



# LACHLAN SHIRE COUNCIL COMMUNITY DONATION AND EVENT SUPPORT POLICY

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<b>Further Information:</b> Lachlan Shire Council ☎ 02 6895 1900 ✉ Email: <a href="mailto:council@lachlan.nsw.gov.au">council@lachlan.nsw.gov.au</a>						
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## 1. BACKGROUND

Lachlan Shire Council (Council) values and acknowledges the contributions made by community organisations in promoting and coordinating initiatives that enhance the wellbeing and quality of life for residents of the Lachlan Shire.

Council receives regular applications: for fee or charge concessions, financial donations and event in kind support. Where possible, and up to the limit set in the Annual Budget, Council will commit funds and/or resources to assist organisations and individuals, where the request complies with this policy.

Council can provide financial assistance through an annual donation program in accordance with section 356 of the *Local Government Act 1993*. In addition, fee concessions are permissible in accordance with section 610E and 610F of the *Local Government Act 1993*.

Donation requests made by organisations or individuals who act for personal gain will be subject to Section 356 (2) of the *Local Government Act 1993*.

“A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days’ public notice of the council’s proposal to pass the necessary resolution has been given.”

For the purpose of this policy ‘Donation’ also means financial contribution, event in-kind support, and Fee and Charge concessions, unless specified otherwise.

## 2. SCOPE

This policy applies to all applications received under any category, as described in this policy. Applications shall only be granted to community groups or individuals who either reside in the Lachlan Shire or those events which will deliver a direct and tangible benefit to the residents of the Lachlan Shire.

## 3. OBJECTIVE

The purpose of the policy is to;

- Provide a framework for the granting of donations
- Ensure an open and transparent decision making process is applied to all applications; and
- Ensure the granting of financial and non-financial support represents value for money for both Council and the community.

This policy sets out the;

- Funding Categories;
- Eligibility criteria;
- Exclusions; and
- Dates for Funding rounds

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## 4. DEFINITION/S

**Donation:** is a financial contribution made by Council without conditions other than the donation must be used in accordance with the application, must meet Council’s objectives, and must have a demonstrable benefit to the community.

**In-kind:** is a non-financial contribution made by Council through the provision of staff services, equipment, plant or facilities to assist an event and or project in delivering a demonstrable benefit to the community. In kind support does have a financial cost to Council so is limited.

**Fee concession:** a fee concession is the reduction or waiving of a fee charged by Council. Examples of fee concessions may include reducing or waiving fees associated with the use of Council owned facilities, Section 68 event application fees, and annual rates and/or annual charges concessions. Some concessions have already been granted through the adoption of the annual Fees and Charges. This policy applies to all other requests for concessions not detailed in the adopted Fees and Charges document which is available on Council’s website. Generally, no further reduction will be applied to already reduced fees, annual charges and/or annual rates.

**Community events:** Council will make provision as part of the annual budget for community events held across Lachlan Shire such as the Agricultural Shows, Christmas Festivals, Picnic Races, and other whole of community annual events that deliver significant benefits to the community. The application process as detailed in this policy **will** apply to Special Events, even if you have previously received funding or support from Council.

**Other funded organisations:** Council makes provision under its annual budget to provide support to ‘not for profit’ organisations across the shire. If this applies to your group, Council will have written to you and will provide support up to the budget limit. This generally applies to organisations which provide services on behalf of Council.

**Not-for-profit:** describes a type of organisation that does not earn profits. All money earned by or donated to a not-for-profit organisation is used in pursuing the organisations objectives and keeping it running. It does not operate for profit or personal gain of individual members. No part of any income is distributed to members and is normally voluntary run in nature. Various organisations may be classified as not-for-profit, though for the purpose of this policy an organisation that charges a fee for delivering their primary service is not considered not-for-profit. Examples would include, but are not limited to an Aged Care Facility, a Childcare Centre or where an organisation rents a property/ies on a commercial or residential basis.

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The Mayor and General Manager have delegated authority, under section 377 (1A) of the *Local Government Act 1993*, to approve applications of \$500 or less. The Mayor and General Manager must both approve the application.

You must apply in writing to Council. If you apply during the advertised funding round period, you will be requested to apply through the funding round.

A report detailing all applications approved under delegated authority will continue to be provided to Council on a quarterly basis.

## 5. POLICY

Each year, Council will make provisions in the budget to provide financial and in-kind assistance to community organisations and individuals.

In most instances, applicants shall only receive financial or in-kind support once per financial year; however, Council may consider additional meritorious applications on written request.

Financial and in-kind assistance is allocated at the discretion of Council, and is subject to budgetary and resourcing constraints. No application is guaranteed support or that the full amount requested will be approved.

All requests must be submitted in writing or on the relevant application form. Prior to completing the application form the applicant should ensure they meet the eligibility criteria as detailed in this policy.

All decisions will require a resolution of Council and Council's decision is final.

