
Deferral of developer contributions: The S.H.I.F.T Project

Responsible Officer: Group Manager Planning & Delivery (Andrew Logan)

Recommendation

That Council, under clause 2.5 of Council's Development Servicing Plan for Bulk Water Supply 2016, approve the deferral of the Rous County Council developer contributions, payable by *The S.H.I.F.T Project Byron Incorporated* in relation to DA10.2021.399.1.

Background

The purpose of the report is to recommend to Council that it approve the deferral of the bulk water developer contributions payable in relation to Development Application No: 10.2021.399.1.

The proposed development is for *Change of Use to Light Industry (Laundry)* with a total of 5 washing machines at 2/83 Centennial Circuit, Byron Bay.

In 2020, Council approved a deferral of developer contributions for the same organisation at another location. The organisation has since been required to relocate to new premises in the Byron Shire.

In August 2021, *The S.H.I.F.T Project Byron Incorporated*, wrote to Rous County Council (RCC) requesting a deferral of bulk water developer contributions in relation to Development Application number 10.2021.399.1 ([Attachment 1](#)). Byron Shire Council subsequently confirmed they will be deferring developer contributions payable to them.

The RCC Development Servicing Plan for Bulk Water Supply 2016 makes provision for Council to defer developer contributions in certain circumstances. The applicable clause in the Plan is reproduced below:

"2.5 Exemption

Rous Water may defer developer contributions where the proponent demonstrates to Rous Water's satisfaction that it is a non-profit and charitable organisation, which by virtue of carrying out such development, is considered by Rous Water to be making a significant and positive contribution to the community and is unable to recover the charge from the end user".

The S.H.I.F.T Project Byron Incorporated is a non-profit, community-based organisation registered with the Australian Charities and Not-for-profits Commission. The organisation's Australian Business Number is 41673547663. The publicly available information on the organisation, from the Australian Charities and Not-for-profits Commission website, is included as [Attachment 2](#).

Governance

- **Finance**

Council's Development Servicing Plan for Bulk Water Supply 2016 provides for the deferral of developer contributions for a non-profit and charitable organisation (clause 2.5).

Based on advice received from Byron Shire Council staff advising the deferral of Byron Shire Council developer contributions and publicly available information confirming the organisation's non-profit status, granting the request for deferral would be appropriate.

Historically, the number of requests received, and subsequent financial impact of deferrals granted has been low and is considered insignificant in terms of impact on Council's overall financial position.

- **Legal**

Refer to comments in the body of the report.

Consultation

Consultation has been between Rous County Council staff, *The S.H.I.F.T Project Byron Incorporated*, and Byron Shire Council staff.

Conclusion

It is recommended that the developer contributions, otherwise payable to Rous County Council, be deferred in accordance with clause 2.5 of the Development Servicing Plan, in relation to Development Application No: 10.2021.399.1 for *The S.H.I.F.T Project Byron Incorporated*.

Attachments

1. Letter from The S.H.I.F.T Project Byron Incorporated
2. Australian Charities and Not-for-profits Commission Information Form - The S.H.I.F.T Project Byron Incorporated