


Council Policy

Development Application Fee Refunds



COUNCIL POLICY

 <p>Adelaide Hills COUNCIL</p>	<h2>DEVELOPMENT APPLICATION FEE REFUNDS</h2>
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Policy Number:	DEV-07
Responsible Department(s):	Development Services
Relevant Delegations:	As per the Delegations Register and as detailed in this Policy
Other Relevant Policies:	Nil
Relevant Procedure(s):	Development Administration Fee Refund Procedure Plan SA Fact Sheet – Financial Management - Refunds
Relevant Legislation:	<i>Planning, Development & Infrastructure Act 2016</i> <i>Planning, Development & Infrastructure (General) Regulations 2017</i> <i>Planning, Development & Infrastructure (Fees, Charges & Contributions) Regulations 2019</i>
Policies and Procedures Superseded by this policy on its Adoption:	Development Application Fee Policy, 25 September 2018
Adoption Authority:	Council
Date of Adoption:	24 August 2021
Effective From:	10 August 2021
Minute Reference for Adoption:	Item 12.3, 155/21
Next Review:	July 2024 or as required by legislation or changed circumstances

Version Control

Version No.	Date of Effect	Description of Change(s)	Approval
1.0	4/12/2007	Policy adopted	B326
2.0	12/5/2015	Policy adopted	17/15
3.0	25/9/2018	Policy adopted	244/18
4.0	24/8/2021	Policy review and adoption	Council - 155/21

DEVELOPMENT APPLICATION FEE REFUNDS POLICY

1. INTRODUCTION

The policy provides guidance to the Council administration and development applicants on the amount of development application fee refund an applicant will be entitled to.

2. OBJECTIVES

To provide a guide for the calculation of development application fee refunds to an applicant in the event the application is withdrawn or fees are not utilised or raised in error. In all other instances fees will be retained by Council, a Referral Agency or Planning Land Use Services (State government) as relevant. .

3. DEFINITIONS

As defined in the *Planning, Development & Infrastructure Act 2016, General Regulations 2017 & Fees, Charges and Contributions Regulations 2019*.

4. POLICY STATEMENT

The Assessment Manager for Adelaide Hills Council will be responsible for determining if a refund is to be paid to an applicant and the amount of the refund. The Council is only permitted to refund fees that are payable to the Council as part of the application process.

For development applications lodged from 19 March 2021, all fees are managed through the Plan SA Development Application Processing (DAP) System Portal. The development application lodgement fee and referral fee(s) are not received by the Council but are paid to Plan SA or the State referral agency respectively through the Plan SA Development Application Processing (DAP) System. Any refund of these fees is at the discretion of the State government and are excluded from this Policy.

A refund of fees received by Council may be due where an application is withdrawn prior to a consent being granted or refused, the fee was not utilised or, where an administrative error has occurred during the assessment process.

For development applications lodged prior to 19 March 2021, a refund may be due where an application is withdrawn prior to a consent being granted or refused, the fee was not utilised or, where an administrative error has occurred during the assessment process, such as fee duplication.

If an applicant withdraws their application after paying the appropriate fees a refund (if any) will be based upon the stage of the assessment process as follows:

Stage of Assessment	Planning, Land Division & Building Fees
Application lodged and only preliminary assessment undertaken	Council Processing Fee (i.e. lodged over the counter or via email to Council) – <i>no refund</i> Assessment fees – <i>50% refund</i> Public notification fee – <i>full refund</i> Sign/Advert fee - <i>full refund</i> Essential Safety Provision fees – <i>full refund</i> Compliance fee – <i>full refund</i> Certificate of Occupancy fee – <i>full refund</i> Land Division Statement of Requirements- <i>full refund</i>
Assessment of the application has commenced but an assessment report is not substantially completed	Council Processing Fee (i.e. lodged over the counter or via email to Council) – <i>no refund</i> Assessment fees – <i>25% refund</i> Public notification fee – <i>full refund if notification process not commenced</i> Sign/Advert fee - <i>full refund if notification process not commenced</i> Essential Safety Provision fees – <i>full refund</i> Compliance fee – <i>full refund</i> Certificate of Occupancy fee – <i>full refund</i> Land Division Statement of Requirements- <i>no refund</i>

Stage of Assessment	Planning, Land Division & Building Fees
Assessment completed or application listed on CAP agenda as an item of business	Council Processing Fee (i.e. lodged over the counter or via email to Council) – <i>no refund</i> Assessment fees – <i>no refund</i> Public notification fee – <i>no refund</i> Sign/Advert fee – <i>no refund</i> Essential Safety Provision fees – <i>full refund</i> Compliance fee – <i>no refund</i> Certificate of Occupancy fee – <i>full refund</i> Land Division Statement of Requirements- <i>no refund</i>
Consent Granted or Refused or Lapsed	<i>No refund applied</i>

The above table does not apply where it is demonstrated that fee(s) has been duplicated or applied in error or the application has been lodged with the Council in error. In these circumstances, a full refund of the Council received fees will be applied.

Where a refund of less than \$20 is calculated, no refund will be made.

5. DELEGATION

5.1 The Chief Executive Officer has the delegation to:

- Approve, amend and review any procedures that shall be consistent with this Policy; and
- Make any formatting, nomenclature or other minor changes to the Policy during the period of its currency.

6. AVAILABILITY OF THE POLICY

6.1 This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website www.ahc.sa.gov.au. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.