

# Waiving of Application Fees for Development and Wastewater Applications Policy



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Responsible Officer	Director – Development and Community Services
Adopted	9 March 2021
Last reviewed at Council Meeting	21 March 2023
Minute Number	CM 03-2023/012
Due date of next Review	Election 2026

## 1. Purpose

- 1.1 This Policy applies to development applications lodged with Council for development approval, pursuant to the *Planning, Development and Infrastructure Act 2016* and *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* for development on land and wastewater applications lodged with Council for approval, pursuant to the *South Australian Public Health Act 2011* and includes:
- Where a community group (refer to definition in Section 2 of this Policy) 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; or
  - Where a community group undertakes a development on land not owned or in the control of Council but where the development will be of benefit to the community; or
  - Where a general applicant undertakes a development on land.

## 2. Definitions

- 2.1 A **Community Group** means a not for profit organisation/group or incorporated association, and is located, or active, within the Mid Murray Council area, who may have a lease, license or management agreement with Council or who own the land on which development is proposed.

## 3. Policy

### 3.1 General Principles

- 3.1.1 This Policy will come into effect from the date of Council resolution.
- 3.1.2 Council seeks to undertake its affairs in a way that contributes to open, transparent and informed decision-making.
- 3.1.3 Council seeks to ensure advice and decisions made are consistent.

### 3.2 General Information

- 3.2.1 Development and wastewater application fees are required to be paid upon lodgement of a development or wastewater application to enact or validate the lodgement of the application for assessment.

- 3.2.2 Fees payable are in accordance with the *Planning, Development and Infrastructure Act 2016*, *Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* and *South Australian Public Health Act 2011* with yearly increases set by the State Government and published in the Government Gazette for commencement in July each year.
- 3.2.3 Development application fees payable may include fees that are required for external referrals, public notification advertising fees or as a levy to the State Government. This Policy does not include the waiving of fees that would be payable to the State Government, other third parties or referral agencies.

### **3.3 Policy Requirements – Community Groups**

- 3.3.1 The proposed development:
- Shall be of benefit to the community; and/or
  - Council owned assets shall be improved as a result of the proposed work.
- 3.3.2 The value of improvement shall not exceed \$100,000 in value.
- 3.3.3 There will be no waiving of fees of a statutory referral nature.
- 3.3.4 Fees or levies that may be required to third parties will not be waived (e.g. payment of Lands Title Office fees).
- 3.3.5 Fees waived or applicable for community group applications are summarised in Appendix A.

### **3.4 Policy Requirements – General Applicants**

- 3.4.1 The proposed development must have been lodged with Council.
- 3.4.2 There will be no waiving of fees of a statutory referral nature – except development applications subject to Clause 3.4.6.3.
- 3.4.3 Fees or levies that may be required to third parties will not be waived (e.g. payment to Lands Title Office fees) – except development applications subject to Clause 3.4.6.3.
- 3.4.4 The lodgement fee applicable shall be payable in all cases – except development applications subject to Clause 3.4.6.3.
- 3.4.5 Fees waived or applicable for development and wastewater applications subject to this Policy are summarised in Appendix A.
- 3.4.6 This Policy covers the following types of development and wastewater applications for consideration of a fee waiver:
- 3.4.6.1 Those relating to places listed as State Heritage or Local Heritage.
- 3.4.6.2 Those relating to Economic Development and Business Investment Opportunities within the Council area (as determined by the Chief Executive Officer).
- 3.4.6.3 Those relating to applications which have been identified as having an error in their processing
- 3.4.6.4 Those relating to development being reconstructed as a result of a natural disaster (e.g. flood, bushfire, storm), and where the applicant is an individual person and ratepayer of Council.

### **3.5 Delegations**

- 3.5.1 The authority to waive development and wastewater application fees pursuant to the Policy is delegated to the Chief Executive Officer and the Director – Development and Community Services.
- 3.5.2 Any application for the waiving of fees that is deemed by the Chief Executive Officer and the Director – Development and Community Services to be outside the scope of this Policy, shall be referred to the Elected Members at an ordinary meeting of Council.

### 3.6 Attachments

- 3.6.1 Appendix A – Summary of Fees Applicable – *Planning, Development and Infrastructure Act 2016, Planning, Development and Infrastructure (Fees, Charges and Contributions) Regulations 2019* and *South Australian Public Health Act 2011*.

## 4. Policy Responsibility

The Director – Development and Community Services is responsible for ensuring the proper operation of this Policy.

## 5. Availability/Accessibility

- 5.1 This Policy and Council's Fees and Charges Register are available to be downloaded free of charge from Council's website: [www.mid-murray.sa.gov.au](http://www.mid-murray.sa.gov.au).
- 5.2 This Policy is available for inspection at Council's principal office during ordinary business hours. Hard copies, for a fee in accordance with Council's schedule of Fees and Charges, can be provided upon request.

