

## Development Assessment Refund and Waiver Policy

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<b>Classification</b>	Council Policy
<b>Responsible Officer</b>	Group Manager Planning, Environment & Regulatory
<b>Relevant Legislation</b>	Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (General) Regulations 2017 and Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019
<b>Council Resolution</b>	CNC132/21-22
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## 1. Introduction

The Policy establishes a consistent, equitable and transparent approach to the refund and reduction of development assessment application fees.

## 2. Scope

The Policy applies to development applications lodged within the Town of Walkerville but does not apply to statutory fees and levies collected by the Council on behalf of the State Government.

## 3. Definition

<b>Statutory fees and charges</b>	Fees set by the State Government and collected by Council in the assessment of a development application
<b>Deemed-to-Satisfy</b>	Assessment pathway determined by section 106 of the Planning, Development and Infrastructure Act 2016
<b>Performance Assessed</b>	Assessment pathway determined by section 107 of the Planning, Development and Infrastructure Act 2016

## 4. Policy Statement

### 4.1. Refund 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 (as listed in Schedule 1 – Fees within Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019).

The decision to waive, reduce or refund a fee is delegated to the Chief Executive Officer and to the Council Assessment Panel.

Upon written request from the applicant, the maximum fee that may be refunded shall be calculated in accordance with the following:

<b>Fee</b>	<b>Refund/Waiver Policy</b>
Lodgement Fee and Processing Fee (fee if Council has lodged application on e-planning on behalf of applicant)	No refund
Deemed-to-satisfy (Planning Assessment Fee)	<ul style="list-style-type: none"><li>75% refund of planning assessment fees where assessment by planning staff has not yet commenced.</li></ul>

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	<ul style="list-style-type: none"> <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>
Performance Assessed (without public notification or minor)	<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 planning assessment fees.</li> <li>• Where assessment has been completed and/or decision issued – No refund.</li> </ul>
Performance Assessed (planning assessment fee and public notification)	<ul style="list-style-type: none"> <li>• 75% refund of planning assessment fee where assessment by planning staff has not yet commenced and full refund of unused public notification fees*.</li> <li>• Where assessment by planning staff has commenced but public notification has not been undertaken - 50% of planning assessment fee retained and full refund of unused public notification fees*.</li> <li>• Where assessment by planning staff has been completed but public notification has not commenced - no refund of planning assessment fees but full refund for unused public notification fees*.</li> <li>• Where assessment and public notification has been completed and/or decision issued – No refund.</li> </ul>
Referral Fees (Schedule 9 Referral – Procedural Matters)	<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>

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Building Assessment Fees	<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 has commenced but has not been substantially completed, and no building surveyor's report has been sought 50% of building assessment fees paid.</li> <li>• Where assessment is substantially complete – No refund.</li> </ul>
Compliance fee (to be paid per element of development)	If an element of development is removed by way of a variation, the Compliance fee for that element may be waived or refunded at the discretion of the CEO.
Miscellaneous fees (i.e. Minor)	To be determined at the discretion of the CEO.
Review of Assessment Managers Decision	<ul style="list-style-type: none"> <li>• If request for withdrawal received prior to preparation of CAP agenda – 75% refund/waiver.</li> <li>• If request for withdrawal received after preparation of CAP agenda – no refund.</li> </ul>
Where the value of a Council Officer's time devoted to a particular proposal is estimated to be greater than the fees retained by Council, the Chief Executive Officer may reduce the refund accordingly up to a maximum value of \$1,000.00**.	
For those applications lodged under the <i>Development Act 1993</i> , a refund request will be determined wholly at the discretion of the Chief Executive Officer based on the time devoted to the proposal in question.	
Where it is demonstrated that a development application was submitted to Walkerville Council in error, a full refund of fees (minus lodgement and processing fee, where applicable) will be applied.	
Religious, charitable and non-for profit organisations may be entitled to a discount of fees to be determined at the discretion of the Chief Executive Officer. If the proposal is primarily for commercial purposes, no discount will be allowed.	

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

\*\* Any refunds up to \$1,000.00 in value shall be determined by the Chief Executive Officer and where the value of a refund exceeds \$1,000.00, it shall be determined by the Council Assessment Panel.

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## 5. Availability of Policy

- 5.1. This Policy will be available for inspection at Council's principal office during ordinary business hours and on Council's website [www.walkerville.sa.gov.au](http://www.walkerville.sa.gov.au)
- 5.2. Copies will also be provided to interested members of the community upon request and payment of associated fees in accordance with Council's schedule of fees and charges.

## 6. Review

- 6.1. A request for an internal review of decisions made under this policy can be made in accordance with the Town of Walkerville Internal Review of Council Decisions Policy; Internal Review of Council Decisions policy.
- 6.2. A request for an external review of decisions made under this policy can be lodged with office of the Ombudsman SA; <https://www.ombudsman.sa.gov.au/>