



**CORANGAMITE
SHIRE**

Planning and Building Fee Waiver Policy

Corangamite Shire

September 2017



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SHIRE

Council Policy

Planning and Building Fee Waiver Policy

This policy outlines the criteria for the waiver or rebate of the statutory and discretionary fees for services in the Planning and Building Unit as identified in the Schedule of Fees within the Corangamite Council Budget.

Objective

This policy provides a framework to guide Council Officers and assist applicants, associations, community groups and charitable organisations when considering a request for the waiver or rebate of Council fees as they relate to Planning or Building Services.

Background

State government regulations within the *Planning and Environment (Fees) Regulations 2016¹* or *Subdivision (Fees) Regulations 2016²* and the *Building Interim Regulations 2017* provide the power for a Responsible Authority (usually Council) to waive or rebate the payment of fees.

As a guide, fees to be waived or reduced would normally relate to:

- Public events managed by community based organisations;
- Capital projects on public land delivered by community based organisations;
- Planning and Building permit applications and Planning Scheme Amendments where fee waiver is within the scope of the relevant regulations.

Eligible services for a waiver or reduction in fees include:

<ul style="list-style-type: none">• Planning permit applications (including Subdivision)• Certificate of Compliance applications• Extension of time applications• Request for secondary consent• Satisfaction matters• Amendment to planning permits• Requests for planning scheme amendments• Building permit applications	<ul style="list-style-type: none">• Place of Public Entertainment Permits (POPE)• Checking engineering plans• Photocopying requests (Non Statutory)• Copies of plans and permits issued (Non Statutory)• Planning or building history requests (Non Statutory)• Inspection services (Non Statutory)• Notification costs associated with permit applications (Non Statutory)
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Typically a waiver or reduction in fees would be appropriate for community based organisations. These organisations are usually groups that provide a public benefit or charitable actions that sometimes undertake capital works or fund raising events however often have limited funds to pay fees for Council services.

¹ Regulations 19 and 20.

² Regulation 12.

Typically a community based organisation means a recognised not-for-profit group or organisation based within Corangamite Shire that carries out one or more of the following activities that:

- provide services to the community such as positive ageing, child care or health services, religious organisations, charity services or services of a similar type;
- provides public interest services or activities;
- principally provides social, sporting or recreational activities;
- supports public events including those with a historical, cultural or community arts focus;
- Is an incorporated association that is delivering its intended purpose.

Typically a community based organisation would not include:

- A political organisation;
- A profit making organisation;
- Schools and tertiary institutions (excluding parent and friends groups);
- State or Federal government agencies and departments;
- Any organisation where more than 50% of its income is derived from any State or Federal government program.

Policy

It is Council policy that applicants, people or groups that satisfy the scope of this policy may apply for and be considered for a waiver or rebate of the fees in accordance with this policy and the relevant Regulations.

1. If an applicant withdraws an application for planning, subdivision, or building approval before it is approved or refused, fees or charges may be refunded if they have not already been expended for a relevant purpose associated with the processing of the application.
2. A fee may be waived or reduced if the applicant or the recipient organisation is an Incorporated Association and 'not for profit' and provides a community service within the Corangamite Shire and:
 - a) There is a community benefit from the project or activity that can be demonstrated, including its' consistency with Council's policies, strategies or activities; or
 - b) The person or organisation can demonstrate a capacity to carry out the proposed project or activity; or
 - c) The person or organisation can demonstrate that the full amount of fees and charges payable would be an impediment to the realisation of the project or activity; and
 - d) Consideration will be given as to the value and cost of the capital project or operation of the event.
3. The fee to be waived or reduced can relate to either the delivery of a capital project, or to a fund raising event. Fee waivers for capital projects or events by community groups will only apply where the project or event is to be located on public land within the Corangamite Shire. Consideration will be given to the frequency of the event and/or the nature of the capital project; the community benefit likely to be derived from the project or event and the extent to which the event or project aligns with Council's Plan, policies, strategies or activities.

4. For Planning Permit Applications, a request for fee waiver or reduction must relate to the following circumstances:
 - a) an application that is withdrawn, and a new application is submitted in its place; or
 - b) the payment of the prescribed fee is not warranted because of the minor nature of the consideration of the matter decided, or the application or determination imposes on the authority no appreciable burden, or a lesser burden than usual;
 - c) the application or determination assists the proper development of the State, region or municipal district; the preservation of buildings or places in the State, region or municipal district which are of historical or environmental interest;
 - d) the fee is for land used exclusively for charitable purposes.

