

Document Name	Document Version Number	Review Date
Refund of Application Fees and Waiver of Fees for Not-For-Profit Organisations, Community Groups, and Other Charitable Organisations Policy	Version 1.0	As Required
Date Adopted	Minute Number	Status
17 April 2024	6614	New Policy

Purpose

To establish the process for refunding and waiving fees associated with applications for various developments and to enhance Council's decision-making process.

Scope

1. This policy applies for the following circumstances:
 - Development Applications (DAs hereafter), Complying Development Certificates (CDCs hereafter), and post-determination applications (ie Construction Certificates and Occupation Certificates) under the Environmental Planning and Assessment Act 1979 (EP&A Act hereafter) and;
 - Section 68 Approvals under the Local Government Act 1993(LG Act hereafter).
2. The General Manager, or their delegate, will only consider whether waiving fees associated with applications should be approved, whilst the Director of Planning and Environment, or their delegate, will consider the amount of fees to be refunded for the above mentioned with applications.
3. This policy does not apply to applications that are rejected or refused by Council.
4. Fee waiver under this policy will take the form of a refund of certain fees, rather than an up-front waiver.
5. The waiver or refund of fees does not extend to any statutory charges such as Long Service Levies, developer contributions (Section 7.11 or 7.12), any fees require to be paid to other agencies or Government Departments and the Planning Portal fees.
6. Other fees associated with an application (ie inspections, water meters, Occupation Certificate, etc) will be fully refunded if an application has been withdrawn and the service has not been provided.

Definitions

In this policy:

Applications means Complying Development Certificates, Development Applications, Construction Certificates, Occupation Certificates or Section 68 Approvals.

Complying Development Certificate (CDC) has the same meaning as in the EP&A Act.

Council means Greater Hume Council.

Development Application (DA) has the same meaning as in the EP&A Act.

Construction Certificate (CC) has the same meaning as in the EP&A Act.

Occupation Certificates (OC) has the same meaning as in the EP&A Act.

Section 68 Approvals means any activities which require approval under Section 68 of the LG Act 1993.

Not-for-profit organisations, community groups, and other charitable organisations means an organisation that does not operate for the profit, personal gain or other benefit of particular people including, for example who can provide relevant evidence from the Australian Charities and Not-For-Profits Commission (ACNC) showing their registration, sporting groups, community service groups, charities or the like where there is a wider public and community use and benefit.

Policy Content

The following process is to be followed when **waiving fees** for the aforementioned applications.

When an application is lodged:

1. Council will calculate the required fees and provide a schedule of fees for the different types of applicable applications as determined by Council 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 will need to request a refund of application fees by way of written request. This must be supported by an explanation of community benefit and any other matter requested by Council.
4. If accepted, the associated application fees will be refunded to the applicant.

The following procedure should be adhered to when considering **refunds of fees** paid when aforementioned applications are withdrawn.

1. Where the application is withdrawn after it is registered but prior to it being processed by the Council – up to 75% refund of the fee paid plus any advertising fees.
2. Application withdrawn where initial assessment identifies that the proposal is not permissible– up to 75% refund of the fee paid, plus any advertising fees.
3. Applications withdrawn where initial processing completed as far as possible but pending further details from the application – up to 25% refund of the fee paid. If the application was advertised and no advertising fees will be refunded.
4. Applications withdrawn where processing has been completed (ie. assessed but not determined) – no refund be given.

Links to Policy

Nil

Links to Procedure

Development Assessment Delegation Policy

Links to Forms

Greater Hume Council Community Participation Plan

References

- DPE - Council-related Development Application Conflict of Interest Guidelines;
- Environmental Planning and Assessment Act 1979;
- Local Government Act 1993.

Responsibility

General Manager.

All staff within the Environment & Planning directorate.

Document Author

Director Planning and Environment.

Relevant Legislation

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021.

Associated Records

- Nil.