

REFUNDING AND WAIVING OF PLANNING AND BUILDING FEES

OBJECTIVES

This Policy outlines the circumstances where the City may refund or waive planning fees charged in accordance with the *Planning and Development Regulations 2009* and building application fees charged in accordance with the *Building Regulations 1989*. This Policy does not apply to fees that are charged in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*.

POLICY STATEMENT

1. Personal Circumstances

Financial hardship, personal or family circumstances will not ordinarily be considered to be grounds for the waiving or refunding of planning or building licence fees. However, this may be taken into consideration if the value of the Development Application does not exceed \$10,000.

2. Waiving of Planning Fees

Planning fees will not ordinarily be waived in their entirety except under the provisions of section 4 of this Policy or by a resolution of the Council. The exception being for all City of Vincent development on land owned and/or vested in the City, in which no fee will apply.

3. Waiving of Building Fees

Building fees will only be waived or refunded in circumstances considered extraordinary by the Chief Executive Officer or the Director Development Services, which are charged in accordance with the *Building Regulations 1989*. Building Fees collected through the Builder's Registration Board (BRB), cannot be waived and do not apply to this Policy.

4. Partial or Full Waiver of Planning Fees

An application for partial or full waiver of planning fees may be approved by the Director Development Services. Circumstances in which such an application will ordinarily receive favourable consideration include:

- (a) Where the application relates to development of a property listed on the City's Municipal Heritage Inventory (The Heritage List), and the value of the development is not more than \$2.5 million, owners may have fees waived (reduction fee is increment based on the value of the development) in part or in full in the following instances:
 - (i) where the proposed development would not otherwise require the submission of an application for planning (development) approval under clause 33 of the Town Planning Scheme No. 1 (i.e. it would otherwise be "exempt" development); or

- (ii) the sole purpose of the proposed development is to restore or conserve the heritage attributes of a significant building and/or site; or
 - (iii) where the proposed development consists solely of the demolition of non-original fabric and which has no adverse impact on the heritage significance associated with the place; or
 - (iv) development application involving a change of use of a heritage-listed place that does not involve any significant physical construction; or
 - (v) development application involving alterations and additions which has no adverse affect on the heritage significance associated with the heritage listed place; or
 - (vi) development application involving partial demolition which has no adverse affect on the heritage significance associated with the heritage listed place; or
- (b) Where the applicant is a “not for profit” organisation and:
- (i) has obtained an income tax exemption status from the Australian Taxation Office; or
 - (ii) the application is either for a change of use or has a value of less than \$100,000; or
 - (iii) the subject land is either owned by, or vested in the City.

For the purpose of clarity, the waiver of planning application fees under (4) (a) above does not apply to any fees that may be charged for the clearance of subdivision conditions; building strata fees; applications for rezoning; an application relating to an unauthorised existing development or use under clause 34 of the Town Planning Scheme No. 1; or any costs and expenses referred to in section 5 of this Policy.

Furthermore, where an application for a partial waiver of fees is made under (4) (b) above, the applicant will be required to provide sufficient proof of current “not for profit” status at the time of submitting the request. For the purpose of this Policy, a “not-for-profit” organisation is defined as an organisation whose principal objective is not the generation of profit, and which does not distribute any profit to the organisation's members. Not-for-profit organisations range from sporting clubs and hobby groups to community centres, neighbourhood houses, traditional charities and disability support groups.

Ordinarily, unless otherwise stipulated in the City's Schedule of Fees and Charges, a successful application will result in a reduction of 50 percent of the applicable planning fee.

5. Refund of Planning Fees where Application Withdrawn

The City will consider a written request for the refund of planning fees where the development application is withdrawn prior to a determination being issued. Ordinarily these requests will be granted in the following circumstances:

- (a) Where, in the opinion of the Manager Planning and Building Services, no assessment work has been undertaken by the City and the application is subsequently withdrawn in writing within seven days of the date of application, 90 percent of the application fee will usually be refunded; or
- (b) Where assessment work has commenced by the City, a refund of 50 percent of the application fee will ordinarily be approved where:
 - (i) the application has not been advertised; and
 - (ii) the application is withdrawn in writing by the applicant within fourteen days of the date of lodgement of the application.

6. Costs and Expenses

The City will not ordinarily waive or reduce any costs or expenses that may be charged to an applicant where these are incurred through the provision of a service under Regulation 49 of the *Planning and Development Regulations 2009* regardless of whether the application fee has been wholly or partly waived.

7. Unauthorised Existing Development

The waiver or refund of planning fees will not ordinarily apply to applications made under clause 34 of Town Planning Scheme No. 1 where a use or development has already been commenced or carried out unlawfully and the purpose of the application is to render that use or development lawful under the Scheme.

8. Building Licence Fees

The *Building Regulations 1989* do not make provision for a building licence to be transferred to another builder and therefore a change in the building contractor requires the issue of a new licence.

Furthermore, the *Building Regulations 1989* make no provision for refund of fees paid for a Building Licence Application; therefore such fees paid will not be refunded. The City's Technical Services Division will organise a refund of the relevant Works Bonds paid.

A refund of any Building and Construction Industry Training Fund (BCITF) levy paid may be obtained on application to the Training Fund at No. 55 Salvado Road, Wembley (PO Box 746, Jolimont). The relevant BCITF Levy form number will be required.

9. Authority to Vary Extent of Refunding or Waiving of Planning and Building Fees

Up to 100 percent of planning and building fees and charges may be reduced, waived or refunded where in circumstances considered extraordinary by the Chief Executive Officer or Director Development Services.