

PLANNING FEES WAIVER AND REBATE POLICY

Approval Level:	EMT
Policy Type:	Organisation
Approval Date:	29/11/2023
Review cycle:	4 years
Review Date:	29/11/2027
Responsible Officer:	Manager Planning
Owner:	Statutory Planning
Responsible Director:	Strategy and Growth
Relevant Legislation/Authority:	Planning and Environment (Fees) Regulations 2016 Subdivision (Fees) Regulations 2016 Monetary Units Act 2004
DOCSETID:	1092615

1. PURPOSE

The purpose of this policy is to establish a consistent, equitable and transparent approach for the consideration of requests for the waiving, reducing or refunding of planning application fees and charges:

- For community based, not-for-profit organisations relating to land used exclusively for charitable purposes;

and the consideration of requests for the waiving or reducing of planning application fees, planning information fees and subdivision certification fees:

- For the City, for its own projects
- Where specific circumstances exist and it is considered appropriate for the policy to be applied.

2. BACKGROUND

Circumstances can arise where it is appropriate and in the public interest for consideration to be given to waiving, reducing or refunding fees and charges associated with applications for planning permits.

This policy may be applied to assist:

- Not-for-profit community-based organisations with the delivery of their projects, activities or services that provide community benefit and which align with the City's policies, strategies and activities;
- The City with some of its own projects and activities;
- In resolving difficult planning application issues that may have a potential risk or liability for the City.

Internal controls for determining the waiver or rebate of planning fees are necessary to prevent mishandling of funds to safeguard against fraud and corruption; perceived or otherwise.

The City is committed to acting with integrity, good governance and transparency to maintain a financially sustainable Council that manages resources effectively and efficiently.

The Planning & Environment (Fees) Regulations 2016 and Subdivision (Fees) Regulations 2016 provide for fees using fee units. The value of a fee unit is indexed annually by an amount fixed by the Treasurer, coming into effect on July 1 each year.

The City of Greater Bendigo has the power to waive or rebate planning and subdivision application fees in certain circumstances, under regulation 20 of the Planning & Environment (Fees) Regulations 2016 and regulation 12 of the Subdivision (Fees) Regulations 2016. This policy aims to provide clarity around:

- How the City applies those powers;
- A formal method for dealing with planning fees for the City's own projects;
- The extension of these powers to non-statutory planning fees in specific circumstances.

The reasons for waiver or rebate must be recorded in writing, in accordance with regulation 21 of the Planning & Environment (Fees) Regulations Act 2016 and regulation 13 of the Subdivision (Fees) Regulations 2016.

Personal, commercial or family circumstances including financial hardship will not ordinarily be considered appropriate for application of this policy.

3. SCOPE

The policy applies to all City of Greater Bendigo staff, planning permit applicants, customers and other persons involved in the conduct of business with the City's Planning department.

The policy applies to planning permit applications and their related functions, subdivision certification applications and planning information requests.

4. DEFINITIONS

Community-based organisation means a recognised not-for-profit group or organisation that carries out one or more of the following activities:

- Provides services to the community such as positive ageing, disability, childcare, health services, charity service or services of a similar type
- Reinvests or applies revenue it receives predominantly for public interest services or activities
- Principally provides social or junior sporting or recreational activities
- Supports public events or information of an historical, cultural or community arts focus.
- A registered Victorian Housing Association providing affordable housing

A community-based organisation does not include:

- Any political organisation
- A profit-making organisation
- Schools and tertiary organisations
- State or Federal government agencies and departments

Delegated Officer means an officer of the City delegated to enforce this policy as set out in the S6 Instrument of Delegation, being the Manager Planning and Planning Coordinators.

Fee unit is within the meaning of the *Monetary Units Act 2004*.

VicSmart is a statewide planning permit process that allows Councils to assess and decide on some minor planning applications more quickly.

5. PRINCIPLES

All staff should observe the following ethical standards:

- All business must be conducted in the best interests of the City, avoiding any situation which may impinge, or might be deemed to impinge, on impartiality.
- Confidentiality must be maintained in all dealings.
- Security must be maintained over revenue related information.
- Staff must abide by the City's Gifts, Benefits and Hospitality Policy.

6. POLICY

The default amount for consideration of a fee waiver request is 50% of the total fees, given that considerable time and resources may be applied to the assessing and determining of planning applications.

In certain circumstances and where deemed appropriate, a higher percentage reduction may be applied. The reasons for approving a higher rate must be recorded in writing.

6.1 Community-based organisations

On request, eligible community-based organisations may have fees or charges payable for a planning permit application reduced by:

- 50% for application fees relating to Permit Classes 1 through 13 and 17 through 22
- 75% for application fees relating to Permit Classes 14 through 16.

