1.0 Purpose

1.1 Provide a transparent, equitable, and consistent process for the consideration of requests to refund, waive, or reduce statutory application fees or bonds;

1.2 Ensure that Council’s relevant statutory and governance obligations are met;

1.3 Provide encouragement and support to non-profitable organisations in their service to the community.

2.0 Objective

2.1 To establish Council’s position in relation to the reduction or waiving of fees, charges and bonds where a strict application of the scheduled fee is considered unreasonable, or in other circumstances where a reduction is considered suitable, or where an appropriate fee has not been set.

2.2 To address the circumstances of requests for refund of fees paid or bonds lodged in respect of applications that are withdrawn before Council incurs any or significant processing costs or expenditure.

3.0 Waiver / Reduction Guidelines

3.1 The applicant for a statutory permit or bond, or their authorised agent, can request a waiver or reduction to their statutory fees or bond. Any such request must be made in writing.

3.2 There are foreseeable circumstances where a reduction or waiver of statutory application fees may be appropriate, such as:

(a) An application submitted by a non-profit organisation for a community purpose;

(b) The financial circumstances of the applicant; or

(c) The resolution of a potential risk or liability for Council.

3.3 An application submitted by a non-profit organisation or charity or in other circumstances, where it is deemed to be in Council’s best interest, may attract a waiver or reduction in the fee or bond of up to 100%.

3.4 In considering whether or not to waive fees or bonds and determining the extent of a reduction, the decision maker must take into account the following matters:

(a) Alignment of the activity with Council’s adopted strategic priorities;

(b) The amount of fees to be waived and consequent impact on Council’s revenue;

(c) The extent to which the fees represent a significant portion (eg 10-15%) of the total project costs;
(d) The financial capacity and revenue generating capability of the applicant;
(e) The extent to which the activity or event addresses an identified community need;
(f) The degree of benefit that may arise for disadvantaged groups or individuals;
(g) Existing precedents, or the setting of a precedent, if the fees were waived or reduced; and
(h) The risks, liability or burden created on Council if fees are not waived or reduced.

3.5 Government fees and levies are not subject to waiver or reduction under this policy.

3.6 This policy does not apply to commercial development projects.

3.7 Recommendations for waiver or reductions of fees and bonds are to be decided by the General Manager or the delegate of the General Manager.

3.8 All waivers and reductions in fees will be treated as a community service obligation and funded by Council through the budget.

4.0 Refund Guidelines

4.1 The applicant for a statutory permit or bond, or their authorised agent, can make a written request a refund of whole or part of their applicable fees. Some foreseeable circumstances where this may be appropriate are:

(a) An application is withdrawn early in the assessment process; or
(b) The rectification of a processing error (for example re-advertising which is not the fault of the applicant); or
(c) To reduce risks or liability to Council.

4.2 When considering any refund request, the following criteria are to be applied unless there are extenuating circumstances:

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<thead>
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<th>Land Use Planning and Approvals Act 1993</th>
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<tr>
<td>Refund Percentage</td>
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</table>
| 100% | Application received; and
       | Entered onto system; and
       | Council Officer comments requested – no responses received; and
       | No other work has commenced. |
| 75%  | Application received; and
       | Entered onto system; and
       | Council Officer comments requested – responses received; and
       | No other work has commenced |
| 50%  | Application received; and |
### Land Use Planning and Approvals Act 1993

<table>
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<th>Refund Percentage</th>
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<td>• Entered onto system; and&lt;br&gt; • Council Officer comments requested – responses received; and&lt;br&gt; • Initial assessment undertaken (includes information requests); and&lt;br&gt; • Not advertised (Discretionary Applications Only)</td>
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<td>• Application received; and&lt;br&gt; • Entered onto system; and&lt;br&gt; • Council Officer comments requested – responses received; and&lt;br&gt; • Initial assessment undertaken (includes information requests); and&lt;br&gt; • Assessment Report Drafting Commenced; and/or&lt;br&gt; • Advertised (Discretionary Applications Only)</td>
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<th>Refund Percentage</th>
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<tr>
<td>100%</td>
<td>• Application received; and&lt;br&gt; • Entered onto system; and&lt;br&gt; • No other work has commenced.</td>
</tr>
<tr>
<td>50%</td>
<td>• Application received; and&lt;br&gt; • Entered onto system; and&lt;br&gt; • Council Officer comments requested – responses received; and&lt;br&gt; • Initial assessment undertaken (includes information requests).</td>
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<td>0%</td>
<td>• Application received; and&lt;br&gt; • Entered onto system; and&lt;br&gt; • Assessment nearing completion.</td>
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4.3 Recommendations for the refund of fees are to be decided on by the Department Manager.

5.0 Legislation

5.1 Division 7 of the *Local Government Act 1993* applies.

6.0 Responsibility

6.1 The General Manager is responsible for the application of this policy.

6.2 The policy is to be reviewed as a need arises and, as a minimum, it is to be formally reviewed by Council after each municipal election.

7.0 Minute Reference

Minute No. 11.3
8.0 Council Meeting Date

This policy was adopted by Council on 18 March 2013.