If a successful applicant wishes to modify the original scope of the application, the applicant must make this request in writing. It is at Council's discretion as to whether the intent of the modification meets Council's objectives and receives approval.

Donations can only be made to the bank account of the community group, we cannot pay to the bank account of individuals associated with the group.

Council may use its discretion to deal with applications on a case by case basis received under any category in this policy. Any decision to support an application that is outside of the scope of this policy requires a resolution of Council.

Council retains the right to approve one off donations, concessions or in kind support via a resolution of Council.

A written report will be provided to Council on a quarterly basis listing all donations or support provided under the delegation of the General Manager and Mayor.

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## 6. ELIGIBILITY CRITERIA

Council will consider providing assistance to community based and not-for-profit organisations, teams or individuals where:

- The community or not-for-profit organisation has significant local membership;
- The individual resides in the Lachlan Shire or has a strong connection to the area, e.g. the individual's parents reside in the shire and the individual is under 18 years of age and attends an educational facility outside of the shire; or the event provides benefit to a large majority of Shire residents.
- The project or event will deliver tangible benefits of economic, social, health, educational or environmental nature to the residents of the Lachlan Shire area;
- The project or event will be administered and conducted on a non-discriminatory basis;
- The event or project is determined to be self-funding or self-sustainable once the funds or assistance granted by Council are exhausted. Council will provide partial assistance or support however Council's contribution cannot fund the entire event or project;
- The organisation or individual is contributing real or "in-kind" value to the project or event;
- Funds are available within the Councils budget for that year;
- Funding is for an activity or service to be provided within the financial year as approved by Council; and
- Applications are received in writing or on the correct application form with all requested information provided.

## 7. EXCLUSIONS

Generally, Council does not grant financial or other support under this policy for:

- Retrospective applications;
- Where the individual or organisation can fund the project or event from other means such as, but not limited to, a loan through an associated organisation;
- Federally or State funded initiatives;
- Organisations raising funds on behalf of another organisation which is the recipient of financial assistance from the State or Funded Government;
- Concessions on Water consumption unless specifically listed in the Fees and Charges or Revenue Policy;
- Further concession on already reduced Fees and Charges as listed in Council's Fees and Charges document;
- Concessions on already reduced annual rates and availability charges listed on your rates notice;
- Concessions of waiving of Security Bond payments. Security Bonds are refundable providing all conditions of use / hire have been met.

## 8. APPLICATION CATEGORIES

When requesting support from Council, applicants will need to determine which category they wish to request assistance from and complete all required information on the application form. All applications must be received in writing.

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Applicants may request support from various categories. Applications received without the application form or with missing information, may be deemed ineligible.

#### **Financial donation:**

When requesting a financial donation, the applicant must be matching the requested amount dollar for dollar or with “in-kind” value for the project or event. Cash donations cannot be used to cover insurance costs for the project or event.

If the event proceeds, any unspent funds must be returned to Council.

If the event does not proceed, all funds need to be refunded to Council. If organisations are able to demonstrate they have utilised funds for an event that was cancelled at the last minute due to unforeseen circumstances outside of their control, for example, poor weather, they may write to Council asking to retain the funds. Any decision will require a resolution of Council and Council’s decision will be final.

All requests for cash donations of **more than \$500** are at the decision of Council. Funding rounds ARE applicable for all cash donations of **more than \$500**, and a completed application form must be submitted.

#### **In-Kind Support:**

When requesting in-kind support, the applicant must identify what is required from Council, whether it is equipment, plant, facilities or the provision of a service. The value of the request will then be determined for Council’s consideration and possible approval. A written request is required.

Request for in-kind support of **\$1,000 or less** can be approved under delegated authority by the General Manager and Mayor, under section 377(1A) of the *Local Government Act 1993*.

All requests having an in-kind value greater than \$1,000 must be approved by Council through the funding rounds.

#### **Acquittals for all in kind support and financial support of \$1,000 of more**

Beginning 1 July 2025, acquittals will be required for all in kind and financial support of \$1,000 or more. This will commence without the need for 28 days public consultation.

Acquittals will not apply to:

- Fee concessions
- Water consumption concessions
- Concession on Ordinary Rates/or Annual availability charges that appear on your rates notice.
- Funding provided for under Council’s Annual Budget

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## Fee Concession:

Some concessions on fees and charges have already been granted through the adoption of the annual Fees and Charges. This policy applies to all other requests for concessions not detailed in the adopted Fees and Charges. Applicants should review the Fees and Charges on Council's website prior to making application. If the Fees and Charges document details a concession, generally no further concession on that fee or charge will be approved.

Charge types that can receive a concession include:

- Facility Hire Fee
- Equipment Hire Fee
- Others fees as detailed in the adopted Fees and Charges

When requesting a fee concession, the applicant must identify what charge they are requesting a concession on and the value of the concession in dollar amount.

