



Waiver and Refund of Planning Fees Policy

Version 1

Approval Date: 6 July 2020

DOCUMENT CONTROL

Responsible GM	General Manager Regional City Growth & Investment	
Division	Regional City Growth & Investment	
Last Updated (who & when)	Manager Regional City Planning	July 2020
DOCUMENT HISTORY		
Authority	Date	Description of change
Council Resolution	6 July 2020	<ul style="list-style-type: none"> Included a waiver of fees for Commercial and Industrial VicSmart applications for the 2020/21 financial year; Combined the 'Waiver of Planning Permit Application Fees Policy' adopted on 13 November 2017 with the 'Fees and Charges Rebate and Waiving Policy' adopted on 7 February 2011 to create one policy for all matters relating to Planning fees; and Amended the eligibility criteria for a fee waiver to be more specific in terms of the land in which the policy applies.
References	Refer to Section 8 and 9 of this policy	
Next Review Date	As requested	
Published on website	Yes	
Document Reference No	2	

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1. Background

The *Planning and Environment (Fees) Regulations 2016* sets out the prescribed fees associated with planning permit applications. The Regulations set out instances in which Council as the responsible authority can consider the rebate/refund or waiving of application fees. Latrobe City Council has developed this policy to inform employees and applicants as to when applicable planning permit application fees may be waived for a not-for-profit organisation, community group or charitable organisations and well as the portion of refund available to applicants at certain stages of the assessment process.

2. Objective

The objective of the policy is to ensure consistency in applying fee exemptions, waivers and refunds to planning permit applications.

3. Scope

The policy applies to applications for planning permits lodged with Latrobe City Council pursuant to the *Planning and Environment Act 1987* (the Act).

4. Principles of Management

Section 47(b) of the Act states a permit application must be accompanied by the prescribed fee. The requirement of a prescribed fee is primarily linked to the cost of development and assists the planning department in recouping costs associated with the assessment of permit applications, together with the administrative functions required to be undertaken in accordance with the Act.

Planning application fees are set out in the *Planning and Environment (Fees) Regulations 2016*. Regulation 20 states that fees can be waived or rebated in a number of circumstances. Regulation 21 requires the reasons for the waiver or rebate of fees to be recorded.

Latrobe City Councils application of Regulation 20

The Regulations are generally clear as to when Council as the responsible authority is able to consider fee waivers or rebates for planning permit applications. The following sets out the circumstances in which Latrobe City Council will exercise the rights availed to it by Regulation 20 in relation to the waiver of fees for a not-for-profit organisation, community group, charitable organisation or sporting clubs and the rebate/refund of fees for all applications.

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1. Fee Waiver for Projects of Community Benefit:

In accordance with Regulation 20(d), Council will waive not-for-profit organisations, community groups, charitable organisations or sporting clubs from statutory and non-statutory charges if the following requirements are met:

- The development must be located on Council owned and managed land or Crown land and be:
 - a community group; or
 - a sporting club; or
 - a not-for-profit organisation; or
 - a charitable organisation.
- The cost of the development is less than \$100,000; and
- A formal written request to waive fees must be made in writing to the General Manager – Regional City Growth and Investment detailing the projects eligibility with the above criteria and the community benefit that will derive from the proposal.

Note: The waiver or rebate of Planning Permit application fees for proposals which do not meet the above criteria may be considered at the direction of the Manager Regional City Planning, General Manager Regional City Growth and Investment or CEO and any such decision must be recorded in Council's document management system and in the delegation report for the application.

2. Fee Waiver for Commercial and Industrial VicSmart applications:

In accordance with Regulation 20(b) and 20(c), Latrobe City Council will waive the payment of a fee for Commercial and Industrial Planning Permit applications if all of the following requirements are met:

- The subject land is located within a Commercial or Industrial Zone;
- The application is eligible for assessment under VicSmart provisions; and
- The application is lodged between 1 July 2020 and 30 June 2021.

3. Refund/Rebate of Fee:

In accordance with Regulation 20(a), Latrobe City Council will rebate/refund Planning Permit application fees in the following instances:

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- 100% refund of the application fee paid, when an application is withdrawn before public notification and before Council Planning Officers consider the application.
- 50% refund of the application fee paid, when an application is withdrawn after public notification however before Council Planning Officers consider the application.

