



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

## Refund or Waive of Development Application Fees Administrative Policy

Adopted by:	Executive Group
Responsible Division:	Development Services
First Issued/Adopted:	November 2016
Last Reviewed:	March 2022
Next Review Date:	August 2027

### 1. Purpose

A relevant authority may - to the extent that the fee is payable to that relevant authority waive payment of whole or part of the application fee, or refund an application fee (in whole or in part). [Section 119(9)(c) of the Planning, Development and Infrastructure Act 2016]

Fees are also set by Council on an annual basis as required under the Local Government Act 1999. Statutory fees are set by the relevant legislation, including the *Planning, Development and Infrastructure Act 2016*.

To provide a consistent and equitable process for refunding fees for development applications.

## 2. Scope

This policy applies to development applications made under *the Planning, Development and Infrastructure Act 2016*.

## 3. Legislative Requirements and Corporate Policy Context

Planning, Development and Infrastructure Act 2016

## 4. Interpretation/Definitions

Delegated Officer - a person appointed delegations in the Delegations Register.

## 5. Policy Statements

### Withdrawn Development Application

5.1 Consideration will be given to refund of fees for a development application where:

- 1.1.1. A request has been made by the applicant in writing, and
- 1.1.2. the application has been withdrawn before a decision has been made on the development application.

5.2 The refund will account for the reasonable costs incurred by Council in processing the development application. These costs will include (but not be limited to) the time spent on assessment calculated by applying the hourly total employment cost of a level 5 Step 3 staff member; the cost of any specialist external advice commissioned by Council as part of the assessment process; and any statutory fees and costs incurred by Council.

### Determined Applications

5.3 Fees will not be refunded for a development application for which a consent or an approval has been determined.

### Errors / Overpayment

5.4 Fees will be refunded where an error has been made in the calculation of the fees or an overpayment has been made (including fees not expended for a process such as a statutory referral), to the extent of the error or overpayment.

## Request to Waive / Discount Fees

- 5.5 Individual requests for waiving, reduction or refunding of fees not encompassed in this policy will be considered by the General Manager City Development. Principles to be considered in determining such a request will include (but not be limited to) the potential for and implications of precedent, and any prior precedents; demonstrated hardship; and equity. Any decision and the justification for the decision will be documented and recorded within Council's records systems
- 5.6. Building Rules Certification Unit client fees may be set by negotiation to account for efficiencies in process that are generated by the total volume of applications from the client or the complexity of the application.

### Guidelines for refunding fees less than \$5000

Lodgement stage (i.e. file only opened)	Refund all fees except lodgement fee under the Development Act 1993
Preliminary assessment stage (site inspection, initial assessment and internal referrals commenced)	Refund 80% of assessment fees, excluding lodgement fee and any advertising and referral costs
Assessment stage (assessment largely completed, but report still pending)	Refund of 50% of assessment fee, excluding lodgement fee and any advertising and referral costs
Assessment stage (reports prepared)	0% - 20% of assessment fee

### Guidelines for refunding fees over \$5000

- 5.7. The refund will account for the reasonable costs incurred by Council in processing the development application, including but not limited to an estimate of staff time and costs expended on the assessment to the date of withdrawal.

### Delegated Authority

- 5.8. Council has delegated the power pursuant to waive payment of whole or part of the application fee or refund an application fee to the Chief Executive Officer.
- 5.9. The Council Assessment Panel has delegated its power to waive payment of whole or part of the application fee or refund an application fee to the General Manager City Development, having regard to a procedure adopted by the Chief Executive Officer of Council.

5.10. The Chief Executive Officer has sub-delegated this power to:

- 5.10.1. General Manager City Development
- 5.10.2. Assessment Manager
- 5.10.3. Team Leader Planning
- 5.10.4. Team Leader Building
- 5.10.5. Team Leader Business Services

5.11. The above delegations may be exercised in accordance with the following:

General Manager City Development	Fee value above \$5,000. Any fee for Building Rules Certification Unit applicants.
Assessment Manager	Fee value up to \$5,000
Team Leader Planning Team Leader Building Team Leader Business Services	Error or overpayment up to \$5,000
Team Leader Building	Any fee for Building Rules Certification Unit applicants less than \$15,000

#### Exclusions

5.12. The refund will exclude actual costs incurred for referrals and public notification.

#### Record

- 5.12.1. All decisions will be recorded against the Development Application and in Council's financial system.
- 5.13. A register will be maintained for development applications where fees have been waived.

## 6. Related Policies and Procedures

### Delegated Officers Policy and Procedure

## 7. Approval and Change History

Version	Approval Date	Approval By	Change
1	November 2016	Executive	Original
2-3	Annual Reviews	Executive	General Review
4	August 2022	Executive	General Review
5	August 2023	Executive	General Review

## 8. Availability

- 8.1 The Policy is available to be downloaded, free of charge, from Council's website [www.salisbury.sa.gov.au](http://www.salisbury.sa.gov.au)
- 8.2 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council.

City of Salisbury Community Hub  
34 Church Street, Salisbury SA 5108  
Telephone: 84068222  
Email: [city@salisbury.sa.gov.au](mailto:city@salisbury.sa.gov.au)

## 9. Review

This Policy will be reviewed within 12 months of a Council election and thereafter as necessary; or if deemed necessary by Council.

### Further Information

For further information on this Policy please contact:

Responsible Officer: Assessment Manager  
Address: 34 Church Street, Salisbury SA 5108  
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Email: [city@salisbury.sa.gov.au](mailto:city@salisbury.sa.gov.au)