

GENERAL POLICY REVIEW - FINANCIAL ASSISTANCE FOR NOT FOR PROFIT ORGANISATIONS – FEES AND CHARGES GENERAL POLICY

52/8/2 | #7450679

RECOMMENDATION:

That Council endorse the updated “Financial Assistance for Not For Profit Individuals and Organisations – Fees and Charges General Policy”.

EXECUTIVE SUMMARY:

A new permit category was recently introduced under Council’s Local Laws – the Public Spaces Activity Permit. This permit aims to regulate certain prescribed activities such as jumping castles, other structures, fireworks, and cultural fires. To align with other Local Laws permits such as the Temporary Entertainment Event Permit, an additional application fee of \$125 is now required over and above the existing hire charges.

Whilst the application fee is appropriate for larger commercial type events, which require detailed assessment and officer referral, it does significantly increase the cost of hiring public spaces for smaller family gatherings and not for profit groups.

In order to mitigate this impact, a review of the Financial Assistance for Not For Profit Organisation has been undertaken and some minor changes are recommended to allow private, non-commercial users to be exempt from paying the application fee.

BACKGROUND:

The new and amended Local Laws which were adopted at the 8 November 2023 Ordinary Meeting came into effect on 1 July 2024. The ‘Public Place Activity Permit’ requires payment of an application by all proponent who wish to conduct certain prescribed activities. The payment of the application fee is in addition to hire fees as specified in Council’s schedule of fees and charges adopted as part of the annual budget process.

The Financial Assistance for Not For Profit Organisations – Fees and Charges General Policy was originally adopted by Council on 18 July 2018 and reviewed on 16 November 2022. The policy aims to outline the manner in which financial assistance is provided to not for profit organisations in relation to fees and charges for a range of services, venues and facilities.

COMMENT:

The proposed amendments to the policy are presented as ‘tracked changes’ in **Attachment 1** and the previously endorsed policy is provided for comparison in **Attachment 2**.

It is noted that minor changes have been made to the naming of the policy, its intent and scope. To facilitate the 100% waiver of the Public Places Activity Permit Application Fee for private individuals, a new definition and provision “B” have been added entitled: “Not for Profit Individual Hirer”.

In addition, an amendment is proposed to the definition of Not for Profit Organisations which is specific to this policy. Under the existing policy, private schools meet the definition of a Not for Profit Organisation and are therefore eligible for assistance, however public schools are government entities and do not. It is assumed that this is inconsistent with the intent of the policy and to achieve a more equitable outcome, “Primary and Secondary Schools (private and public)” have been added to the definition.

OPTIONS:

Option 1 (Recommended)

That Council endorse the updated “Financial Assistance for Not For Profit Individuals and Organisations – Fees and Charges General Policy”.

Option 2

That Council does not endorse the updated Financial Assistance for Not for Profit Organisations – Fees and Charges General Policy and determines another course of action.

CONSIDERATIONS:

Council Finance and the Local Economy:

Focus Four: Community and Culture – Fostering a vibrant and healthy community where everyone feels they belong.

Statutory:

General Policies are adopted or rescinded in line with the requirements as outlined in the *Local Government Act 2009* and the *Local Government Regulation 2012*.

Policy:

Financial Assistance for Not for Profit Organisations – Fees and Charges General Policy will be updated to reflect the proposed changes.

CONSULTATION:

Consultation has occurred with the appropriate Council officers.

ATTACHMENTS:

Attachment 1 Financial Assistance for Not for Profit Organisations – Fees and Charges General Policy – Track Changed Document

Attachment 2 Financial Assistance for Not for Profit Organisations – Fees and Charges
General Policy (Existing)



Tim Dendle
Executive Manager Community Spaces



Destry Puia
Director Lifestyle and Community

Attachment 1 Financial Assistance for Not for Profit Organisations – Fees and Charges
General Policy – Track Changed Document

General Policy

FINANCIAL ASSISTANCE FOR NOT FOR PROFIT INDIVIDUALS AND ORGANISATIONS - FEES & CHARGES

- Intent** To establish a policy for the provision of financial assistance ~~for to~~ Not for Profit individuals and organisations of specific in relation to certain fees & charges.
- Scope** This policy will allow Council to consider applications from Not for Profit individuals and organisations for financial assistance in the form of a full or part waiver of specific fees & charges.

