

WAIVING OF APPLICATION FEES FOR DEVELOPMENT POLICY



Responsible Department: Development and Economic Growth
Responsible Section: Development and Economic Growth
Responsible Officer: Director of Development and Economic Growth

Objective

- To maintain a transparent, equitable and consistent approach to waiving of fees associated with applications for development (including development applications, Complying Development Certificates, Part 4A Certificates (i.e. Construction, Occupation and Subdivision Certificates) and Section 68 Activity Approvals under the *Local Government Act 1993*).
- Provide a robust framework for Council's professional staff to make decisions on waiving application fees to recognised "not for profit" organisations.

Introduction

Council from time to time receives requests from the general public to waive fees associated with the lodgement of applications for development. This policy intends to provide a basis for Council's decision making in relation to requests to waive or refund application fees; and to establish clear lines of responsibility for authorisation and processing of such requests.

Policy

- i) Schedule of applications to be considered:

In some instances it is appropriate that Council not to impose fees (other than non - Council imposed statutory fees such as LSL) for development applications lodged for certain types of development or proposed to be undertaken by particular groups.

1. At the discretion of General Manager, Fees may be waived on applications for Development Applications, Part 4A Certificates, Complying Development Certificates and Section 68 Activity Applications :

- 1.1 If the application is lodged by sporting, cultural and non-profit groups, where Council has provided a grant for the development (e.g. for lighting or amenity facilities).

- 1.2 If the application is lodged by by recognised charitable and “not for profit” community groups such as the Salvation Army and the Cancer Council.
 2. Applications which are deemed by the General Manager to have demonstrated significant economic and social benefits for the community of the Narrabri local government area.
- ii) Schedule of applications not to be considered:
1. Application(s) that are not categorised into the group in schedule (i), Council shall not waive fees for:
 - i) Applications by schools, churches and other community groups where there is no wider public or community use and benefit (e.g new buildings, structures, signs etc)
 - ii) Where there is a proposed commercial use associated within any developments contained within section (i) of ‘Schedule of applications to be considered’.
- iii) Implementation Procedure:
1. An appropriately authorised officer of Council’s Planning and Development Services Staff are to calculate the required fees and provide a schedule of fees for the different types of applicable applications (including any non-Council statutory fees (i.e. LSL) as determined by Council’s Management Plan for the current financial year.
 2. The applicant shall pay the appropriate application fees at the time of lodging the application/s.
 3. The applicant is invited to request a refund of application fees by way of written request. Such correspondence shall clearly indicate the community benefit of the proposal and outline the reasons for consideration by Council by addressing the criteria in this Policy.
 4. All requests for refunds must be addressed to the Manager of Planning and Development Services. The Manager shall consider whether the application should be approved or refused in accordance with this Policy and make a recommendation to the General Manager. There is no right of appeal against the decision and such decision is final.
 5. If the decision of the application is for approval, Council shall advise the applicant in writing, including either a cheque refund or shall electronically direct deposit in the applicants account within 30 days of the date of application.

Note: Council cannot refund Statutory Charges such as Long Service Levies or commissions imposed by the State Government.
 6. If the decision is for refusal, Council shall advise the applicant in writing within 14 days of the application being received by Council.
 7. Council shall keep a register of all application fees that have been refunded including the name of the organisation and the address and land title details of the subject land.

References

- Part 15 of the *Environmental Planning and Assessment Regulation 2000* prescribes the maximum fees which a developer / applicant shall pay to Council. There is the ability for Council to impose a rate of fees or fee schedule providing that the fees do not exceed the maximum rate permitted by the Regulation. It is noted that the fees for Part 4A Certificates and Complying Development Certificates are unregulated.
- This Policy proposes fees which are less than the maximum applicable under the governing legislation and shall only refer to development application and Part 4A Certificate charges as well as fees for Complying Development Certificates and Section 68 Activity Approvals under the *Local Government Act 1993*. The policy does not refer to other fees or policies and shall not be applicable to other statutory charges such as Long Service Levy (LSL).

History

MINUTE NUMBER	MEETING DATE	DESCRIPTION OF CHANGE
26/2012	21 February 2012	Adopted
607/2013	3 September 2013	Reviewed
164/2017	15 August 2017	Reviewed