

## Development Assessment Fee Waiver and Refund Policy

Strategic Reference	Outcome 5 - Leadership Strategy 3.2 – Council takes a responsible approach to financial sustainability.
File reference	AR23/18095
Responsibility	Community & Corporate Department
Revision Number	1
Effective date	October 2023
Last revised date	N/A
Minutes reference	260/23
Next review date	October 2026
Applicable Legislation	Planning, Development and Infrastructure Act 2016 Planning, Development and Infrastructure Regulations 2019
Related Policies	N/A
Related Documents	N/A

### 1. Introduction

Section 119(9)(c) of the Planning, Development and Infrastructure Act 2016 and Regulation 7 of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 allow a relevant authority to waive or refund payment of whole or part of the application fee payable to that relevant authority.

### 2. Purpose

To detail the circumstances under which the waiver and/or refund of development application fees will be permitted by Council.

### 3. Scope

This Policy applies to all development applications lodged with the Coorong District Council.

This Policy does not apply to statutory fees and charges collected by Council on behalf of the State Government.

### 4. Circumstances in which Fees will be Waived or Refunded

Development Application fees will be waived and/or refunded for eligible applicants as defined in this Policy for:

## ***Development Assessment Fee Waiver and Refund Policy***

- Development on land within the Council area where Council is the decision authority; or
- Where the Assessment Manager or the Coorong Assessment Panel (CAP) is the planning decision authority under the Planning, Development and Infrastructure Act 2016.

### **5. Delegations**

The decision to waive or refund a fee is delegated to the Assessment Manager of the Coorong Assessment Panel.

### **6. Applications for a Fee Waiver**

Applicants should address their written request for a fee waiver and refund to:

The Assessment Manager  
Coorong District Council  
PO Box 399  
TAILEM BEND SA 5260

Or via email at: [council@coorong.sa.gov.au](mailto:council@coorong.sa.gov.au)

Applicants must detail the reason(s) for the requested fee waiver.

It should be noted that Council can only consider the waiver of fees that are disbursed to Council. Any waiver of PlanSA: lodgement fees or State Agency referral fees will need to be sought from those Agencies.

Upon written request from the applicant, the maximum amount of fees that will be waived or refunded will be calculated according to the following table:

**Development Assessment Fee Waiver and Refund Policy**

Fee Type	Fee Waiver/Refund Amount
<u>Deemed to Satisfy Planning Fee</u>	<ul style="list-style-type: none"> <li>• 75% refund of planning assessment fees where assessment by planning staff has not yet commenced.</li> <li>• Where assessment by planning staff has commenced, 50% of assessment fees.</li> <li>• Where assessment has been completed and/or decision issued – no refund.</li> </ul>
<u>Performance Assessed Planning Fee</u> <i>(without public notification)</i>	<ul style="list-style-type: none"> <li>• 75% refund of planning assessment fees where assessment by planning staff has not yet commenced.</li> <li>• Where assessment by planning staff has commenced, 50% of assessment fees.</li> <li>• Where assessment has been completed and/or decision issued – no refund.</li> </ul>
<u>Public Notification Fees</u>	<ul style="list-style-type: none"> <li>• Full refund of unused public notification fees*</li> <li>• No refund where the notification has been commenced.</li> </ul>
<u>Statutory Referral Fees</u>	<ul style="list-style-type: none"> <li>• If withdrawn prior to referral being sent, full refund.</li> <li>• If withdrawn after referral sent, no refund.</li> </ul>
<u>Building Assessment Fee</u>	<ul style="list-style-type: none"> <li>• Where no assessment or consideration has been given to the application by building staff - 75% of Building assessment fees paid.</li> <li>• Where assessment is substantially complete – no refund.</li> <li>• Where assessment has commenced but has not been substantially completed and no building surveyors report has been sought - 50% of Building assessment fees paid.</li> <li>• Where assessment is substantially complete – no refund</li> </ul>
<u>Compliance fee</u> <i>(to be paid per element of development)</i>	<ul style="list-style-type: none"> <li>• If an element of development is removed by way of a variation, the Compliance fee for that element may</li> </ul>

NOTE: Electronic version in the Content Manager System is the controlled version  
Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version

## ***Development Assessment Fee Waiver and Refund Policy***

	be waived or refunded.
<u>Review of Assessment Manager's Decision</u>	<ul style="list-style-type: none"><li>• If the request for withdrawal is received prior to the preparation of the CAP agenda - 75% refund/waiver.</li><li>• If the request for withdrawal is received after preparation of the CAP agenda – no refund.</li></ul>
<u>Certificate of Title Search Fee</u>	<ul style="list-style-type: none"><li>• 100% of fee waived for Council owned land only.</li></ul>

\* Where letters have been sent out and sign procured and/or erected on the land

<b>Other Exemptions to Fees</b>
<ul style="list-style-type: none"><li>• Community organisations who are recognised by the Australian Securities and Investments Commission (ASIC) as a not for profit organisation will have all relevant <u>Council</u> fees for developments with a construction value of \$100,000 or less waived in full.</li><li>• Owners of State or Local Heritage listed properties, where a development application would not be required if the property were not listed (e.g. fences, painting or general repairs) will not be required to pay the above listed <u>Council</u> fees.</li><li>• For those applications lodged under the <i>Development Act 1993</i>, a refund request will be determined wholly at the discretion of the Manager Development Assessment based on the time devoted to the proposal in question.</li></ul>

### **7. Appeal Rights**

In the event that any dispute arises from the content of this policy, written justification of why a fee waiver or refund should be granted shall be provided to the Assessment Manager. The Assessment Manager or their delegate will then present the request for a fee waiver or refund to Council for a decision.

### **8. Availability/Accessibility**

This Policy is available for inspection at Council's offices during normal business hours and Council's website and will be emailed to interested parties on request (please lodge request in writing via email to [council@coorong.sa.gov.au](mailto:council@coorong.sa.gov.au)).

## ***Development Assessment Fee Waiver and Refund Policy***

### **9. Document History**

This Policy will be reviewed at least every three (3) years or more frequently if legislation or Council requires.

<b>Version</b>	<b>Adopted</b>	<b>Minute No</b>	<b>Description of change(s)</b>
1	17 October 2023	260/23	New policy