PROVISIONS

BACKGROUND

~~This policy only applies to an organisation making an application for financial assistance for the fees & charges listed below, which must be a NOT FOR PROFIT organisation meeting the defined criteria.~~

DEFINITIONS

Not for Profit Organisation

Any local association, club, state or national organisation, who holds incorporated status under the Associations Incorporation Act 1981 or is a company limited by guarantee under the 2001 Corporations Act and does not operate for the profit or gain (either direct or indirect), of its individual members, either from ongoing operations or on its winding up.

Not for Profit Individual Hirer

An individual user or group hirer that is not incorporated and does not operate for a commercial purpose or gain.

Fees and Charges

Fees and Charges are costs that are listed in Council's adopted Fees and Charges Schedule.

Sporting Hire

Organised physical activity which is by nature competitive and governed by formal rules and operated under a team or club structure. E.g. soccer practice and games, martial arts training or competition etc.

Recreational Hire

Activities that are not based on formal competition and lack a formal set of rules, does not include organised team sporting activities.

PROVISIONS

A. ASSISTANCE – NOT FOR PROFIT ORGANISATIONS

Council may at the request of a ~~NOT FOR PROFIT~~ Not For Profit organisation offer a concessional rate for access to its facilities and services:

1. Venue Hire – Community Spaces

Definitions:

- **Community Activity Space:** An indoor space (community hall) that supports a range of local programs, activities and groups to encourage active and engaged communities, support local community development and enrich the quality of life for surrounding residents.

- **Community Activity Space - Not for Profit Organisation – Social Benefit¹:** A social benefit for the purpose of hiring a Community Activity Space can be defined as an activity or program run by a Not-for-Profit organisation or community volunteer group for free or for a small fee that:
 - Provide treatment and/ or promotes health and healing and/or involves education as a response to community needs.
 - Benefits our community, fosters community pride and improves the quality of life for the residents of the Cairns region.
 - Improve resident’s awareness about public safety to create safer neighbourhoods.
 - Volunteer wildlife and environmental protection groups who fundraise and advocate in response to issues in the community.
 - Generates a low or negative financial return and would likely be discontinued – or would need to be provided by another not-for-profit or government provider – if the decision was made on a purely financial basis.
 - **Community Activity Space – Peak usage times:** Means the times as defined in the CAS Best Practice Management Guideline, being Monday – Friday from 5:00pm and Saturday and Sunday 8.00am to 5.00pm.
 - **Community Activity Space – Off Peak usage times:** Means the times as defined in the CAS Best Practice Management Guideline, being Monday – Friday between 8:00am and 5:00pm.
- a. Council Community Activity Spaces:
- i. Not for Profit Organisation – Social Benefit provider - 100% subsidy Peak and Off Peak hours.
 - ii. Not for Profit Organisation – 100% subsidy Off Peak hours.
 - b. Recreational park hire Tier A – 75% subsidy
 - c. Recreational park hire Tier B – 100% subsidy
 - d. Recreational park hire Tier C – 100% subsidy
 - e. Recreational Barlow Park hire – 50% subsidy
 - f. Esplanade barbeques (exclusive use) – 75% subsidy
 - g. City Venues Hire Equipment (on site use only) – 50% subsidy
 - h. Sporting hire - Sporting Ground Location Subsidy
 - i. Petersen Road to Gordonvale – overall fee 10% discount
 - ii. South of Mulgrave River – overall fee 40% discount
 - i. Markets – designated Not for Profit stalls at Council managed markets – 100% subsidy

2. Venue Hire – Creative Life

Hire of the following venues – 50% subsidy:

- a. Cairns Performing Arts Centre (Sunday to Thursday, excludes Friday and Saturday)
- b. Munro Martin Parklands
- c. Tanks Arts Centre
- d. Botanic Gardens Visitor Centre
- e. The Court House

Hire of the following venues – 100% subsidy:

- a. Cairns Libraries meeting rooms
- b. Botanic Gardens Visitor Centre multi-purpose meeting room

3. Licenses and Approvals

Local law and health licence application and renewal fees – 100% subsidy

4. Bin Hire and Collection

Reasonable use for ad-hoc events – 100% subsidy

5. Waste Disposal

Waste disposal fee at all Transfer stations 100% subsidy. This does not include green waste or hazardous waste.