## 6. Legislative Framework / Other References

- 6.1 [\*Planning, Development and Infrastructure Act 2016\*](#)
- 6.2 [\*Planning, Development and Infrastructure \(Fees, Charges and Contributions\) Regulations 2019\*](#)
- 6.3 [\*South Australian Public Health Act 2011\*](#)

## 7. Document History

This Policy shall be reviewed at least every four (4) years or more frequently if legislation or Council requires.

Version	Adopted	Minute	Description of Change
1	9 March 2021	21097/3	Adopted
2	21 March 2023	CM 03-2023/012	Replacement of Waiving of Development Application Fees for Community Groups and Waiving of Development Application Fees for General Applicants Policies. References to Development Act & Regulations removed and fees to be waived reviewed.

# Appendix A

## SUMMARY OF FEES APPLICABLE – PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2008 AND SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

	Community Groups	General Applicants
Lodgement Fee - Electronic	<ul style="list-style-type: none"> <li>As gazetted</li> </ul>	<ul style="list-style-type: none"> <li>As gazetted</li> </ul>
Lodgement Fee - Hard Copy	<ul style="list-style-type: none"> <li>100% waived</li> </ul>	<ul style="list-style-type: none"> <li>100% waived</li> </ul>
Assessment – Planning Fee - Deemed to Satisfy (< \$10,000 development cost)	<ul style="list-style-type: none"> <li>100% waived</li> </ul>	<ul style="list-style-type: none"> <li>100% waived</li> </ul>
Assessment – Planning Fee - Deemed to Satisfy (> \$10,000 development cost)	<ul style="list-style-type: none"> <li>100% waived</li> </ul>	<ul style="list-style-type: none"> <li>100% waived</li> </ul>
Assessment – Planning Fee - Performance Assessed	<ul style="list-style-type: none"> <li>100% waived</li> </ul>	<ul style="list-style-type: none"> <li>100% waived</li> </ul>
Referral Agency Fee	<ul style="list-style-type: none"> <li>As gazetted</li> </ul>	<ul style="list-style-type: none"> <li>As gazetted</li> </ul>
Public Notification Signage Fee	<ul style="list-style-type: none"> <li>100% waived</li> </ul>	<ul style="list-style-type: none"> <li>100% waived</li> </ul>
Assessment – Building Fee - Class 1 - Classes 2-9 up to and including \$20,000 - Classes 2-9 greater than \$20,000 up to and including \$200,000 - Classes 2-9 greater than \$200,000 up to and including \$1M - Classes 2-9 greater than \$1M - Class 10	<ul style="list-style-type: none"> <li>100% waived, or</li> <li>Minimum Building Rules Assessment Fee, where referral to a structural engineer or consultant building surveyor is necessary</li> </ul>	<ul style="list-style-type: none"> <li>100% waived, or</li> <li>Minimum Building Rules Assessment Fee, where referral to a structural engineer or consultant building surveyor is necessary</li> </ul>
Assessment – Building Fee - Demolition	<ul style="list-style-type: none"> <li>100% waived</li> </ul>	<ul style="list-style-type: none"> <li>100% waived</li> </ul>
Compliance Fee - Certificate of Occupancy	<ul style="list-style-type: none"> <li>100% waived</li> </ul>	<ul style="list-style-type: none"> <li>100% waived</li> </ul>

## Appendix A

### **SUMMARY OF FEES APPLICABLE – PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016, PLANNING, DEVELOPMENT AND INFRASTRUCTURE (FEES, CHARGES AND CONTRIBUTIONS) REGULATIONS 2008 AND SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011**

	<b>Community Groups</b>	<b>General Applicants</b>
Compliance Fee - Class 1 Inspection	<ul style="list-style-type: none"><li>• 100% waived</li></ul>	<ul style="list-style-type: none"><li>• 100% waived</li></ul>
Compliance Fee - Swimming Pool Inspection	<ul style="list-style-type: none"><li>• 100% waived</li></ul>	<ul style="list-style-type: none"><li>• 100% waived</li></ul>
Compliance Fee - Class 10 > \$10,000 Basic Compliance Fee	<ul style="list-style-type: none"><li>• 100% waived</li></ul>	<ul style="list-style-type: none"><li>• 100% waived</li></ul>
Compliance Fee - Classes 2-9 Inspection	<ul style="list-style-type: none"><li>• 100% waived</li></ul>	<ul style="list-style-type: none"><li>• 100% waived</li></ul>
Certificate of Title Search Fee	<ul style="list-style-type: none"><li>• 100% waived if Council owned land only</li></ul>	<ul style="list-style-type: none"><li>• As gazetted</li></ul>
Construction Industry Training Board Levy	<ul style="list-style-type: none"><li>• Proof of payment required where value over \$15,000</li></ul>	<ul style="list-style-type: none"><li>• Proof of payment required where value over \$15,00</li></ul>
Wastewater Fee	<ul style="list-style-type: none"><li>• 100% waived</li></ul>	<ul style="list-style-type: none"><li>• As gazetted</li></ul>