

	Development Applications – Waiver and Refund of Fees Policy <i>Policy No. ENVPOL 13</i>	Version No:	3
		Responsible Officer/s:	Manager Development Services
		Classification:	Council
		Issued:	7 October 2015
		Next Review:	February 2028

1. Purpose

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

This Policy applies to all Development Applications that are withdrawn by an applicant subsequent to lodgement with Council. The Policy sets out guidelines for refund of fees depending on how far the assessment of an application has progressed up until being withdrawn.

The refunding of a fee may occur when:

- processing an application withdrawal
- determining public notification is not required during planning assessment
- determining a referral is not required.

Noting, the 'lodgement fee' cannot be refunded if an application is withdrawn.

How is the amount refunded to the applicant?

Development application fees can either be refunded through the PlanSA portal or other method determined by Council.

On endorsement of the 'fee refund' by the delegated financial approver, the refunded fee amount for payments made through the BPoint payment method are credited to the credit / debit card used to make the initial fee payment.

When the applicant and/or invoice contact for the application has paid the fee advice over the counter or by post, the refund method will be determined by the council.

Community Organisations

That Council exempt development application fees under the Planning, Development and Infrastructure Act 2016 for community organisations submitting development applications on Council owned land, subject to exclusion of:

- Lodgement Fee;
- Agency referral fees (if applicable);
- Construction Industry Training Fund Act 1993 Levy (if applicable).

The following applications or circumstances will be considered for a reduction in fees on a case by case basis, taking into account the time required and cost of assessing the application:

- Criteria established under Council Policy - CS36 Waivers, Reductions and Subsidies - Fees and Charges (Non Rates) which includes:
 - Demonstrated hardship for an individual;
 - Demonstrated financial hardship for a non-profit organisation;
 - Error in charging the initial fee or charge;

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- The Council's cost of recovering the charge exceeds the value of the fee/charge to be recovered.
- Applications for fire upgrade to buildings where the application has been triggered by action taken by Council's Building Fire Safety Committee;
- Applications where the fee to be charged is considered to be excessive having regard to the minor nature of the work being undertaken and represents a disproportionate cost having regard to the value of the work being undertaken;
- Applications for upgrades/rectification works to buildings where the building work contributes to the life and safety of public or the occupants of the building;
- Applications for building work which are for the greater good of the community on social or environmental grounds (for example: disabled access ramps);
- Applications for Local or State Heritage Buildings where the building work is subject to a Heritage Grant;
- Applications for a variation to a previously consented to development where, for example, the essential nature of the proposal would not be changed, the extent of the change would not be substantial, and where a fee reduction may be warranted proportionate to the new assessment work required (dependant on the degree of variation proposed).

3. Definitions

Definitions are as per the *Planning, Development and Infrastructure Act 2016* and the *Planning, Development and Infrastructure (General) Regulations 2017*.

4. Policy

Section 119 of the Planning Development & Infrastructure Act 2016 provides the opportunity for Council to waive payment of or refund, all or part of an application fee. The decision to waive, reduce or refund a fee is delegated to relevant staff.

WITHDRAWAL	REFUND				
	Lodgement	Planning	Building	Land Division	Statement of Requirements
Prior to assessment	NIL	100%	100%	N/A	N/A
Prior to Planning Decision	NIL	50%	100%	N/A	N/A
Prior to Building Decision	NIL	NIL	50%	N/A	N/A
Prior to Land Div. assessment	NIL	N/A	N/A	100%	100%
Prior to Land Div. decision	NIL	N/A	N/A	50%	100%
After approval	NIL	NIL	NIL	NIL	NIL

5. Responsibilities

The Director of Environmental Services and Manager of Development Services are responsible for ensuring that the requirements of this Policy are met.

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6. References / Other Documents

Planning, Development and Infrastructure Act 2016

Planning, Development and Infrastructure (General) Regulations 2017

7. Review

This Policy shall be reviewed by the District Council of Grant at a minimum, once within every four (4) year Council term (or on significant change to legislation or other matters which could affect this policy).

Action	Date	Minute Reference
Adopted by Council	7 October 2015	15127.7.1
Amended	7 October 2020	20127.3
Amended	19 August 2024	24149
Minor formatting amendments	20 August 2024	Governance Officer