

POLICY OBJECTIVE

This policy provides a framework for the transparent, consistent and equitable assessment in relation to requests from applicants for the waiving and refunding of fees associated with development applications (DA's), construction certificates (CC's), section 68 applications (S68's) and complying development certificates (CDC's).

SCOPE

This policy applies to members of the public who are lodging development and construction applications and authorised Council Officers.

LEGISLATIVE REQUIREMENTS

- Local Government Act 1993
- Local Government (General) Regulations 2005
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000

POLICY STATEMENT

Lodgement of applications attract a range of fees and these are calculated at the time of lodgement or at a pre lodgement meeting where council can provide a quote. These include

- prescribed fees, charges or levies the Council is required to collect by legislation on behalf of the State Government or another government entity e.g. long service levy, planning reform fund fee etc and
- fees and charges the Council imposes for services it provides.

Refunding of Application Fees

Application fees can be refunded in the following circumstances:

- Withdrawal of the application in writing prior to the site inspection – 80% of the application fee can be refunded, and
- Withdrawal of the application in writing prior to determination of the application – 50% of the application fee can be refunded.

When refusal of an application is recommended by staff the applicant is to be notified and given the opportunity to formally withdraw their application prior to the report going to Council. Fees are not refunded where an application has been determined.

Third party fees cannot be refunded by Council. The applicant will need to apply directly to a government agency for the refund of fees. Fees for the advertising of an application will only be refunded if the advertisement has not been submitted for inclusion in the next edition of the local newspaper.

In What Circumstances Can Application Fees Be Waived?

As per Council's Delegation of Authority Register the General Manager has the delegation to waive development application, complying development certificate fees, construction certificate fees, section 68 application fees and other fees associated with building and development (e.g. inspection

fees) that are charged by Council as a statutory fee or fee for service (but are not third party fees) up to \$1,000 for non-profit organisations. Any request outside of this delegation must be reported to Council.

Types of Fees That Cannot Be Refunded or Waived

The following fees (considered to be third party fees) cannot be waived or refunded under the General Manager’s delegation (as they either relate to a third party cost (i.e. advertising of the DA in the local media), the applicant has to make a direct payment to the agency via Council (e.g. integrated development fees) or Council is the collection agency for the fee (e.g. long service levy and planning reform fund fees):

- Concurrence and integrated development fees to other government agencies;
- Advertising;
- Planning reform fund fees, and/or
- Long service levy.

ASSOCIATED POLICIES AND PROCEDURES

- Environmental Services Procedures
- Delegation of Authority Register

DEFINITIONS

Non Profit - An NFP organisation is an organisation that is operating for its purpose and not for the profit or gain (either direct or indirect) of its individual members. NFP organisations fall within two broad categories:

- charities, and
- other NFP organisations that are not charities, for example: most sporting and recreational clubs, community service organisations, professional and business associations and social organisations.

POLICY VERSION CONTROL

Title	Waiving and Refunding Application Fees			
ECM Doc Set ID	27189			
Date Adopted	15 November 2018			
Date Next Review	November 2021			
Council Minute No.	2018/292			
Responsible Officer	Manager Environmental Services			
Version Number	Modified By	Modifications Made	Date modified and Approved by Council	Council Minute Number