

# APPLICATION FOR WAIVER OF INFRASTRUCTURE CHARGES (NOT FOR PROFIT)

## Purpose

The purpose of this form is to:

Assist Applicants in providing sufficient information and justification for a request for an Infrastructure Agreement (IA) to waive infrastructure charges under Council's [General Policy – Financial Assistance for Not for Profit Organisations \(Fees and Charges\)](#).

## General Policy – Financial Assistance for Not for Profit Organisations (Fees and Charges)

Council manages requests to waive infrastructure charges for Not for Profit organisations under the General Policy – Financial Assistance for Not for Profit Organisations (Fees and Charges).

The General Policy establishes a framework for the provision of financial assistance for Not for Profit organisations. It was prepared to 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 and charges. This includes the discretion to apply a waiver in full or part of fees and charges relating to infrastructure (infrastructure charges).

Council's decision to provide financial assistance either in full or part waiver of fees and charges relating to infrastructure is discretionary under the Policy.

**Note:** *This form must be read in conjunction with the General Policy. Where there is an inconsistency between the information contained within this form the General Policy prevails.*

**Note:** *Where the request for an infrastructure charges waiver is not greater than \$500,000, the matter will be eligible for consideration under delegated authority.*

**Note:** *Where the request for an infrastructure charges waiver exceeds \$500,000, the matter will be eligible for consideration by the full Council on a case by case basis.*

**Note:** *Unless otherwise determined by Council, NOT FOR PROFIT organisations will not be eligible if they sub-lease to organisations that do not comply with the 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.*

### 1. Applicant Details

Name of Applicant:

Name of Company:

Phone Numbers:

Postal Address:

Email Address

Applicant Reference

### 2. Property Details

Property Address:

Suburb:

Lot and Plan:

### 3. Landowner Details

Landowner's Name/s:

Landowner's Address:

#### 4 Development Approval Details

Application:	Number:	Date:
Infrastructure Charges Notice:	Number:	Date:
Levied Charges Amount:	\$	
Statutory Payment Date:	Date:	

#### 5 Waiver Amount

*The waiver amount is relevant to Council's decision-making delegations.*

	Yes	No
Is the application for a FULL waiver of the Infrastructure Charges?	<input type="checkbox"/>	<input type="checkbox"/>
Is the application for a PART waiver of the Infrastructure Charges?	<input type="checkbox"/>	<input type="checkbox"/>
If the application is for a PART waiver of the Infrastructure Charges, please specify the amount to be waived.	\$	

#### 6 Requirement for an Infrastructure Agreement

*The Planning Act 2016 and the General Policy require the waiver of Infrastructure Charges to be managed under an Infrastructure Agreement (IA).*

	Yes	No
Is the Applicant and/or the owner of the land the subject of the development approval, willing to enter into an IA reflecting the Council's agreement to apply the General Policy and waive the infrastructure charges?	<input type="checkbox"/>	<input type="checkbox"/>

**Note:** *The Applicant will be required to prepare the Draft Infrastructure Agreement following Council's decision on whether or not to enter into an Infrastructure Agreement under the General Policy.*

**Note:** *It is strongly recommended that you obtain independent legal advice prior to enter into an Infrastructure Agreement.*

#### 7 Eligibility Criteria

*Council will assess all applications against the eligibility criteria set out in the General Policy. It is important that Applicants provide sufficient information to allow Council to determine the application.*

*Please answer the following questions and attach relevant evidence with your application.*

Criteria	Yes	No
1. <b>Has evidence of the organisations Not for Profit status been provided?</b>	<input type="checkbox"/>	<input type="checkbox"/>
<p><i>Please attach written representations and evidence of the organisations Not for Profit status such as current certificates and charity numbers. Council may request further evidence to assist in demonstrating compliance with the General Policy.</i></p> <p><b>Note:</b> <i>Not for Profit Organisation is defined under the Policy as: 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.</i></p>		

## 7 Eligibility Criteria

Council will assess all applications against the eligibility criteria set out in the General Policy. It is important that Applicants provide sufficient information to allow Council to determine the application.

Please answer the following questions and attach relevant evidence with your application.

2. Is the organisation a Not for Profit or charitable organisation that manages or operates premises with poker machines?

Please attach written representations and evidence confirming you meet this Eligibility Criteria.

**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.

3. Do the infrastructure charges relate to a Council leased facility maintained wholly for community purposes that does not operate poker machines onsite?

Please attach written representations and evidence confirming you meet this Eligibility Criteria.

**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.

4. Were the Infrastructure Charges levied for commercial uses?

Please attach written representations and evidence of how the development will operate as a Not for Profit organisation.

**Note:** Commercial use in context with the General Policy means any use of a commercial nature that generate profits as opposed to Not for Profit organisation.

5. Were the Infrastructure Charges levied for reconfiguring a lot?

**Note:** The General Policy will not apply to a reconfiguring a lot application.

6. Will the development provide a significant community role or benefit?

Please attach written representations and evidence of how the development subject of the infrastructure charges provides a significant community role or benefit.

**Note:** Whether or not the development will provide a significant community role benefit should not to be equated with substantial or large, but rather that the benefit is to be important or of consequence to the particular community.

## 8 Development Commencement

- 1 When is the development likely to commence?

## 9 Supporting Information

- 1 Insert list of supporting information

## 10 Applicant Declaration

I the Applicant listed below confirm that the above information is true and correct.

Name of Applicant:

Name of Company:

Phone numbers:

Date:

Signature:

### Privacy collection statement

Cairns Regional Council collects and manages personal information in the course of performing its activities, functions and duties. We respect the privacy of the personal information held by us. The way in which Council manages personal information is governed by the *Information Privacy Act 2009*. We are collecting your personal information in accordance with the *Planning Act 2016* and the *Planning Regulation 2017*. The information will be used to process this request, update our records, and undertake compliance related activities as necessary. Generally, we will not disclose your personal information outside of Council unless we are required to do so by law, or unless you give your consent to this disclosure. For further information about how we manage your personal information please see our Information Privacy Policy.

### Submit the form



Cairns Regional Council  
Att: Executive Manager, Development & Planning  
PO Box 359, CAIRNS QLD 4870



Present your application at a Customer Service Centre located at:  
119-145 Spence Street, Cairns  
This office is open from 8:30am to 4:30pm weekdays (excluding public holidays)



You may email your documentation to [planningadmin@cairns.qld.gov.au](mailto:planningadmin@cairns.qld.gov.au)