4. Other Circumstances:

Discretion of the Responsible Authority:

In accordance with Regulation 20(b) and 20(c), Latrobe City Council may waive or rebate the payment of a fee if in the opinion of the Responsible Authority the payment of the fee is not warranted because:

- Of the nature of the consideration of the matter decided or to be decided; or
- The requested service imposes on the Responsible Authority no appreciable burden or a lesser burden than usually for supplying that service; or
- The application or determination assists:
 - The proper development of the State, region or municipal district; or
 - The proper development of part of the State, region or municipal district; or
 - The preservation of building or places in the State, region or municipal district which are of historical or environment interest.

Approval to waiver such fees will only be undertaken by the Manager Regional City Planning, General Manager Regional City Growth and Investment or CEO and any such decision must be recorded in Council's document management system and in the delegation report for the application.

- **Non Statutory Fees: Extension of Time or Secondary Consent application**

The provision to waiver fees for an extension of time or secondary consent will not be supported unless there are considered to be extenuating circumstances.

Approval to waiver such fees will only be undertaken by the Manager Regional City Planning, General Manager Regional City Growth and Investment or CEO and any such decision must be recorded in Council's document management system and in the delegation report for the application.

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Process of applying for a Waiver and/or Rebate of Statutory Planning Fees

In order for an applicant to be provided with a waiver or rebate in line with this policy, the permit applicant is required to apply using the following method.

The applicant must write to the General Manager Regional City Growth & Investment seeking approval by outlining their compliance with this policy.

The letter of advice to the General Manager Regional City Growth & Investment can be provided either with an application for a permit or prior to an application being lodged with Council.

If the permit applicant seeks to gain written advice in relation to waiving or rebating of fees prior to an application being made to Council, the correspondence outlining the request must be accompanied by details of the application the permit applicant seeks to make to Council.

The decision to waive or rebate fees will be made by the delegated Council Officer:

Policy	Delegated Officer
Fee Waiver for Projects of Community Benefit:	General Manager Regional City Growth & Investment or Chief Executive Officer, as appropriate
Fee Waiver for Commercial and Industrial VicSmart applications:	Coordinator Statutory Planning, Manager Regional City Planning, General Manager Regional City Growth & Investment or Chief Executive Officer, as appropriate
Refund/Rebate of Fee:	Coordinator Statutory Planning, Manager Regional City Planning, General Manager Regional City Growth & Investment or Chief Executive Officer, as appropriate
Other Circumstances:	Coordinator Statutory Planning, Manager Regional City Planning, General Manager Regional City Growth & Investment or Chief Executive Officer, as appropriate

The waiving or rebate of fees permitted by Latrobe City Council must be recorded in accordance with Regulation 21 of the *Planning and Environment (Fees) Regulations 2016*. The reasons for any waiving or rebate of fees permitted by Council must be provided in the letter of advice and recorded in the Council or delegation report associated with the planning permit application.

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Accountability and Responsibility

Accountability and responsibility for this policy is outlined below.

4.1. Council

- Responsibility to ensure this Policy is consistent with Latrobe City Council Strategic Direction and other Latrobe City Council Policy
- Responsibility for the decision to approve this Policy by Council Resolution

4.2. Chief Executive Officer

- Overall responsibility for compliance with this policy
- Overall responsibility for enforcing accountability
- Overall responsibility for providing resources
- Overall responsibility for performance monitoring

4.3. General Manager Regional City Growth & Investment

- Responsibility for compliance with this policy
- Responsibility for enforcing accountability
- Responsibility for providing resources
- Responsibility for performance monitoring

4.4. Manager Regional City Planning

- Develop frameworks and procedures in compliance with this policy
- Enforce responsibilities to achieve compliance with frameworks and procedures
- Provide appropriate resources for the execution of the frameworks and procedures

4.5. Planning Services Employees

- Participate where required in the development of frameworks and procedures in compliance with this policy.
- Comply with frameworks and procedures developed to achieve compliance with this policy.

5. Evaluation and Review

This policy will be reviewed on the request of Council, in the event of significant change in the Executive team, significant changes to legislation applicable to the

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subject matter of the policy or, in any other case, during each Council term (generally four years).

6. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

7. Definitions

Statutory fees – fees as prescribed by the *Planning and Environment (Fees) Regulations 2016*.

Non-statutory fees - fees not prescribed by the *Planning and Environment (Fees) Regulations 2016* such as secondary consent applications and extension of time requests.

Not-for-profit organisation, community group or charitable organisation – an incorporated body, cooperative or association that provides a service to the community and does not operate to make a profit.

8. Related Documents

Nil

9. Reference Resources

Planning and Environment Act 1987

Planning and Environment (Fees) Regulations 2016

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