



# Waiving of Fees for Community Groups Policy

<b>Classification:</b>	Council Policy
<b>Version Number:</b>	1
<b>Review Frequency:</b>	Term of Council
<b>Last Reviewed:</b>	New Policy
<b>Review Due:</b>	Dec 2023
<b>Responsible Officer:</b>	CEO
<b>Applicable Legislation:</b>	Local Government Act 1999 Planning, Development and Infrastructure Act 2016 Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019
<b>Related Policies/Procedures:</b>	Schedule of Fees and Charges

**1. PURPOSE:**

- 1.1 Council is committed to supporting its community through the provision of services, documents and hire of facilities.
- 1.2 This Policy outlines the circumstances under which Council may waive or reduce the fees and charges listed in its Schedule of Fees and Charges.
- 1.3 This Policy also considers the waiving of Fees and Charges under the Planning, Development and Infrastructure Act, for community groups/organisations.

## **2. LEGISLATIVE CONTEXT:**

- 2.1 Section 188 of the Local Government Act 1999 empowers Council to impose fees and charges and allows for Council to delegate the power to fix, vary or revoke a fee for:
- Use of any property or facility owner, controlled, managed or maintained by the Council
  - Services supplied to a person at their request
  - Carrying out work at a person's request.
- 2.2 Section 7 of the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019 allows Council to delegate the authority to:
- Waive the payment of the fee, or the payment of part of the fee
  - Refund the whole or a part of the fee.

## **3. SCOPE:**

- 3.1 This Policy applies to fees and charges set:
- In Council's Schedule of Fees and Charges
  - Under the Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019
  - Any other fees or charges that are set during the financial year that are not included in the Schedule of Fees and Charges.
- 3.2 This Policy does not apply:
- To Council rates and rate rebates. Please see Council's Rate Rebate and Rates Hardship Policies
  - To statutory fees and charges that Council does not have the delegation to waive or reduce.

## **4. DISCRETIONARY FEES - WAIVER OR REDUCTION:**

- 4.1 Discretionary fees and charges approved and set by Council are able to be waived or reduced on a case-by-case assessment at Council's, or its delegate's, discretion.
- 4.2 The criteria for allowing a fee or charge waiver or reduction may be based on the applying groups/organisation's:
- Ongoing service to the community that otherwise would, or may have to be, performed by Council
  - Establishment of a going concern that may otherwise be Council's responsibility
  - Demonstrated financial limitations.
- 4.3 Council or its delegate may also reserve the right to reduce or cancel a discretionary fee waiver or reduction to a group on a case-by-case basis.

**5. DEVELOPMENT APPLICATION FEES – WAIVER OR REDUCTION:**

- 5.1 Development Application fees are required to be paid upon lodgement of a Development Application to enact or validate the lodgement of the application for assessment.
- 5.2 The waiver or reduction of Development Application fees may be considered for community groups/organisations when:
- The community group/organisation may manage or occupy Council/Crown/Community-owned land, and the development will be of benefit to the community or improve Council/Crown/Community owned assets
  - The community group/organisation undertakes a development on land not owned or in the control of Council but where the development will be of benefit to the community.
  - The value of the improvement does not exceed \$100,000 in value.
- 5.3 Fees and charges associated with Development Applications that will not be waived or reduced include:
- Statutory referral fees
  - Fees or levies that may be required to third parties (e.g. payment of Lands Titles Officer fees, newspaper advertisement fees)
- 5.4 Any requests to waive the application fees for developments with a construction value exceeding \$100,000 shall be reported to Council for a decision.
- 5.5 The Chief Executive Officer holds the sole authority to waive or reduce Development Application fees.

**6. AVAILABILITY OF THE POLICY:**

This policy will be available for inspection at the Council's principal office, 29 Holland Street Kingston SE, during ordinary business hours and on Council's website: [www.kingstondc.sa.gov.au](http://www.kingstondc.sa.gov.au). Copies will also be provided to interested members of the community upon request, and upon such payment of the fee set by Council.

**APPENDIX 1****Summary of Development Fees Applicable for Community Groups**

<b>Lodgement Fee</b>	<b>Minimum Fee Applicable</b>
Planning Assessment fee for development with a construction value of \$100,000 or less	100% waived
Planning Assessment fee for development with a construction value of more than \$100,000	As Gazetted
Non-complying fee	As Gazetted
Referral Fees (Schedule 8)	As Gazetted
Advertising fee	As required
Building Rules Assessment Consent fees	100% waived, or Minimum Building Assessment Fees where referral to a structural engineer or consultant building surveyor is necessary
Staged Consent fee	As Gazetted where the application is to be assessed by a Private Certifier  Or  100% waived if assessed by Council staff for Building Rules Consent
Certificate of Title search fee	No waiver
Construction Industry Training Board Levy	Proof of payment required where value over \$40,000