

Policy Name	Waiving/Reduction of Development Application Fees
Policy Number	CD35
Responsible Section	Development Services
Responsible Department	Community Development
Date Last Adopted	12 July 2022
Date of Next Review	July 2025
Applicable Legislation	Planning Development & Infrastructure Act 2016 and associated Regulations
Related Governance Documents	Nil
City Plan Theme	Community – A City that supports community wellbeing Placemaking – A City where people love to be

The Policy establishes a consistent, equitable and transparent approach to the reduction of development assessment application fees.

1. SCOPE

The Policy applies to development applications within the City of Port Adelaide Enfield but does not apply to statutory fees and levies collected by the Council on behalf of the State Government. This policy is generally applied where Council has received a request for a consideration of a reduction of fees by the applicant.

2. POLICY

Section 119 of the Planning Development & Infrastructure Act 2016 provides the opportunity for Council to waive payment of or refund, all or part of an application fee. The decision to waive, reduce or refund a fee is delegated to relevant staff.

A reduction of 33.3% on the Schedule of Building Rules Consent assessment fee is provided to volume applicants for residential buildings.

The following applications or circumstances will be considered for a reduction in fees on a case by case basis, taking into account the time required and cost of assessing the application:

- Criteria established under Council Policy - CS36 Waivers, Reductions and Subsidies - Fees and Charges (Non Rates) which includes:
 - (a) Demonstrated hardship for an individual;
 - (b) Demonstrated financial hardship for a non-profit organisation;
 - (c) Error in charging the initial fee or charge;
 - (d) The Council's cost of recovering the charge exceeds the value of the fee/charge to be recovered.
- Commercial building rules assessments where the fee based on the total development cost far exceeds the complexity of the assessment;
- Applications for fire upgrade to buildings where the application has been triggered by action taken by Council's Building Fire Safety Committee;
- Applications where the fee to be charged is considered to be excessive having regard to the minor nature of the work being undertaken and represents a disproportionate cost having regard to the value of the work being undertaken;
- Applications for the removal of a regulated or significant tree where the tree poses a substantial risk to property and people or where the tree is demonstrably diseased or dying and the property owner would experience some hardship in paying all the designated fees;
- Applications for upgrades/rectification works to buildings where the building work contributes to the life and safety of public or the occupants of the building;
- Applications for building work which are for the greater good of the community on social or environmental grounds (for example: disabled access ramps);
- Applications for Local or State Heritage Buildings where the building work is subject to a Heritage Grant;
- Applications relating to potentially resolving legal or court matters where the organisations expenses in resolving the matter through the court would exceed the application fees waived/reduced.
- Applications for a variation to a previously consented to development where, for example, the essential nature of the proposal would not be changed, the extent of the change would not be substantial, and where a fee reduction may be warranted proportionate to the new assessment work required (dependant on the degree of variation proposed).

3. DEFINITIONS

Statutory fees and charges Fees set by the State Government and collected by Council in the assessment of a development application.

Volume Applicant is an applicant lodging at least six applications for residential buildings in a calendar year.

Schedule of Building Consent assessment fee is gazetted by State Government under Planning, Development and Infrastructure (Fees) Notice.