The General Manager and Mayor have delegated authority to approve a **one-off fee or charge concession of \$500 or less**, if not already detailed in the adopted Fees and Charges, as authorised under clause 377(1A) of the *Local Government Act 1993* NSW. A written application must be submitted to Council.

Applications requesting **fee concessions of greater than \$500** must go through the funding rounds to be determined by Council. On the occasion that a fee is payable prior to a Council decision being made, a refund of the fee paid will be provided should Council approve the application.

## Rates and Annual Charges Concession as appearing on your rates notice:

Charge types that can receive a concession include:

- Annual Ordinary Rate
- Annual Charges – Water, Sewer, waste management charges (also known as tip management fee). This concession does not include domestic waste or non-domestic waste charges.

A concession will be provided on one property assessment only per not for profit organisation.

No concessions will be provided on a property/ies that are rented on a commercial or residential basis, unless they are specifically listed in Council's Revenue Policy or Fees and Charges.

No concessions will be provided to schools, education facilities or non-rateable Crown Lands.

Where Council pays a fee, rent, licence fee or similar, on a regular basis, to utilise a premise or have access to a premise, no concession will apply to that property.

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Council may upon written application, provide a 50% concession for one property assessment only, on annual availability charges for:

- water (metered connections, non-metered connections and unconnected allotments);
- sewer residential and non-residential; and
- waste management charges (also known as tip management fee) - this concession does not include domestic waste or non-domestic waste charges

Where there are multiple water meters on the property assessment, the concession will apply to one water meter only, and the concession will apply to the smallest water meter.

Where there are multiple non-metered connections or multiple unconnected allotments on the property assessment, only one concession will apply. The concession will be provided on the charge with the lowest cost.

No concession will apply on:

- storm water charges as this is a statutory fee set by legislation
- domestic waste or non-domestic waste charges, as council pays an external contractor to provide this service.

Concessions on water consumption are not permissible, unless they are specifically listed in Council's Fees and Charges document or Revenue Policy.

If a property is exempt from Ordinary rates and/ or annual charges, no further concessions will be provided, unless they are specifically listed in Council's Revenue Policy or Fees and Charges document.

Council may use its discretion to deal with applications on a case by case basis received under this category. Any decision will require a resolution of Council.

For applications approved to receive a concession on rates or availability charges the granting of the concession is for a period of one year. Further concessions will only be provided following a new application in following years.

### **Funding provided for under Council's Annual Budget**

Council makes a provision as part of the annual budget to provide financial support to a number of community organisations up to a predetermined limit. These are generally organisations that provide services on behalf of Council. The value of support is reviewed and approved by Council on an annual basis. There is no guarantee of ongoing funding. Your organisation will have received written correspondence from Council if this applies to you.

If the organisation wishes to apply for further assistance, a written application will be required under a category listed in this policy. Any assistance already committed to by Council, will be noted by Council staff in the report to Council.

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## 9. FUNDING ROUNDS

**You do not need to apply through the funding rounds for:**

- Fee concessions listed in the Fees and Charges document (available on Council’s website)
- In kind support of \$1,000 or less
- Annual Rates and Charges concessions listed in the Revenue Policy or Fees and Charges
- Concessions or rebates available under an adopted Council Policy such as but not limited to Home Dialysis.
- Financial donation of \$500 or less
- Fee or charge concessions of \$500 or less
- If you have approved funding through Council’s Adopted Budget (Council will have written to you).

You are required to provide a written application for the above listed items and Council staff can provide a decision in writing. You may be asked to provide further information in order for a decision to be made.

**If you aren’t sure if you need to apply through the funding rounds, call Council’s Corporate and Community Services Administration Officer for advice and assistance.**

Council will open and advertise for applications to the Community Donation and Event support Program twice per year. All decisions will require a resolution of Council.

Round 1: Opens 1 March and closes 15 April each year. Applicants notified end of May.

Round 2: Opens 1 August and closes 15 September each year. Applicants notified end of October.

Council may use its discretion to deal with applications received outside of the funding rounds or within the above policy scope.

## 10. ACKNOWLEDGEMENT OF COUNCIL’S SUPPORT

Recipients of donations and community support are required to give public recognition and acknowledgement of Council’s assistance on related printed and/or promotional material in either hardcopy or digital formats.

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## 11. RELATED DOCUMENTS

Related Lachlan Shire Council policies include:

- Code of Conduct for Council Staff
- Code of Conduct for Councillors
- Related Parties Disclosure Policy
- Lachlan Shire Council Fees and Charges

Related Legislation includes

- Public Interest Disclosure Act 2022
- Local Government Act 1993
- Local Government (General) Regulation 2021
- Government Information (Public Access) Act 2009 (GIPA Act)
- Privacy & Personal Information Protection Act 1998 (PPIP Act)

Nothing in this policy limits any applicable legislation.

## 12. RIGHT TO VARY OR TERMINATE

Council reserves the right to vary this policy at any time. Council reserves the right to terminate this policy at any time.

Greg Tory

General Manager

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