

DEVELOPMENT FEE REDUCTIONS AND REFUNDS POLICY

Legislation / local law requirements	<i>Local Government Act 1995.</i>
Relevant delegations	16.1.1 Determination of various applications for development approval under the City's Local Planning Scheme 2.2.20 Defer payment, grant discounts, waive fees or write off debts
Related policies, procedures and supporting documentation	Development Fee Reductions and Refunds Processes: D25/33468 Community Funding Policy Local Planning Policy: Development Guidelines for Heritage Places

PRELIMINARY

INTRODUCTION

The City recognises the importance of processing development fee reductions and refunds consistently, transparently, and fairly. This aligns with the City's Innovative and Accountable priority in its Strategic Community Plan 2022-2032.

The City's Fees and Charges are adopted annually with the Council's budget, outlining the fees set for each financial year. This includes fees relating to planning and building.

Planning Fees

Planning fees are established in accordance with Part 7 and Schedule 2 of the *Planning and Development Regulations 2009*

Under Regulations 48 and 49 of the *Planning and Development Regulations 2009*, local governments are authorised to recover costs and expenses associated with the provision of specified planning services. It prescribes the maximum amount that can be charged.

Fees may be waived or refunded (in whole or part) under Regulation 52 of the *Planning and Development Regulations 2009*.

Building Fees

Building fees are established in accordance with the *Building Act 2011* and the *Building Regulations 2012*.

Under Section 17 of the *Building Act 2011*, local governments can charge prescribed fees for the provision of building services and the processing of building applications. It prescribes the maximum amount that can be charged.

These fees may be waived or refunded (in whole or part) under Section 6.12(1)(b) of the *Local Government Act 1995*.

PURPOSE

The purpose of this Policy is to provide a clear framework for when the City may reduce or refund development application and building permit fees.

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OBJECTIVE

The objectives of this Policy are to:

1. Ensure consistent and efficient processing of fee reductions or refunds in considering the unique circumstances of each case.
2. Contribute to achieving the priorities in the City's Strategic Community Plan 2022-2032 by reducing financial barriers associated with development that —
 - a) contributes to the preservation of heritage protected places;
 - b) protects the City's urban tree canopy;
 - c) supports a sustainable built environment; or
 - d) relates to any other initiatives supported by Council.

SCOPE

The Policy applies to fees charged by the City for **development and building applications** made under the *Planning and Development Act 2005* and *Building Act 2011* but excluding—

- a) Fees that must be refunded under legislation or due to incorrect charges.
- b) Fees collected by the City on behalf of external agencies.

POLICY PROVISIONS

DEFINITIONS

For the purposes of this Policy, definitions are provided in Schedule 2.

POLICY

1) Prescribed Circumstances for Fee Refunds and Reductions

- 1.1 **Development application fees, building application fees and additional expense charges** are to be reduced or refunded by the amount specified in Column 3 of Table 1, Schedule 1 if —
 - a) the application is of a type specified in Column 1 of Table 1, Schedule 1; and
 - b) all relevant conditions set out in Column 2 of Table 1, Schedule 1, for that development type are satisfied.
- 1.2 A fee reduction under Clause 1 does not apply to applications to amend a previously determined application that has already received a fee reduction, unless stated otherwise in Column 1.
- 1.3 The fee reduction or refund amount cannot exceed the amount paid or owed to the City for the application.
- 1.4 **Complex applications**, including Development Assessment Panel applications are not eligible for refunds under this clause.

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2) Additional Circumstances that may be eligible for Fee Refunds and Reductions

2.1 For circumstances that are not prescribed in Schedule 1, the City may reduce or refund a **development application fee**, **additional expense charge**, or **building application fee** based on the following factors:

- a) The amount and value of work already undertaken by the City in processing the application;
- b) The circumstances that led to the **development application** or **building application** being made, including but not limited to –
 - i) the time since the development work was completed for where approval is being sought retrospectively; and
 - ii) the history of property ownership.
- c) Whether the City has unreasonably impacted the processing of the application and the extent that it is inconsistent with its procedures or service standards.

Notes:

- i) An unreasonable impact does not include the City not supporting a proposal, or requesting further information be provided in relation to an application.
 - ii) Exceeding the statutory timeframe for determining an application under the *Planning and Development (Local Planning Schemes) Regulations 2015* does not itself constitute an unreasonable impact.
- d) Any other matter the City deems relevant to the specific request.

