

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:	27 January 2021
Minute Reference:	2021/16
Version Number:	Amendment No. 5
Applicable Legislation:	Local Government Act 1999 Development Act 1993 Development Regulations 2008 Planning, Development & Infrastructure Act 2016
Next Review Date:	January 2023
Review Frequency:	Biennially

1. Background

- 1.1 To ensure consistency of approach, this Policy provides the guidelines for Council staff when considering requests from Applicants to waive some or all of the administrative and/or Development Application fees that may be applicable to either a Development Application lodged or Permit request (Applications).
- 1.2 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 to waive payment of whole or part of the application fee payable to that relevant authority for the assessment of a development application.
- 1.3 The Policy applies to Applications;
 - 1.3.1 where a community group may manage or occupy Council land, and the development will be of benefit to the community or improve Council owned assets; or
 - 1.3.2 where a community group undertakes a development on land not owned or in the control of Council but where the development will be of benefit to the community; or.
 - 1.3.3 for which administration fees may be payable to Council when seeking approval for activities (such as a permit under Councils *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); or
 - 1.3.4 affecting a State Heritage Place, that are in receipt of a grant from Heritage SA during the Financial Year 2018/2019 and/ or Financial Year 2019/2020.

2. General Principles

- 2.1 This Policy will come into effect from the date of Council resolution.
- 2.2 Council seeks to undertake its affairs in a way that contributes to open, transparent and informed decision-making.
- 2.3 Council seeks to ensure advice and decisions made are consistent.
- 2.4 This Policy does not include consideration of waiver requests for:
 - 2.4.1 statutory fees or charges payable under separate legislation (e.g. liquor licencing fees);
 - 2.4.2 fees payable for the hire of Council facilities.

3. General Information

- 3.1 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.
- 3.2 Fees payable are in accordance with the Development Act 1993 and Development Regulations 2008, and Planning, Development & Infrastructure Act 2016 with yearly increases set by the State Government and published in the Government Gazette for commencement in July each year.
- 3.3 Development Application Fees payable may include fees that are required for third parties for referral or as a levy to the State Government. This Policy does not include the waiving of fees that would be payable to third parties or referral agencies, other than to Heritage SA under the terms described in clause 1.2.4, including the applicable Financial Years.
- 3.4 Administration Fees payable to Council are declared by Council annually through its Schedule of Fees and Charges declaration.

4. Eligibility

This Policy will apply to Applications lodged by representative Community Groups of the Light Region who are recognised as being an incorporated, not-for-profit organisation and be considered upon written request.

Applications lodged by other members of the public will be considered with respect to clauses 1.2.3 and 1.2.4.

5. Definitions for the purposes of this Policy

- 5.1 '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.
- 5.2 '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.
- 5.3 'Community Group' – A registered not for profit organisation or incorporated association who may have a lease, license or management agreement with Council.

6. Policy Requirements (Development Applications)

- 6.1 The proposed development:
- 6.1.1 Shall be of benefit to the community; and/or
 - 6.1.2 Council owned assets shall be improved as a result of the proposed work- and/ or
 - 6.1.3 May only apply to a listed State Heritage Place in the case of clause 1.2.4.
- 6.2 The value of improvement shall not exceed \$100,000 in value.
- 6.3 There will be no waiving of fees of a statutory referral nature-, other than to Heritage SA with respect to clause 1.2.4.
- 6.4 Fees or levies that may be required by-third parties will not be waived.
- 6.5 The minimum lodgement fee applicable shall be payable in all cases.
- 6.6 Fees waived or applicable for community group applications are summarised in Table 1.

7. Delegations

- 7.1 The authority to waive Development Application and Administrative Fees pursuant to this Policy is delegated to the General Manager – Strategy and Development or Assessment Manager / Manager – Development Services.
- 7.2 Any application for the waiving of fees that is deemed by the General Manager – Strategy and Development to be outside the scope of this Policy, shall be referred to the Elected Members at an ordinary meeting of Council.

8. Policy Review

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

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*

TABLE 1 – SUMMARY OF FEES

Lodgement fees	<ul style="list-style-type: none"> Minimum fee applicable
Planning Assessment fee for developments with a construction value of \$100,000 or less.	<ul style="list-style-type: none"> 100% waived
Planning Assessment fee for developments with a construction value of more than \$100,000.	<ul style="list-style-type: none"> As Gazetted
Non-complying fee	<ul style="list-style-type: none"> As Gazetted
Referral fees (Schedule 8)	<ul style="list-style-type: none"> As Gazetted for all referral agencies with the exception of Heritage SA where the development project has received a valid Heritage SA grant.
Category 2 or 3 Public Notification Fee	<ul style="list-style-type: none"> 100% waived
Advertising Fee	<ul style="list-style-type: none"> As required to cover the local paper public notice costs
Building Rules Assessment Consent fees	<ul style="list-style-type: none"> 100% waived, or Minimum Building Assessment Fee, where referral to a structural engineer or consultant building surveyor is necessary.
Staged Consents Fee	<ul style="list-style-type: none"> As Gazetted where the application is to be assessed by a Private Certifier, or 100% waived if assessed by Council staff for Building Rules Consent.
Certificate of title search fee	<ul style="list-style-type: none"> 100% waived if Council owned land only.
Construction Industry Training Board Levy	<ul style="list-style-type: none"> Proof of payment required where value over \$40,000 (this is not discretionary and governed by a separate body).

Delegate to the Chief Executive Officer, who may in turn direct the Manager - Development Services to advise Heritage SA of the Council resolution.