

	<b>Function:</b> DEVELOPMENT SERVICES	<b>Version Number:</b> 1
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	<b>Frequency of Review:</b> As required	<b>Last Review:</b> <b>Next Review:</b> To be determined
<b>REFUNDING AND WAIVING OF DEVELOPMENT AND WASTE CONTROL SYSTEM APPLICATION FEES POLICY</b>		

## POLICY STATEMENT

This Policy sets out the following:

- (a) Proportion of fees to be refunded upon the withdrawal or lapsing of a Development Application or an application for a Waste Control System; and
- (b) Dealing with requests from not-for-profit organisations to waive application fees.

### 1. INTRODUCTION

Development requiring development approval is defined in the Development Regulations 2008. The Development Act 1993 requires a development application to be accompanied by the appropriate fees as set out in Regulation 95 of the Development Regulations 2008.

The Public and Environment Health Act 1987 requires that an application fee is paid when application is made for the approval of a Waste Control System.

Once an application is lodged for Development Plan Consent, Building Rules Consent or a Waste Control System approval and the application fees are paid, there is no statutory obligation to refund any part of any of the fees paid.

Council occasionally receives requests from applicants for a refund of the application fees when one of the following situations occurs:

- a) When an application is withdrawn by the applicant; or
- b) When additional information requested from the applicant is not provided within the statutory timeframes and the application lapses.

Requests are also received from time to time from not-for-profit organisations to waive application fees.

To ensure consistency it is appropriate for Council to adopt a Policy in accordance with which part or all of the fees may or may not be refunded.

## 2. APPLICABLE LEGISLATION

Development Act 1993  
Development Regulations 2008  
Public and Environmental Health Act 1987  
Public and Environmental Health (Waste Control) Regulations 2010

## 3. INTEGRATION WITH CORPORATE OBJECTIVES

**Strategic Plan:** Environmental Objective - Sustainability

**Goal:** To responsibly manage the natural and built environment to ensure its sustainability and diversity to the community

## 4. DEFINITIONS

The meaning of all terms and words used in this Policy are as defined in the Development Act 1993, the Development Regulations 2008, the Public and Environmental Health Act 1987 and the Public and Environmental Health (Waste Control) Regulations 2010.

## 5. APPLICATION

### 5.1 Fees payable when application is made for Planning Consent and Building Rules Consent

The following statutory fees are payable when an application is lodged for Development Plan Consent and Building Rules Consent:

#### 5.1.1 Lodgement Fee

A lodgement fee is payable at lodgement for all types of Development Applications, whether it is for planning or building only or for both types. The intent of this fee is to cover part of the administrative costs to enter the application into the system prior to commencement of any assessment.

#### 5.1.2 Development Plan Consent Fee

Planning fees are payable when application is made for a change of use only or where the proposed development also includes the erection of new structures which may require Building Approval. The planning assessment process includes the following:

- a) Registration of application.
- b) Assessment of proposal against the provision of Council's Development Plan, other Council policies and any other statutory documents which may apply to the proposed development.

- c) Request for further information (if required).
- d) Referral to appropriate referral agencies where applicable.
- e) Preparation of an assessment report for consideration by Council's Development Assessment Panel or Council if required.
- f) Preparation of the Decision Notification Form.

#### 5.1.3 *Building Rules Consent Fee*

The Building assessment and granting of Building Rules Consent can either be processed through Council or the applicant may choose to engage the services of a Private Building Certifier to obtain Building Rules Consent. In the event that a Private Certifier is nominated, a "Staged Fee" is required by Council from the applicant.

The process to obtain Building Rules Consent includes the following:

- a) Where Council is responsible for granting the Building Rules Consent, the following process applies:
  - (i) If "Building Only", registration of application.
  - (ii) Assessment of proposed development after Planning Consent has been issued against the provisions of the Building Code of Australia.
  - (iii) Request for Further Information (if required).
  - (iv) Referral of proposed development to suitably qualified consultant for structural calculations if required.
  - (v) Preparation of Decision Notification Form.

#### 5.1.4 *Other Monies Payable*

##### *(a) Fees paid to Referral Agencies:*

Some State Departments require a referral fee when applications are referred for comment. These fees are payable by the applicant and is not refundable by Council.

##### *(b) Fees paid to State Government:*

The following fees are payable to the State Government:

- (1) 5% of all application fees received (except for the Staged Fee);
- (2) 90% of non-complying Development Administration Fees under Schedule 6 of the Development Regulations 2008.

These fees are transferred on a quarterly basis. Once these fees are transferred to the State it cannot be recovered.

(c) GST:

Application fees for Building Rules Consent include 10% GST. No other fees include GST.

