



1. SCOPE

1.1 The policy applies to bonds or application fees set by Council.

2. PURPOSE

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

2.2 Ensure that Council’s relevant statutory and governance obligations are met.

2.3 Provide encouragement and support to not for profit organisations in their service to the community.

3. POLICY STATEMENT

3.1 That any request for a waiver, reduction or refund of bonds or statutory application fees must be assessed against the guidance provided in this Policy and associated Guideline, and a recommendation put to the relevant departmental director or manager.

3.2 Refund of fees: The recommendation to be decided upon by the department manager.

3.3 Waiver or reduction of fees or bonds: Recommendations for waiver or reductions to be decided on by the Chief Executive Officer or delegate of the Chief Executive Officer.

LEGISLATIVE REQUIREMENTS/TERMINOLOGY

Division 7 of the *Local Government Act 1993*

At the Waratah-Wynyard Council, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the Local Government Act 1993; and carries the same meaning for the purposes of the Local Government Act 1993 and all other legislation administered by or concerning the Council.

RELATED PROCEDURES/GUIDELINES:

FIN.008.1 Waiver, Reduction and Refund of Bonds or Application Fees Guidelines



WAIVER, REDUCTION AND REFUND OF BONDS OR APPLICATION FEES GUIDELINES

RATIONALE / BACKGROUND

Refund Guidelines

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

1. An application is withdrawn early in the assessment process and a written request for a refund of fees is made; or
2. To reduce risks or liability to Council.

Recommendations for the refund of fees are to be decided on by the Department Manager. When considering any refund request, the following criteria are to be applied unless there are extenuating circumstances:

Land Use Planning and Approvals Act 1993	
Refund Percentage	Criteria
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 Entered onto system; and Council Officer comments requested – responses received; and Initial assessment undertaken (includes information requests); and Not advertised (Discretionary Applications Only)
0	Application received; and Entered onto system; and Council Officer comments requested – responses received; and Initial assessment undertaken (includes information requests); and Assessment Report Drafting Commenced; and/or Advertised (Discretionary Applications Only)

**WAIVER, REDUCTION AND REFUND OF BONDS OR APPLICATION FEES GUIDELINES*****Building Act 2016 – Building Regulations 2016 – Plumbing Regulations 2014 - Food Act 2003 – Public Health Act 1997 – Local Government Act 1993 – Dog Control Act 2000 & Other Miscellaneous Statutes***

Refund Percentage	Criteria
100%	Application received; and Entered onto system; and No other work has commenced.
50%	Application received; and Entered onto system; and Council Officer comments requested – responses received; and Initial assessment undertaken (includes information requests).
0%	Application received; and Entered onto system; and Assessment nearing completion.

Waiver / Reduction Guidelines

The applicant for a statutory application 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. Recommendations for waiver or reductions of fees and bonds are to be decided by the Chief Executive Officer or the delegate of the Chief Executive Officer.

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

1. Application submitted by a non-profit organisation for a community purpose; or
2. Where the financial circumstances of the applicant warrant a written request for waiver or reduction of fees; or
3. To rectify a processing error by Council (for example re-advertising required by a Council oversight); or
4. To assist in resolving a potential risk or liability for Council; or
5. Where the fee is not commensurate with the scale or complexity of the application (triggered where the fees exceed \$10,000).

Written fee waiver or reduction applications submitted by a non-profit organisation or charity, as defined by the Rate & Service Charge Remissions: Non-profit Community, Sporting, & Religious Groups Policy, may have up to 100% of the fee or bond waived.

Where there are exceptional circumstances, up to 100% of an application fee or bond may be waived, depending on the circumstances.



**WAIVER, REDUCTION AND REFUND OF BONDS OR
APPLICATION FEES GUIDELINES**

In considering whether or not to waive or reduce fees or bonds, and if so by how much, the decision maker must take into account the following matters:

1. The merits of the request (where relevant); and
2. The amount of fees to be waived and consequent impact on Council's revenue; and
3. Existing precedents or the setting of a precedent if the fees were waived or reduced; and
4. The processing and assessment costs borne by Council (where relevant); and
5. The amount of assessment that has already been undertaken by Council (where relevant); and
6. The risks, liability or burden created on Council by the decision of whether or not to waive or reduce the application fee or bond.

LEGISLATIVE REQUIREMENTS/TERMINOLOGY

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REFERENCES & RELATED DOCUMENTS

FIN.008 Waiver, Reduction and Refund of Bonds or Application Fees Policy