



## **LOCAL PLANNING POLICY – REFUNDING AND WAIVING DEVELOPMENT APPLICATION FEES**

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### **1.0 PURPOSE**

- 1.1 This policy outlines the circumstances where the City of Nedlands (the City), may refund or waive development application fees charged in accordance with the *Planning and Development Regulations 2009*.

### **2.0 APPLICATION OF POLICY**

- 2.1 This policy applies to all applications for development approval made on land that is within the Scheme area of the City and which the City is the determining authority.

### **3.0 OBJECTIVES**

- 3.1 To ensure consistent decision making for requests to waive or refund development application fees.

### **4.0 POLICY MEASURES**

#### **Personal circumstances**

- 4.1 Financial hardship, personal or family circumstances will not be considered grounds for waiving or refunding development application fees.

#### **Waiving of Development Application Fees**

- 4.2 Development applications fees will not be entirely waived under any circumstance.
- 4.3 A request for partial waiver of an application for development approval fee may be approved by the Director Planning and Development.
- 4.4 Circumstances in which a request for partial waiver of an application for development approval fee will ordinarily receive favourable consideration include:
- (a) Where the applicant is a government recognised charity;
    - (i) has obtained an income tax exemption status from the Australian Taxation Office; and
    - (ii) the application is either for a change of use or has a value of less than \$500,000.
- 4.5 An application for a partial waiver of fees will be required to provide sufficient proof of current “government recognised charity” status at the time of submitting the request.
- 4.6 Ordinarily, a successful application will result in a reduction of 50% of the applicable planning fee.



**Note:** See *Local Planning Policy - Heritage Incentives for fee reductions for Heritage Listed properties and properties on the Municipal Inventory*.

### **Refund of Application for Development Approval Fees where the application is withdrawn**

4.7 The City will consider a written request for the refund of application for development approval fees where the application is withdrawn prior to a determination being issued. Conditions for granting refund requests are:

- (a) 90% of the application fee will be refunded where:
  - (i) no assessment work has been undertaken by the City; and
  - (ii) the application is withdrawn within seven days of the date of lodgement of application.

or

- (b) 50% of the application fee will be refunded where:
  - (i) assessment work has been undertaken by the City;
  - (ii) the application has not been advertised; and
  - (iii) the application is withdrawn within fourteen days of the date of lodgement of the application.

4.8 A request for the refund of an Application for Development Approval fee that is outside the conditions set out above will not be granted.

### **Unauthorised Existing Development**

4.9 The waiver or refund of development application fees will not apply to applications made 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.

## **5.0 DEVELOPMENT APPLICATION REQUIREMENTS**

5.1 The Schedule of Fees and Charges, adopted with the Council's annual budget, contains the fees set for the current financial year. This will be referred to when considering requests to refund or waive development application fees.

## **6.0 RELATED LEGISLATION**

6.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

6.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- *Local Government Act 1995*
- *Planning and Development Act 2005*
- *Planning and Development Regulations 2009*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Local Planning Scheme No. 3



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