

Policy

Developer Contributions - Community Organisations

Version 1.0

Adopted by Council at its meeting on xxx

Minute No: xxxxx

Division:	Community and Natural Resources
Section:	Community and Cultural Services
File Reference:	Council Policies/Protocols/Procedures
Historical Reference:	N/A

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Developer Contributions - Community Organisations

Policy Objective

This Policy allows Council to establish an instalment plan for all developer contribution charges levied on development approvals granted to smaller community organisations located on Council Controlled Land.

The Policy is applicable to all lands under the care control and management of Tweed Shire Council.

Definitions

Council Controlled Land: Includes land owned by Council classified as either community land or operational land under the *Local Government Act 1993*; Council Public Roads defined under the *Roads Act 1993* and Crown Land where Council is appointed trustee under the *Crown Lands Act 1989*.

Community Organisation: An eligible Community Organisation is a registered not-for-profit organisation with an annual turnover of less than \$500,000. The organisation must be registered for GST and have an active ABN.

Not For Profit: is a non-government group or organisation that is not operating for the profit or gain of its individual members, whether these gains would be direct or indirect.

Policy Background

This Policy has been developed to offer financial relief to eligible community organisations that are seeking development approval for facilities and/or operations on Council Controlled Land. This relief relates to all developer contributions that are levied upon approval of the development approval being granted.

Any decision to establish an instalment plan for Developer Contributions under this Policy can only be made by a resolution of Council and Council will at all times retain its discretion to accept or refuse any applications..

This policy does not extend to organisations seeking relief from Developer Contributions over privately owned land and/or premises on Council Controlled Land where there is a permanent liquor licence or gaming licence.

Developer Contributions

This Policy can only establish an instalment plan for general Developer Contributions levied as part of a Development Approval granted under *Environmental Planning and Assessment Act 1979*, and water and sewer developer contributions levied under s.64 of the Local Government Act.

An eligible Community Organisation will need to lodge a written letter to Council requesting that Council an instalment plan for Developer Contributions upon the granting of consent of their Development Application.

Development Consent must be formally issued before any instalment plan can be considered by Council.

Total Value of Developer Contributions	Instalment Period	Instalments
<\$5,000	2 Years	1 / year
\$5,001 - \$15,000	3 Years	1 / year
\$15,001 – \$50,000	5 Years	1 / year
>\$50,001	10 Years	1 / year

Table 1: Instalment Plans for Developer Contributions

Council will consider any appropriate request under this policy and determine whether to make an offer of an instalment plan for developer contributions.

No Occupancy Certificate will be released for the development until all developer contributions are paid in full or Council has resolved to an instalment plan and all necessary agreements have been executed.

As part of any instalment plan agreement, Council may require security over the value of the Developer Contributions by way of a bank guarantee for the value of the Developer Contributions.

Council may also require a revision of lease arrangements or lease agreements to enable an instalment plan for Developer Contributions.

Compliance

The Community Organisation shall provide audited financial statements for the previous three (3) financial years with their application. Certificates of registration for GST and ABN also need to be supplied along with any other relevant Federal or State registration requirements. For example registration of business name with Australian Securities and Investment Commission (ASIC) or registration as a “Charitable Organisation” with the Australian Tax Office (ATO).

Related Legislation

Local Government Act 1993

Roads Act 1993

Crown Lands Act 1989

Environmental Planning and Assessment Act 1979

Review Period

A report will be provided to Council in five (2) years reviewing this Policy making recommendations for amendment.

Useful Links

[Tweed Shire Council website](#)

[Division of Local Government](#)

Version Control:

Version History		
Version #	Summary of changes made	Date changes made
1.0	Policy creation	February 2014