



Light
Regional
Council

Waiving Administrative and Development Application Fees Policy

Reference Number:	Section 4 No. 8
Responsible Department:	Strategy & Development
Related Policy/Procedure:	Nil
Date of Adoption:	22 January 2013
Current Review Date:	28 March 2023
Minute Reference:	OCM-2023/052
Version Number:	Amendment No. 6
Applicable Legislation:	Local Government Act 1999 Development Act 1993 (repealed) Development Regulations 2008 (repealed) Planning, Development & Infrastructure Act 2016
Next Review Date:	March 2025
Review Frequency:	As required by legislative changes

1. Background

1.1 This Policy provides the guidelines for Council staff when considering requests from Applicants to waive administrative and/ or Development Application fees that may be applicable to either a Development Application lodged or Permit request (Applications).

2. General Information

- 2.1 Development Application Fees are required to be paid upon lodgement of a Development Application to enact or validate the lodgement of the application for assessment.
- 2.2 Fees payable are in accordance with the *Development Act 1993* and *Development Regulations 2008*, or *Planning, Development & Infrastructure Act 2016* and are as set by the State Government.
- 2.3 Development Application Fees payable may include fees that are required by third parties for referral or as a levy to the State Government.
- 2.4 Section 39(4) (c) of the *Development Act 1993* and Section 119(9) (c) of the *Planning, Development and Infrastructure Act 2016* (the PDI Act) and Regulation 7(a) of the *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* (PDI Regulations) allows a relevant authority (or delegate) to waive payment of whole or part of the application fee payable to that relevant authority for the assessment of a development application.
- 2.5 Administration Fees payable to Council are declared by Council annually through its Schedule of Fees and Charges declaration.

3. General Principles

- 3.1 This Policy will come into effect from the date of Council resolution.
- 3.2 Council seeks to undertake its affairs in a way that contributes to open, transparent and informed decision-making.
- 3.3 Council seeks to ensure advice and decisions made are consistent.
- 3.4 This Policy does not include consideration of waiver requests for:

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- 3.4.1 statutory fees or charges payable under separate legislation (e.g. liquor licencing fees);
- 3.4.2 fees payable for the hire of Council facilities.

4. Definitions for the purposes of this Policy

- 4.1 'Council Land' – Buildings and associated infrastructure associated with Council properties. For the purposes of the role, 'Council Land' does not include roads and footpaths, stormwater assets or community wastewater management systems, but does include Council owned buildings, parks and gardens and community land, including land in the care and control of Council such as Crown Land.
- 4.2 'Community Land' - All local government land (except roads) that is owned by a Council or under a Council's care, control and management unless:
- (a) the Council resolves to exclude the land from classification as community land; and
- (b) the land is unaffected by provisions of a reservation, dedication, trust or other instrument that would prevent or restrict its alienation.
- 4.3 'Community Group' – A registered not for profit organisation or incorporated association who may have a lease, license or management agreement with Council.

5. Policy Statement

- 5.1 To support an application from an eligible Community Group that:
- 5.1.2 will make improvements to Council Land and/ or Community Land; or
- 5.1.3 otherwise is considered as being of benefit to the community.
- 5.2 On receipt of a written request from the Community Group, Council is prepared to waive some of the applicable fees, being:
- 5.2.1 Relevant Authority Lodgement (processing fee), where applicable;
- 5.2.2 Assessment planning fees, where Council is the relevant authority, and the value of the development is less than \$100,000;
- 5.2.3 Public notification fees;
- 5.2.4 Assessment minor variation fee;
- 5.2.5 Assessment building fees, where Council is the relevant authority, and the value of the development is less than \$100,000;
- 5.2.6 Certificate of Title search fee, where the land is owned by Council;
- 5.2.7 administration fees that may be payable to Council when a Community Group seeks approval for activities (such as a permit under Council's *Mobile Food Vendor – Location Rules Policy* or for inspections relating to a food business premises or for the processing and undertaking of inspections relating to a waste control system).
- 5.3 Separately, a recipient of a Heritage Incentive Scheme Grant from Council may apply (in writing) to seek a waiver of the Assessment planning fees where a Development Application is required for the works, provided that the works are less than \$100,000 in value and the Development Application is lodged within two months of the awarding of the Grant funding.

5.4 For the avoidance of doubt, with respect to any Development Application the Electronic Lodgement Fee, any Referral Agency Fees, Extension of Time Fee and Compliance Fee/s will not be waived.

6. Delegations

The authority to waive Development Application and Administrative Fees is delegated to the General Manager – Strategy and Development or the Assessment Manager / Manager – Development Services.

7. Policy Review

This Policy shall be reviewed as required by Council or legislation.

8 History of Policy and Amendments:

1. *Adopted – Meeting of Council held 22 January 2013 page no's 2013/22 – 2013/26*
2. *Reference to Council Agenda Item 10.3.3, 20 January 2010, Swimming Pool Applications – Reduction of Development Assessment Fees.*
3. *Amendment 1 adopted at Council meeting 25 February 2014, Council Minute 10.3.4, Page 2014/30*
4. *Amendment 2 adopted at Council meeting 26 September 2017, Council Minute 12.3.3 Page 2017/373*
5. *Amendment 3 adopted at Council meeting 26 June 2018, Council Minute 13.3.3 Page 2018/233*
6. *Amendment 4 adopted at Council meeting 26 February 2019, Council Minute 12.3.1 Page 2019/86.*
7. *Amendment 5 adopted at Council meeting 27 January 2021, Council Minute 12.3.5 Page 2021/16*
8. *Amendment 6 adopted at Council meeting XX March 2023, Council Minute (insert) Page (insert)*