

REFUND OF APPLICATION FEES FOR DEVELOPMENT POLICY

Responsible Department:	Planning and Sustainability
Responsible Section:	Planning and Development
Responsible Officer:	Manager Planning and Development

Objectives

- To maintain a transparent, equitable and consistent approach to waiving of fees associated with applications for development (including development applications, Complying Development Certificates, Part 4A Certificates (i.e. Construction, Occupation and Subdivision Certificates) and Section 68 Activity Approvals under the *Local Government Act 1993* (NSW)).
- Provide a robust framework for Council's professional staff to make decisions on waiving application fees to recognised "not for profit" organisations.

Introduction

Council from time to time receives requests from the general public to waive or refund fees associated with the lodgement of applications for development. This policy intends to provide a basis for Council's decision making in relation to refunding application fees in certain circumstances.

Policy

1. Schedule of Applications to be Considered

- 1.1. In some instances, it is appropriate that Council not to impose fees (other than non - Council imposed statutory fees such as LSL) for development applications lodged for certain types of development or proposed to be undertaken by particular groups.
- 1.2. At the discretion of General Manager or by Council Resolution, Fees may be waived on applications for Development Applications, Part 4A Certificates, Complying Development Certificates and Section 68 Activity Applications:
 - (a) If the application is lodged by sporting, cultural and non-profit entities, where Council has provided a grant or sponsorship for the development; or
 - (b) If the application is lodged by recognised charitable and "not for profit" community entities and there is a demonstrated public interest benefit in waiving the fees.
- 1.3. Applicants must be incorporated entities.
- 1.4. Applications which are deemed by the General Manager to have demonstrated significant economic and social benefits for the community of the Narrabri Shire.
- 1.5. Fee waiver under this policy will take the form of a refund of certain fees, rather than an up-front waiver.

2. Schedule of Applications Not to be Considered

- 2.1 Application(s) that are not categorised into the group in schedule (i), Council shall not waive fees for:
- (a) Applications by schools, churches and other community groups where there is no wider public or community use and benefit (e.g new buildings, structures, signs etc);
 - (b) Where there is a proposed commercial use associated within any developments contained within section (i) of 'Schedule of applications to be considered'.
- 2.2 Applications from individuals, or multiple individuals, will not be accepted.

3. Implementation Procedure

- 3.1 When an application is lodged:
- (a) Council will calculate the required fees and provide a schedule of fees for the different types of applicable applications (including any non-Council statutory fees (i.e. LSL) as determined by Council for the current financial year.
 - (b) The applicant shall pay the appropriate application fees at the time of lodging the application/s.
 - (c) The applicant will be invited to request a refund of application fees by way of written request.
 - (d) If a request is lodged, Council will consider that request and either accept or refuse it.
 - (e) If accepted, the application fees will be refunded to the applicant.
- 3.2 A request for refund should contain the following information, at a minimum:
- (a) The name of the applicant;
 - (b) The constitution or incorporation articles of the applicant;
 - (c) An explanation of the community benefit;
 - (d) Evidence to support the explanation of community benefit; and
 - (e) Any other matter requested by Council
- 3.3 The General Manager, or their delegate, will consider whether the application should be approved or refused in accordance with this Policy.
- 3.4 In considering a request, Council will have regard to:
- (a) The nature of the entity applying;
 - (b) The benefit of the development to the Narrabri Shire community; and
 - (c) Any other public interest considerations
- 3.5 If the General Manager approves the request, the application fees will be refunded to the applicant.
- 3.6 There is no right of appeal against the decision and such decision is final.
- 3.7 If the decision of the application is for approval, Council shall advise the applicant in writing, including either a cheque refund or shall electronically direct deposit in the applicants account within 30 days of the date of application.

Note: Council cannot refund Statutory Charges such as Long Service Levies or commissions imposed by the State Government.

- 3.6. If the decision is for refusal, Council shall advise the applicant in writing within 14 days of the application being received by Council.
- 3.7. Council shall keep a register of all application fees that have been refunded including the name of the organisation and the address and land title details of the subject land.

References

- *Local Government Act 1993 (NSW)*
- *Local Government Regulation 2021 (NSW)*
- *Environmental Planning and Assessment Act 1979 (NSW)*
- *Environmental Planning and Assessment Regulation 2021 (NSW)*

History

Minute Number	Meeting Date	Description of Change
26/2012	February 21, 2012	Adopted
607/2013	September 3, 2013	Reviewed
164/2017	August 15, 2017	Reviewed
	September 1, 2021	Rebranded
336/2022	October 18, 2022	Endorsed for Public Exhibition
362/2022	November 22, 2022	Adopted