6. Planning, Development and Plumbing Applications

¹ Examples include but are not limited to Alcoholic Anonymous, Al Anon, Neighbourhood Watch, Progress & Residents Associations, wildlife based volunteer groups and Rotary/Lions/ Zonta clubs.

For planning, development and plumbing applications, the normal prescribed fee payable is wholly waived when evidence is provided that the Applicant is a Not for Profit as defined.

Note: This does not apply to applications for commercial uses, reconfigurations of a lot or any other application where such developments do not provide a significant community role or benefit, and which are not considered to be 'not-for-profit' developments.

Note: Not-for-profit or charitable organisations that own, lease, manage or operate premises with poker machines are not eligible for a rebate against the applicable application fees and charges. Except in instances where the fees relate to a Council leased facility maintained wholly for community purposes that does not operate poker machines onsite.

7. Infrastructure Charges

For infrastructure charges, the levied charge calculated in accordance with Council's Charges Resolution is wholly waived up to a maximum cap of \$500,000.00, when evidence is provided that the Applicant is a Not for Profit as defined.

Where the request for an infrastructure charges waiver exceeds associated with a Not for Profit \$500,000.00, the matter will be eligible for consideration by the full Council on a case by case basis.

Note: This does not apply to infrastructure charges levied for commercial uses, reconfigurations of a lot or any other application where such developments do not provide a significant community role or benefit, and which are not considered to be 'not-for-profit' developments.

Note: Not-for-profit or charitable organisations that own, lease, manage or operate premises with poker machines are not eligible for an infrastructure charges waiver. Except in instances where the fees relate to a Council leased facility maintained wholly for community purposes that does not operate poker machines onsite.

Note: If Council supports an application to waive infrastructure charges levied for a development approval, the waiver must be managed under an Infrastructure Agreement.

B. ASSISTANCE – NOT FOR PROFIT INDIVIDUAL OR HIRER

Council may at the request of an eligible user or organisation offer a concessional rate for:

1. Licenses and Approvals

Local law – Public Place Activity Permit application – 100% subsidy

B.C. GENERAL

Unless otherwise determined by Council, ~~NOT FOR PROFIT~~ Not for Profit organisations will not be eligible if they sub-lease to organisations that do not comply with the ~~NOT FOR PROFIT~~ Not for Profit definitions, the sub lease activity is not aligned with the primary purpose of the organisation and the property, or the sublease is a commercial activity of a substantial size.

A request for assistance must be made in writing at the time an application is submitted and provide sufficient details and other particulars to enable Council to evaluate the request.

Any assistance provided does not constitute a credit and is non-transferable to subsequent or separate fees and charges or applications.

It is incumbent upon the organisation requesting assistance to notify Council of any changes in circumstances that may affect their eligibility under the provisions of this policy.

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This policy is to remain in force until otherwise determined by Council.

Director Responsible for Review:

Chief Financial Officer

ORIGINALLY ADOPTED: 18/07/2018
CURRENT ADOPTION: 16/11/2022
DUE FOR REVISION: 16/11/2026
REVOKED/SUPERSEDED:



~~Mica Martin~~ John Andrejic
Chief Executive Officer

Attachment 2 Financial Assistance for Not for Profit Organisations – Fees and Charges
General Policy (Existing)

General Policy

FINANCIAL ASSISTANCE FOR NOT FOR PROFIT ORGANISATIONS - FEES & CHARGES

- Intent** To establish a policy for the provision of financial assistance for Not for Profit organisations of specific fees & charges.
- Scope** This policy will allow Council to consider applications from Not for Profit organisations for financial assistance in the form of a full or part waiver of specific fees & charges.

PROVISIONS

BACKGROUND

This policy only applies to an organisation making an application for financial assistance for the fees & charges listed below, which must be a NOT FOR PROFIT organisation meeting the defined criteria.

DEFINITIONS

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Recreational Hire

Activities that are not based on formal competition and lack a formal set of rules, does not include organised team sporting activities.

ASSISTANCE

Council may at the request of a NOT FOR PROFIT organisation offer a concessional rate for access to its facilities and services:

1. Venue Hire – Community Spaces

Definitions:

- **Community Activity Space:** An indoor space (community hall) that supports a range of local programs, activities and groups to encourage active and engaged communities, support local community development and enrich the quality of life for surrounding residents.
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GENERAL

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Mica Martin
Chief Executive Officer