

Refund of Development Application Fees and Other Fees for Charitable Organisations and Community Groups

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1. Purpose

This policy exempts certain applicants/ organisations from the payment of some fees such as: Development Applications (DAs) and applications under section 68 of the *Local Government (LG) Act 1993* (including sewerage management facility, temporary/ mobile food and street stall approvals), subject to certain exemption criteria.

2. Provisions

2.1 Exemption criteria

The following exemption criteria apply:

(a) The applicant is a non-profit organisation, such as:

- a registered charity and evidence of registration as a charity has been provided to Council; or
- a local community or sporting group; or
- a Council project of a “community” nature.









(b) The application does **not** involve any ongoing commercial or business type venture such as a nursing home, childcare centre, educational establishment, registered club* or subdivision of land etc, whether or not they meet the exemption criteria in clause 2.1(a).

*Club includes any subsidiary, associated group or organisation, including an arm of the club ‘Trading As’ and holding a Club Licence under the relevant legislation.

(c) To support a fee refund request the following information must be provided:

- Evidence of being one of the organisations referred to in (a) above. In this regard, the organisation must provide current, verifiable written proof that the organisation is either registered with the Australian Taxation office (ATO) as a charitable / non-profit organisation or, alternatively, is registered with the Office of Fair Trading under either *Associations Incorporation 1981* or *Corporations Act 2001*.
- Balance sheets.
- An explanation of how any refunded fees will be returned and benefit the local Shoalhaven community.

Examples of potential exemptions or applicants not meeting exemptions

Community Housing provider		Bowling Club	
Church		Private Childcare Centre	
Hockey Club		Group of residents, formed for a project to lease land and construct an art studio	
Residential subdivision		Medical centre	

2.2 Refund threshold for DAs

The sum of all DA fees does not exceed \$5,000 This excludes prescribed advertising, notification and archive fees which must be paid. Refer to clause 2.3 regarding any amount above this refund threshold.

The fee refund does not apply to any section 7.11 contributions.

2.3 Payment of fees for DAs

Applicants/ organisations who meet the exemption criteria in clause 2.1 are required to pay upfront any amount above the fee refund threshold set in clause 2.2. The applicant/ organisation can apply for reimbursement of the amount paid and Council will consider this request on merit in accordance with clause 2.4.

Applicants/ organisations who do not meet the exemption criteria must pay the scheduled fees upon lodgement of an application.

2.4 Reimbursement of fees for DAs

If a reimbursement of the fees is sought, a written request outlining the grounds for reimbursement must be submitted. Refer to 2.1.

The matter will then be referred to a meeting of Council. Any donations by way of whole or partial reimbursement determined by the Council will be paid out of the City Development budget or a source identified in Council's resolution.

2.5 Refunding applications under S68 of the LG Act 1993

2.5.1 Sewage management facility applications

For sewage management facility applications, applicants/organisations who apply for a fee refund and demonstrate that they meet the exemption criteria in clause 2.1, do not need to pay an application fee at the time of lodging such applications and will not be levied the annual onsite sewerage management charge.

2.5.2 Temporary/ mobile food and street stall applications

For temporary/ mobile food and street stall applications, applicants/ organisations who meet the exemption criteria in clause 2.1, do not need to pay an application fee at the time of lodging such applications.

3. Implementation

City Development administers this policy.

4. Review

This policy statement will be reviewed annually by City Development as part of the overall annual review of Council's Delivery Program and Operational Plan.