

Waiving and Refunding of Fees

Policy Objective

1. To ensure there is a clear policy position within the Development and Community directorate in relation to the waiving or refunding of fees for approvals and services provided by the directorate.
2. Ensure the waiving or refunding of fees is applied in a consistent and justifiable manner.
3. Guide officers in waiving or refunding fees under delegation from Council.

Definitions

‘Applicant’ means the person or organisation who makes an application or formal request for an approval or service provided by the Health, Ranger, Building and Planning departments at the Shire of Broome.

‘Application’ means an application or formal request for an approval or service provided by the Health, Ranger, Building and Planning departments at the Shire of Broome.

‘Building Application’ means an application for approval submitted in accordance with the Building Act 2011.

‘Development Application’ means an application for approval submitted in accordance with the Planning and Development Act 2005.

‘Fees’ means fees levied in accordance with the Shire’s Schedule of Fees and Charges for approvals and services provided by the Health, Ranger, Building and Planning departments at the Shire of Broome.

‘Refund’ means the repayment of fees paid by a person or organisation to that person or organisation either in part or in full.

‘Waive’ means to reduce the fees payable by a person or organisation either in part or the full amount.

Policy Statement

1. Introduction

1.1 This policy outlines circumstances where the Shire may consider a request for the waiver or refund of fees for an approval or service provided by the Development and Community directorate.

2. Exclusions

2.1 Financial hardship, personal circumstances or family circumstances are not grounds for the waiver or refunding of fees.

2.2 Fees relating to regulatory matters arising under the *Dog Act 1976*, *Cat Act 2011* and the keeping and control of dogs and cats generally are excluded from the provisions of this policy. Requests to waive or refund fees in relation to these matters will not be considered.

2.3 For building applications, fees will not be waived or refunded in the following circumstances:

(a) For uncertified domestic building work – where the value of the works is less than \$100,000.

(b) For certified domestic building work – where the value of the works is less than \$200,000.

(c) For certified commercial building work – where the value of the works is less than \$400,000 in value.

3. Waiving of fees

3.1 The Director Development and Community may consider and decide a request to waive fees in accordance with this policy.

3.2 A reduction in fees by 50% may be approved where the applicant is endorsed by the Australian Taxation Office as a not-for-profit organisation.

3.3 The request to waive fees must be:

a) made prior to the submission of the application for the approval or services to which the fees relate;

b) in writing setting out reasons for the request; and

c) include proof that the applicant has been endorsed by the Australian Tax Office as a not-for-profit organisation.

3.4 A 100% reduction in fees may be granted:

a) For an application to change or vary an existing approval, where the need to change or vary the approval arises from an administrative error made by the Shire.

- b) For a development application made for approval to reconstruct (like-for-like) a building accidentally destroyed through a natural disaster or event.

4. Refund of fees

4.1 The Director Development and Community may consider and decide a request to refund fees in accordance with this policy.

4.2 Fees may be refunded to an applicant in the following circumstances:

- a) If the application is submitted but subsequently found by the Shire to not have been required - 100% of the fees will be refunded.
- b) If the Shire has not undertaken any assessment work and the application is subsequently withdrawn in writing within 7 days of the date of the application – 75% of the fees will be refunded.
- c) For applications for development and building approval, if the Shire has commenced the assessment of the application - 50% of the fees will be refunded where:
 - (i) the application has not been advertised; and
 - (ii) the application is withdrawn in writing by the applicant within 21 days of lodgement of the application or is withdrawn as a result of a request for further information.

4.3 A fee will not be refunded in the following circumstances:

- a) For development applications and building applications, clause 4.2(c) does not apply if more than 21 days have passed since the lodgement date of the application.
- b) For all other applications, assessment of the application by the Shire has commenced.

5. Costs and expenses

5.1 The Shire will not waive or reduce any part of a fee that comprises:

- a) 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*.
- b) Outlays or expenses charged to the Shire by a third party that relate to the application.

6. Activities undertaken without approval

6.1 Fees will not be waived or refunded if the application is made for the approval of an activity that has been or is already being undertaken without the necessary approvals in place.

Document Control Box

Document Responsibilities:

Owner:	Director Development and Community	Owner Business Unit:	Development Services
Reviewer:	Director Development and Community	Decision Maker:	Council

Compliance Requirements:

Legislation:	Building Act 2011 Bush Fires Act 1954 Food Act 2008 Local Government Act 1995 Planning and Development Act 2005
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Industry:

Organisational:	Trading, Outdoor Dining and Street Entertainment Local Law 2016 Property and Public Places Local Law 2016
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Document Management:

Risk Rating:	Low	Review Frequency:	Triennial	Next Due:	12/2022	Records Ref:	
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Version #	Decision Reference:	Synopsis:
1.	25 May 2017	OMC Initial Adoption
2.	12 December 2019	Review and converted to new Policy Template