	<b>Function:</b> DEVELOPMENT SERVICES	<b>Adopted:</b> 2 <sup>nd</sup> February 2022 <b>Resolution No.:</b> C34:0222
	<b>Policy Number:</b> DEV016	<b>Last Review:</b> <b>Resolution No.:</b>
	<b>Version Number:</b> 1.0	<b>Next Review:</b> Refer Clause 8.1
<b>DEVELOPMENT ASSESSMENT APPLICATION FEE          WAIVER AND REFUND POLICY</b>		

## Policy Statement

### 1. Introduction

- 1.1. Section 119(9)(c) of the Planning, Development and Infrastructure Act 2016 (PDI Act) and Regulation 7 of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 (PDI Fee Regulations) allow a relevant authority to waive or refund payment of whole or part of the application fee payable to that relevant authority.
- 1.2. The Policy objective is to outline circumstances, ensuring consistency, under which the waiver and/or refund of development application fees will be permitted by Council.

### 2. Scope

- 2.1. This Policy applies to all development applications lodged with Council.
- 2.2. This Policy does not apply to statutory fees and charges collected by Council on behalf of the State Government.
- 2.3. Once an application is lodged for Planning or Building Consent and the application fees are paid, there is no statutory obligation for Council to refund any part of fees paid.
- 2.4. In certain circumstances, Council will consider refunding of the application fees in the following situations:
  - 2.4.1. An application is withdrawn by the applicant; or
  - 2.4.2. An application lapses when additional information requested from the applicant is not provided within the statutory timeframes; or
  - 2.4.3. Where a Compliance Fee applies and the element requiring the Compliance Fee is removed by way of a variation.

### 3. Applicable Legislation

- 3.1. The following legalisation applies to this Policy:
  - Local Government Act 1999
  - Planning, Development and Infrastructure Act 2016
  - Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019.
- 3.2. This Policy is not a mandatory requirement but essential for good governance.

#### 4. Integration with Corporate Objectives

4.1. This Policy supports Council's Strategic Plan 2019 - 2029

##### 4.1.1. Governance Objective – Leadership

Goal 5 – To provide leadership and ensure community resources are managed efficiently and effectively.

- 5.3 Legislation – To adhere to the requirements of the Local Government Act 1999, regulations and other legislation that influences the operations of Council.

#### 5. Definitions

5.1. All terms and references within this Policy are as defined in the Planning, Development and Infrastructure Act 2016.

#### 6. Application

6.1. Application fees will be waived and/or refunded for eligible applicants as defined in this Policy for development on land within the Council area where Council, Council's Assessment Panel (CAP) or Council's Assessment Managers is the Relevant Authority under the Planning, Development and Infrastructure Act 2016.

6.2. Applicants should address their request for a fee refund to:

Director Development Services  
Copper Coast Council  
PO Box 396  
KADINA SA 5554  
Or email to [info@coppercoast.sa.gov.au](mailto:info@coppercoast.sa.gov.au)

And detail the reasons for the requested fee waiver and/or refund.

6.3. It should be noted that the Council can only consider the waiver of fees that are disbursed to Council. Any waiver of PlanSA lodgement fees, or State Agency referral fees will need to be sought from those Agencies.

6.4. Consideration to refund or waive application fees will be based on the criteria outlined in the table below:

FEE TYPE	FEE WAIVER/REFUND AMOUNT
Deemed to Satisfy Planning Fee	<ul style="list-style-type: none"> <li>• <b>NO REFUND</b></li> </ul>
Performance Assessed Planning Fee (without public notification)	<ul style="list-style-type: none"> <li>• <b>50% REFUND</b> of planning assessment fees where assessment by planning staff has not yet commenced.</li> <li>• <b>NO REFUND</b> where assessment by planning staff has commenced and a request for further information has been sent.</li> </ul>
Public Notification Fees	<ul style="list-style-type: none"> <li>• <b>100% REFUND</b> of <b>unused public notification fees</b> where no sign or letters of notification have been produced.</li> <li>• <b>50% REFUND</b> where letters have been produced but not sent and no sign has been erected on the site.</li> <li>• <b>NO REFUND</b> where the notification has commenced (sign erected on site and letters sent).</li> </ul>
Statutory Referral Fees	<ul style="list-style-type: none"> <li>• <b>100% REFUND</b> if application is withdrawn prior to referral being sent.</li> <li>• <b>NO REFUND</b> if application is withdrawn after referral has been sent.</li> </ul>

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Building Assessment Fee	<ul style="list-style-type: none"> <li>• <b>75% REFUND</b> of building assessment fees being paid where assessment by building staff has not yet commenced.</li> <li>• <b>40% REFUND</b> of building assessment fees being paid where assessment has commenced and no request for further information has been sent.</li> <li>• <b>NO REFUND</b> other than the above.</li> </ul>
Compliance Fee (to be paid per element of development)	<ul style="list-style-type: none"> <li>• <b>100% REFUND/WAIVING</b> of Compliance Fee if an element of development is removed by way of a variation.</li> </ul>
Review of Assessment Manager's Decision	<ul style="list-style-type: none"> <li>• <b>75% REFUND</b> if the request for withdrawal of the review is received prior to the preparation of the CAP report.</li> <li>• <b>NO REFUND</b> if the request for withdrawal of the review is received after the preparation of the CAP report.</li> </ul>
Applications lodged under the Development Act 1993	<ul style="list-style-type: none"> <li>• <b>NO REFUND</b></li> </ul>

**7. Delegation**

- 7.1. Pursuant to section 44 of the Local Government Act 1999, Council delegates to the Chief Executive Officer authority to administer Council's policies.
- 7.2. The decision to consider refunding or waiving application fees associated with the lodgement of a Development Application under the Planning, Development and Infrastructure Act 2016 is delegated to the Director Development Services.

**8. Adoption and Review**



- 8.1. This Policy shall be reviewed every four (4) years, or more frequently, if legislation or Council requires, by the Development Services Department and a report shall be presented to Council for consideration and adoption.

**9. Records Management**

- 9.1. Official records will be retained and stored in accordance with Council's adopted Records Management Policy as required by section 125 of the Local Government Act 1999.

**10. Availability of Policy**

- 10.1. This Policy will be available for inspection without charge at the Council's Principal Office during normal business hours and via the Council's website [www.coppercoast.sa.gov.au](http://www.coppercoast.sa.gov.au).
- 10.2. A copy of this Policy may be obtained on payment of a fee in accordance with Councils' Schedule of Fees and Charges.

Signed		
	Mayor	Chief Executive Officer
Date	2 <sup>nd</sup> February 2022	

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