is under construction and not complete. Once the Final Occupation Certificate has been issued by the consent authority (Wollondilly Shire Council), Council may then wish to consider finalising the agreement.

CONSULTATION

If submissions are made by way of objection to the proposal, Council must forward to the Minister and Director of Planning for consideration.

FINANCIAL IMPLICATIONS

Funding has been allocated and is available under Restricted Cash Account to fund Council's legal costs.

If Council were to waive the full application fee, the advertising costs component would be unfunded. It is therefore proposed that Council waive part of the Licence Application Fee with the applicant required to submit \$280.00 to cover Council costs to advertise the proposal.

The applicant is responsible for their own legal costs.

ATTACHMENTS

Nil.

RECOMMENDATION

1. That in accordance with the Local Government Act Sections 46, 47 and 47A, Council provides approval in principle to enter into negotiations for a Licence Agreement over Lot 1 DP 245866 Sportsground Parade Appin with the Appin Men's Shed community group.
2. That monitoring of the building maintenance is to form part of the quarterly review with the tenant and Council's Facilities and Recreation Department.

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3. That the Licence Agreement may not be entered into until the Final Occupation Certificate has been issued by the consent authority Wollondilly Shire Council.
4. That the agreement will not operate to fetter Council's statutory obligations or discretions.
5. That Council waive part of the Licence Application Fee with the applicant required to submit \$280.00 to cover Council costs to advertise the proposal.
6. That in consideration of the costs to the Men's Shed to construct the building it is agreed to enter into a peppercorn rent of \$1.00 for the term of the current licence.
7. That the Mayor and General Manager be authorised to execute all documentation in relation to this Licence including those requiring the Common Seal of Council.