

Community Group Infrastructure Charges Policy

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1. POLICY STATEMENT

South Burnett Regional Council (Council) recognises the important contribution community organisations make to the South Burnett Region, and is committed lowering the barriers for these entities to grow and expand their offerings.

To assist with this, Council is prepared to offer reduced infrastructure charges to certain not-for-profit and community groups when development is undertaken by those groups. As community groups provide benefit to the South Burnett community, it is appropriate for the cost of infrastructure to be borne by the community at large, rather than the community groups.

This policy outlines the types of community organisations which may be eligible for a reduction in infrastructure charges and the manner in which the reductions may be achieved.

2. SCOPE

This policy applies to infrastructure charges generated between after adoption of South Burnett Regional Council Charges Resolution (No. 3) 2019.

Eligible Community Groups (as defined below) may apply for a reduction in infrastructure charges in accordance with this policy. Infrastructure charges will be reduced by Council and the Eligible Community Group entering into an Infrastructure Agreement.

The provision of direct grants or the waiver of other fees (including application fees and the likes) is not covered by this policy.

3. GENERAL INFORMATION

3.1. Infrastructure Charges Generally

Infrastructure charges are levied by Council as part of the development assessment process and assist in funding infrastructure within the South Burnett Region. Infrastructure charges are

levied in accordance with the relevant infrastructure charges resolution passed as part of the Council budget process.

3.2. Eligible Community Groups

Eligible Community Groups are assessed against three criteria:

- 1) Applicant;
- 2) Activities; and
- 3) Funding Sources.

3.2.1. Applicant

Eligible Community Groups must either be not-for-profit or a charity. A not-for-profit organisation is an organisation that does not operate for the profit, personal gain or other benefit of particular people.¹ A not-for-profit may make a profit, but the profit must be used for its purposes or kept for a genuine reason to do with its purpose.

Council may consider relevant evidence of not-for-profit or charitable status including:

- 1) Australian Taxation Office (ATO) recognition of status;
- 2) registration with the Australian Charities and Not-for-profits Commission (ACNC);
- 3) recognition of not-for-profit or charity status from other government entities (including the Queensland Government);
- 4) the incorporation of the group under the *Associations Incorporation Act 1981* (Qld) or the *Collections Act 1966* (Qld);
- 5) the constitution or articles of incorporation of the entity; and
- 6) the activities of the organisation (including its financial information, if that information is provided).

Council retains a discretion to recognise other demonstrations of the not-for-profit or charitable character of an organisation on a case by case basis. Meeting one or more of the criteria does not guarantee recognition as an Eligible Community Group.

3.2.2. Activities

Eligible Community Groups must undertake an activity that benefits the community of the South Burnett region as its main object. Examples of activities that may benefit the community include the following uses as defined in the Planning Scheme:

- 1) Cemetery;
- 2) Child care centre;
- 3) Club;
- 4) Community care centre;
- 5) Community residence;
- 6) Community use;
- 7) Crematorium;
- 8) Educational establishment;
- 9) Emergency services;
- 10) Environment facility;
- 11) Funeral parlour;
- 12) Health care services;
- 13) Hospital;
- 14) Indoor sport and recreation;
- 15) Market;

¹ Note: An organisation can still be a not-for-profit if it simply provides a benefit to a member while genuinely carrying out its purpose. For example, a sporting club may benefit members of the club by providing an opportunity for the members to play sport.

- 16) Nature-based tourism;
- 17) Outdoor sport and recreation;
- 18) Park;
- 19) Place of worship;
- 20) Residential care facility;
- 21) Retirement facility;
- 22) Rooming accommodation (to the extent it supports another community oriented activity, like a monastery); and
- 23) Theatre.

This list is not exhaustive, or determinative of an activity being an activity that benefits the community of South Burnett. Applicants may demonstrate other activities benefit the community of South Burnett.

Developments that include the following activities as defined in the Planning Scheme that provides solely for residents over the age of 50 years, may be considered as activities that benefit the community:

- 1) Dual Occupancy;
- 2) Dwelling house;
- 3) Dwelling unit; and
- 4) Multiple dwelling.

The community activity must be the main use of the land to which the infrastructure charges relate. An Eligible Community Group may undertake another activity, including a Commercial Activity, if it is in support of the activity that benefits the community. For example, a bowls club may operate a bar or gaming service in support of the objects of the bowls club.²

Development Applications for a Reconfiguring of a Lot is excluded from this policy.

3.2.3. Funding Sources

If an Eligible Community Group has not received any funding from a government source (including ongoing funding, grants, or other dispensations) in the last two years, the group is an Unfunded Eligible Community Group.

If an Eligible Community Group has received funding from a government source in the last two years, the group is a Funded Eligible Community Group.

Council may choose to disregard small grants below \$5,000 in determining whether an Eligible Community Group is Funded or Unfunded.

Applications of this policy against other development will be excluded from the determination of whether an Eligible Community Group is Funded or Unfunded

3.3. Discretion

Council retains ultimate discretion to determine whether a group is an Eligible Community Group, and whether it is Funded or Unfunded.

² The secondary activity need not be 'ancillary' as defined in the *Planning Act 2016* (Qld). The use on the land may be of a mixed use character.

4. Reduction in Infrastructure Charges

An Eligible Community Group may apply to Council for a reduction in infrastructure charges payable in respect of a relevant community development through entry into an infrastructure agreement as follows:

- 1) An Unfunded Eligible Community Group may apply for a 100% reduction of infrastructure charges, up to a maximum of \$10,000.
- 2) A Funded Eligible Community Group may apply for a 50% reduction of infrastructure charges, up to a maximum of \$5,000.

OR

An Eligible Community Group may apply for a 50% reduction of infrastructure charges. Any funding from a government source (including ongoing funding, grants, or other dispensations) in the last two years will be included in the reduction of the infrastructure charges payable so that the value of the combined reduction and funding does not exceed a 50% reduction of infrastructure charges.

4.1. Application and agreement of Infrastructure Agreement

An application for reduction of infrastructure charges must be made at the time the development application is submitted. The request must provide sufficient details and other information to enable Council to categorise the organisation under this policy and determine whether it is appropriate to reduce infrastructure charges. Council may request further information about the application if Council determines that more information is needed.

To receive a reduction in infrastructure charges, an organisation must enter into an infrastructure agreement with Council on Council's standard terms (and other terms that may be agreed on a case by case basis). Council's costs with respect to the preparation and execution of the infrastructure agreement will be payable by the Eligible Community Group.

5. DEFINITIONS

Charity has the meaning set out in the *Charities Act 2013* (Cth).

Commercial Activity means, in the context of an Eligible Community Group, an activity (or part of an activity) that has a commercial, for profit nature, including but not limited to the sale of alcohol, the provision of meals and the operation of gaming machines.

Eligible Community Group means an organisation determined by Council to meet the criteria set out in part 3.2.

Infrastructure Agreement has the meaning given by the *Planning Act 2016* (Qld).

6. LEGISLATIVE REFERENCE

Planning Act 2016 (Qld), section 150.

7. RELATED DOCUMENTS

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8. NEXT REVIEW

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9. VERSION CONTROL

Version	Revision Description	Approval/Adopted Date	ECM Reference
1	[New Policy/Updated Policy]	[Date Approved/Adpoted]	[ECM Number]

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CHIEF EXECUTIVE OFFICER

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Draft