To be eligible, applicants must set out and satisfy the requirements of at least one of the following clauses:

- The community benefit of the project or activity including its consistency with the City's policies, strategies or activities
- A capacity to carry out the proposed project or activity
- That the full amount of fees and charges payable would be an impediment to the total realisation of the project or activity.

6.2 Council projects

Council projects or activities where internal City of Greater Bendigo units are the applicant will have planning application fees, planning information fees and subdivision certification application fees waived for the full amount.

6.3 Simple applications

An applicant may be eligible for a fee waiver or reduction if the permit application is of a minor nature, or the service imposes no appreciable burden.

- (a) In certain circumstances, the fee may be reduced to the minimum statutory fee applicable within the *Planning & Environment (Fees) Regulations 2016*, ie. 13.5 fee units. To be eligible, the permit application must meet the following criteria:
- An amendment to an existing planning permit that is minor in nature.
 - A planning permit application that is minor in nature and does not fit in to a VicSmart category.
- (b) In certain circumstances, the fee may be waived if the permit application meets the following criteria:
- Amending an application after notice has been given where little, if any, change will occur in the processing of that application.

For the purposes of this policy, the following are not considered simple applications:

- VicSmart applications
- Any fees relating to an application for subdivision permit or statement of compliance.

6.4 Refund of withdrawn applications

If an applicant withdraws an application for planning permit before a decision is made, the City may refund fees or charges it has received in accordance with this policy if they have not already been expended for the relevant purpose.

Refunds may be applied to planning fees and charges as follows:

Refund rate	Circumstances
100%	<ul style="list-style-type: none"> It has been determined no permit is required The application is withdrawn at the request of the City, and a new application with equivalent fees is submitted in its place (within 6 months).
75%	<ul style="list-style-type: none"> Application received, lodged, entered into the information and document management systems and allocated to a Planner. Application initially assessed.
50%	<ul style="list-style-type: none"> Application received, lodged, entered into the information and document management systems and allocated to a Planner. Application initially assessed. Referrals to authorities or internal departments commenced, additional information requested.
25%	<ul style="list-style-type: none"> Application received, lodged, entered into the information and document management systems and allocated to a Planner. Application initially assessed. Referrals to authorities or internal departments commenced, additional information requested. Further assessment undertaken. Advertising of the application

Refunds will not be applied where the application has progressed to the final stages prior to decision.

6.5 Lapsed applications

The regulations do not afford the City the discretion to refund or waive fees associated with lapsed applications, nor applications submitted after the lapsing of an application. It is noted that an application may lapse due to non-payment of fees.

No refunds will be provided if an application is lapsed, and fees will not be waived for subsequent applications.

6.6 Delegated officer authorisation

Notwithstanding the requirements of the above table and other provisions of this policy, the delegated officer may authorise a refund or reduction of fees in exceptional circumstances at a different rate subject to Council policies, applicable delegations and this policy, including the following:

- Resolve a situation where the City has caused or contributed inadvertently to planning fees or charges or related costs being unnecessarily incurred by an applicant.
- A planning permit application that is minor in nature and the processing of that application will cost less than the prescribed fee.

The Delegated Officer's decision on the rate of refund, if approved, is final.

The reasons for the waiver must be recorded in writing.

7. ROLES AND RESPONSIBILITIES

Applicants must make a request for waiver or rebate in writing to the City and outline the reasons why they believe they are eligible, in accordance with this policy.

The Manager Planning and Planning Coordinators are responsible for determining the appropriate rate of reduction to a request, if any.

In line with the City's financial delegations, Planning Coordinators may consider a waiver request where the planning application fees are not more than \$10,000; and the Manager Planning may consider a waiver request for planning application fees of up to \$100,000.

The delegated officer who determined the outcome of the waiver request must not assess and decide on the planning application.

The decision must be made by the delegated officer before the permit application is assessed by a planner, noting the time taken to make the decision is not excluded from the statutory timeframe of a planning application.

The delegated officer must record the reasons that formed the basis for the decision in writing.

The Administration team will register the reasons that formed the basis of the decision in ECM.

The Administration team will adjust the fees accordingly and record a summary of the reason in the transaction line for reporting.

Where a request is denied, the Administration team will inform the applicant and forward an invoice for payment of the full amount of planning fees.

8. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

9. 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, such a change may be made administratively. Examples include a change to the name of a Business Unit, 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 made through consultation with the relevant staff and with the approval of EMT.

10. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
29 Nov 2023	Linda C	Statutory Planning	Significant review and renaming of policy	1	Nov 2027