



Fee Refund / Rebate Policy

Statutory Planning & Subdivision Fees



PURPOSE

The purpose of this policy is to provide the framework for the consistent consideration of fee rebates, waivers and refunds as they relate to statutory planning and subdivisions.

POLICY STATEMENT

It is Council policy to ensure that requests for fee rebates, waivers and refunds are considered consistently and in accordance with the framework at **Table 1 (Framework for Fee Waiver / Rebate / Refund)**.

POLICY SCOPE

This policy applies to fees payable on statutory planning and subdivision matters as prescribed under the Planning and Environment Act 1987 and the Subdivision Act 1988, including fees outlined in the Planning and Environment (Fees) Regulations 2016, Subdivision (Fees) Regulations 2016 and fees set by Council. These fees include but are not limited to:

Statutory fees

- Applications for Planning Permits under section 47
- Amendments to Planning Permits
- Certification of a Plan of Subdivision
- Amended Plan of Subdivision
- Re-Certification of a Plan of Subdivision
- Certificate of Compliance
- Amending or Ending an Agreement under Section 173 of the Planning & Environment Act
- Planning Certificates
- Satisfaction Matters

Non-statutory fees

- Extension of time to a permit
- Secondary Consent amendment to permit plans
- Advertising costs
- Pre-application advice
- General enquiry letters
- Planning Information Requests
- Copies of Permits and Plans
- Preparation of a Section 173 Agreement
- Compliance Inspections

CONTEXT

Regulation 20 of the *Planning and Environment (Fees) Regulations 2016* and Regulation 12 of the *Subdivision (Fees) Regulations 2016* set out that the responsible authority may wholly or in part waive or rebate the payment of a fee if the following apply:

- An application is withdrawn, and a new application submitted in its place.
- If in the opinion of Council, the fee is not warranted due to:
 - The minor nature of the consideration of the matter to be decided.

- The requested service imposes no appreciable burden or a lesser burden than usual for supplying that service.
- The application relates to land exclusively used for charitable purposes

There are many occasions where Council is asked to consider a fee waiver, rebate or refund and a consistent approach is needed.

PROCEDURE

The procedure for fee rebates, waivers and refunds are set as follows:

1. A request must be made in writing by the applicant outlining their request and the reasons for the fee waiver, rebate or refund (unless the offer to waive, rebate or refund a fee was offered by Council in accordance with Table 1 and with approval of the delegated officer).
2. The request will be saved on file and considered in accordance with this policy.
3. The decision whether to waive, rebate or refund the fee will be recorded in the officer's Delegate Report.
4. The decision to waive, rebate or refund fees will be made by the Coordinator Town Planning, Coordinator Growth Area and Manager Planning Building and Health, as appropriate, in line with the following monetary values:
 - **Requests <\$25,000 – Coordinators**
 - **Requests >\$25,000 to \$250,000 – Manager**
5. Any adjustments to charges will be made in Council's database by the Coordinator or Team Leader Admin

FRAMEWORK

Table 1: Framework for Fee Waiver / Rebate / Refund

DESCRIPTION	CONDITIONS	DECISION
New application	A new application is lodged to replace an application which was withdrawn or has lapsed.	No fee waiver. Unless specific circumstances are considered appropriate to offer a partial waiver. Determined at the discretion of the Coordinator.
	Where a previous application lapsed due to an administrative error by Council (i.e applicant attempted to provide the information by the due date but was not received). The application must be identical and include the information as requested previously.	Full fee waiver.

DESCRIPTION	CONDITIONS	DECISION
	The application must be lodged within 3 months of lapsing.	
	Assessment undertaken and it is determined a permit is not required.	Partial refund (Planning Fee minus Planning Information Request fee to cover administrative costs).
<p>An application for charitable purposes**</p> <p><i>**Must be registered with the Australian Charities and Not-for-profit Commission or demonstrate that the organisation is operating as a not-for-profit.</i></p>	<p>The owner/applicant must be a not-for-profit organisation that does not operate for the profit, personal gain or other benefit of particular people (for example, its members, the people who run it or their friends or relatives).</p> <p>The proposed use / development must not be for commercial purposes.</p> <p>The request to waive or reduce fees must be made in writing and set out the community benefit that will be derived from the use and / or development.</p>	Full fee waiver
Applications of lesser burden	An identical application where the permit or certification has expired, and the approval has not been acted on.	No fee waiver.
	An identical application where the permit has expired and cannot be extended, and the development has substantially progressed, and other approvals rely on a valid permit.	No fee waiver.
	<p>An amended plan of subdivision prior to certification (NOT Re-Certification) where the changes have been made at the request of Council or a Referral Authority.</p> <p>No other changes introduced.</p>	Full fee waiver.

DESCRIPTION	CONDITIONS	DECISION
Council Applications	Applications where Council is the permit applicant.	No fee waiver. The relevant Council unit must meet the requisite application fee in accordance with the fee schedule.
Lapsed applications	Where an application has lapsed due to failure to provide further information.	No refund. If a new application is made for an identical proposal with 3 months of lapsing a new fee will be waived, see above – <i>“New Application Section”</i> .
Withdrawn applications	Where an application is of poor quality, insufficient information or is unlikely to be supported and Council recommends withdrawal. A full assessment has not been undertaken. The applicant has not received any pre-application advice prior to lodgement indicating refusal.	Partial refund (Planning Fee minus Planning Information Request fee to cover administrative costs)
	All other circumstances.	No refund.
Premature application	Council has advised the application is premature and recommends withdrawal. The applicant has not received any pre-application advice prior to lodgement indicating the application is premature.	Full refund if withdrawn within 7 days of request to withdraw. Partial refund (Planning Fee minus PIR fee to cover administrative costs) if withdrawn after 7 days up to 28 days. No refund after 28 days.
Errors/Mistake	An application that has been incorrectly lodged; or there has been a duplicate registration (fee paid twice), or the wrong fee has been applied.	Full refund (of incorrect fees).

DESCRIPTION	CONDITIONS	DECISION
	Must be clearly demonstrated that the error has occurred.	

RELEVANT LEGISLATION

Planning and Environment (Fees) Regulations 2016

Subdivision (Fees) Regulations 2016

DOCUMENT INFORMATION

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APPROVED BY:	Peter Van Til, Manager Planning Building and Health
	_____ Signature (Manager Planning Building and Health)
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