5. For Planning Scheme Amendments, a request for waiver or reduction in fees must relate to:
 - a) a request made by a person or group of persons standing to gain no financial benefit from the amendment; or
 - b) a planning scheme amendment which is intended to remove errors or correct anomalies in the planning scheme; or
 - c) a planning scheme amendment which places no appreciable burden or a lesser burden than usual; or
 - d) an application to amend a planning scheme, to consider submissions, or to approve an amendment has been withdrawn and a new application submitted; or
 - e) an application to amend the planning scheme rewrites and restructures the scheme so that it may be more readily understood, without changing the planning policy ; or
 - f) An application to amend the planning scheme is intended to implement State, regional or local policy.

6. For Subdivision Applications, a request for fee waiver or reduction must relate to the following circumstances:
 - a) an application that is withdrawn, and a new application is submitted in its place; or
 - b) the payment of the prescribed fee is not warranted because of the minor nature of the consideration of the matter to be decided; or the application or determination imposes on the authority no appreciable burden; or a lesser burden than usual; or
 - c) the fee relates to land used exclusively for charitable purposes.

7. For Building Permit Applications, a request for fee waiver or reduction must relate to the following circumstances:
 - a) an application that is withdrawn, and a new application is submitted in its place; or
 - b) the fee is for land used exclusively for charitable purposes
 - c) A community benefit from the project or activity can be demonstrated, including its' consistency with Council's policies, strategies or activities; or
 - d) The fee is for applications by a community based organisation in accordance with this policy.

8. All applications under this policy must be accompanied by the attached request form and provide any other information required by the authorised officer. Requests for

waiver or reduction of fees should wherever possible be made at the time of lodgement of the application for permit or approval.

Policy Exclusions

Excluded projects or activities include:

- Personal, commercial or family circumstances (including financial hardship) will not ordinarily be considered by itself appropriate for application of this Policy.
- That portion of a prescribed fee required by legislation on behalf of the State Government or another government entity, for example State Building Levy fee or a fee/charge required by VCAT or Building Appeals Board.
- Fees and charges the Council imposes for services outside the municipality such as building inspection services.

Implementation

1. The matters taken into account and which form the basis of the decision to waive or rebate the fee must be recorded in writing.
2. Council shall allocate in the annual budget, an amount for the purpose of providing financial assistance to applicants, individuals and community groups for payment of fees where a waiver or rebate of fees is approved under this policy.
3. The Director of Sustainable Development or Manager Planning and Building Services will normally determine an application for fee waiver or rebate; record the matters taken into account and which formed the basis of the decision to waive or reduce fees and record the expense against the fee waiver account in Council's records so as to maintain the required register.
4. Notwithstanding the requirements of this policy, the Chief Executive Officer may authorise a refund or waiver in exceptional circumstances at his/her discretion and arrange the recording in the relevant register.

Related Legislation and Policies

This policy has been prepared with reference to the following legislation and documentation:

- Local Government Act 1989
- Planning and Environment Act 1987
- Planning and Environment (Fees) Regulations 2016
- Subdivision Act 1988
- Subdivision (Fees) Regulations 2016
- Building Act 1993
- Building Interim Regulations 2017
- Environment Protection Act 1970
- Corangamite Shire Council Plan 2017-2021.

Review

This policy is to be reviewed at least every four years from the date of adoption.

Human Rights

The policy gives regard to relevant legislation, principles of natural justice and procedural fairness, community values and Council's resource capacity. It is considered that this policy supports the rights identified in the *Charter of Human Rights and Responsibilities Act (2006)*.

REQUEST FORM
Request for the waiver or reduction
of regulatory fees for:

- **Planning**
- **Building**
- **Subdivision**



Applicant:.....

Address and contact details:
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Not-for-profit status: YES NO

Details of project, event, or capital asset:
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Estimated cost of project, event, or capital asset:

Source of funding for the cost of project, event, or capital asset:
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Describe the goals of your organisation and how the project/event is consistent with those goals and that of the Council Plan:
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Set out reasons why this request is being made:

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Describe the capacity your organisation has to deliver the project/event:

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Additional information:

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Signed (Applicant)..... Date
(Please attach additional information)

I certify that, to the best of my knowledge, the information provided in this application is true and accurate.
I acknowledge that, if I am awarded a reduced fee or fee waiver, it is only applicable for the activity / program/
event referred to in this application and that it is awarded under the Corangamite Shire Planning and Building Fee
Waiver Policy 2017.
The information gathered in the form is used by Council to process the request. To view Council's privacy policy,
please visit www.corangamite.vic.gov.au