## **5.2 Fees Payable when application is made for Waste Control Systems**

The following types of fees apply when application is made for the approval of a Waste Control System:

- 5.2.1 *Application to alter a waste control system.* The fees cover administrative costs and costs for one on-site inspection.
- 5.2.2 *Application to install a waste control system to an existing building.* The fees cover administrative costs and two on-site inspections.
- 5.2.3 *Application to install a new waste control system.* The fees cover administrative costs and three inspections.
- 5.2.4 *Additional fees payable for every 1,000 litres in capacity of the waste control system in excess of 5,000 litres.*
- 5.2.5 *Additional fees payable for every site inspection in addition to the site inspections covered by the fees set out above.*

All the fees referred to above (administrative and site inspection fees) are statutory prescribed fees and cannot be altered by Council.

## **5.3 Application fees payable by not-for-profit organisations**

Unless all or part of the fees is waived by Council, not-for-profit organisations must pay application fees in accordance with this Policy. Where a waiver of application fees are requested by not-for-profit organisations, such request must be directed in writing directly to the Chief Executive Officer who will include the request under "Correspondence" in the Council Agenda for decision by Council.

## **5.4 Application fees payable by Council**

Where Council is the applicant for a particular development, all application fees payable to Council will be waived automatically. Any application fees payable to any agency other than Council must be paid in accordance with the requirements of the particular agency.

**5.5 Refunding of fees when application is made for Planning Consent and Building Rules Consent**

*5.4.1 Fees paid to Referral Agencies, State Government and GST*

The refunding of the statutory fees paid to referral agencies, the statutory fee of 5% payable to State Government and GST (10%) cannot be justified as it will result in a net loss to Council.

*5.4.2 Lodgement fees*

Once a development application is lodged and entered into the system the lodgement fees will not be refunded.

*5.4.3 Development Plan Consent fees*

(i) Planning Consent fees for *complying* and *merit development* will be refunded as follows depending on the stage of assessment when the request to withdraw the application is received or when the application has lapsed:

Stage of Assessment Completed	Percentage of Total Application Fee (see note (1) below) refunded
Registration of application completed.	95%
Assessment of proposal against the provision of Council's Development Plan and any other Council policies and any other statutory documents which may apply to the proposed development.	40%
Request for further information	20%
Referral to appropriate referral agencies where applicable.	0%
Preparation of an assessment report for consideration by Council's Development Assessment Panel or Council if required.	0%
Preparation of the Decision Notification Form.	0%

**Note:** (1) "Total Application Fee" includes 5% payable to State Government and excludes Lodgement Fees which are not refundable. No GST is payable and therefore is not included in the total application fee  
 (2) Non-complying Development Administration Fees under Schedule 6 of the Development Regulations 2008 are not refundable

(ii) Planning Consent fees for *non-complying development* will not be refunded.

*5.4.4 Building Rules Consent fees*

Building fees will be refunded as follows depending of the stage of assessment when the request to withdraw the application or when the application has lapsed:

Stage of Assessment Completed	Percentage of Total Application Fee (see note below) refunded
Registration of application completed.	85%
Assessment of proposal against the provision of the Building Code of Australia.	40%
Request for further information	20%
Referral to suitably qualified consultant for structural calculations.	0%
Preparation of the Decision Notification Form.	0%

**Note:** "Total Application Fee" includes 5% payable to State Government, 10% GST included in Building Rules Consent fees and Staging Fee where a private certifier is engaged. To remove any doubt, these fees do not include the Lodgement Fee which is not refundable in terms of this Policy.

**5.4.5 Direct Costs incurred by Council**

Where Council incurred any direct costs (e.g. the costs to obtain a copy of the Certificate of Title, etc) such costs will be recovered from any refundable fee before a refund is paid.

**5.6 Refunding of fees when application is made for Waste Control Systems**

**5.5.1 Administrative Fees**

No administrative fees are refundable when an application for a Waste Control System is withdrawn or when the application lapses.

**5.5.2 Inspection Fees**

Fees will be refunded for any on-site inspection not being carried out at the time when the application is withdrawn or when the application has lapsed and a request is made for the refunding of the fees. The amount to be refunded shall be in accordance with the fees as prescribed in the Regulations.

**5.5.3 Direct Costs incurred by Council**

Where Council incurred any direct costs in the assessment of an application for a Waste Control System, such costs will be recovered from any refundable fee before a refund is paid.

**6. Delegation**

Information regarding this policy is to be directed, in the first instance, to the Director Development Services.

Refunding of any application fees in accordance with this Policy may be authorised by the Director Development Services.

Refunding of any application fees for a Waste Control System may be authorised by an Environmental Health Officer employed by Council.

Any request to waive application fees must be referred to Council.

**7. Adoption and Review**

This Policy was adopted by the District Council of the Copper Coast on 4<sup>th</sup> July 2012, being resolution number C147:12. The effectiveness of this Policy will be reviewed and evaluated as required.

**8. Availability of Policy**

The Policy will be available for inspection without charge at the Council's Principal Office during business hours.

Signed -----

Mayor

Date

Signed -----

Chief Executive Officer