OFFICE USE ONLY	
Responsible Officer	Manager Development and Design
Initial Council Adoption	27 September 2011
Previous Title	City of Vincent Planning and Building Policy Manual Appendix 20: Refunding and Waiving of Planning and Building Fees
Reviewed / Amended	12 August 2025
Next Review Date	2030

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SCHEDULE 1

Column 1 Application Type	Column 2 Conditions	Column 3 Fee Reduction	Column 4 Guidance
<u>Heritage Protected Place</u> Development application for works on a Heritage Protected Place; or Development application to amend an existing development approval for works on a Heritage Protected Place	1) The development as shown on plans submitted with the development application , would not have required development approval if it were not located on a heritage protected place ; and a) any proposed demolition works satisfy the Acceptable Outcomes A1.2 and A1.3 of Local Planning Policy: Development Guidelines for Heritage Places; and b) does not adversely affect the significance of the heritage protected place as outlined in the Statement of Significance.	100 percent of the development application fee	<ul style="list-style-type: none"> With reference to Condition 1b, the consideration of whether works ‘adversely affect’ the heritage-protected place is to be established by assessment against the Local Planning Policy: Development Guidelines for Heritage Places, advice from the Heritage Council of Western Australia and/or advice from a member of the City’s Design Review Panel specialising in heritage development. Complex applications are not eligible for this reduction as they are not able to be exempt under Clause 61 of the Deemed Provisions.
<u>Single House or Dwelling Alterations</u> Development application for a Single House, or for Alterations and Additions to a Single House, Grouped Dwelling or Multiple Dwelling (Exempt)	1) The application is for a single house, or for alterations and additions to a single house, grouped dwelling or multiple dwelling. 2) The development as shown on the plans submitted with the development application does not require development approval.	100 percent of the development application fee minus \$295.00	<ul style="list-style-type: none"> The \$295.00 fee retained is consistent with the fee applicable for a Clause 61A Deemed-to-Comply Check. Where the fee that has been charged is less than \$295.00, the entirety of the fee is retained.
<u>Land Use</u> Development application for the use of land (Exempt); or Development application to amend an existing development approval for use of land (Exempt)	1) The application is for use of land, or modification to an existing development approval for the use of land, which does not require development approval.	100 percent of the development application fee minus \$73.00	<ul style="list-style-type: none"> The \$73.00 fee retained is consistent with the fee applicable for a Written Planning Advice, given the City is providing advice that the use is exempt. If the applicant changes the land use or scale of the proposal during the application process, making it exempt from development approval, the fee reduction does not apply.
<u>Non-Residential Property Works</u> Development application for works to non-residential development (Exempt); or Development application to amend an existing development approval for works to a non-residential property (Exempt)	1) The development application is for the alterations and additions to a non-residential development. 2) The works as shown on the plans submitted with the development application does not require development approval.	100 percent of the development application fee minus \$295.00	<ul style="list-style-type: none"> The \$295.00 fee retained is consistent with the fee applicable for a Clause 61A Deemed-to-Comply Check. Where the fee that has been charged is less than \$295.00, the entirety of the fee is retained.
<u>Significant Trees</u> Development Application for Modifications to a Significant Tree	1) The modifications to the significant tree would not harm the long-term or ongoing viability of the significant tree .	100 percent of the development application fee	<ul style="list-style-type: none"> With reference to Condition 1, the consideration of whether works harm the long-term or ongoing viability of the significant tree is to be established on advice from — a) The City’s Parks team; b) Independent arborist reports; and/or c) Advice from a member of the City’s Design Review Panel specialising in landscaping.
<u>Environmentally Sustainable Design</u> GreenTrack Development Application	1) The development application is for the construction of, or alterations or additions to — a) a single house; b) grouped dwellings; or c) no more than six multiple dwellings. 2) The Residential Design Codes Volume 1 applies to the application.	The cost incurred by the applicant for obtaining the Life Cycle Assessment, to a maximum of \$200.00.	<ul style="list-style-type: none"> Complex applications are not eligible for this fee reduction. Applications that require assessment under Residential Design Codes Volume 2 are not eligible. This incentive is available for as long as it remains approved by Council. Incentive extended at the 12 December 2024 Ordinary Meeting of Council.

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	<p>3) The application is accompanied by a Life Cycle Assessment that demonstrates the development satisfies the environmental performance standards in Policy 7.1.1 – Built Form relating to Environmentally Sustainable Design.</p> <p>4) Proof of payment for the Life Cycle Assessment is provided to the City.</p>		
<p><u>Tree Retention</u></p> <p>GreenTrack Development Application</p>	<p>1) The development application is for a single house, grouped dwellings, multiple dwellings, commercial and/ or mixed-use development, including additions thereto, that —</p> <p>a) has a construction cost greater than \$50,000; and</p> <p>b) retains significant existing trees as outlined in Condition 2.</p> <p>2) The significant existing tree(s) retained have the following characteristics:</p> <p>a) Healthy specimens with ongoing viability; and</p> <p>b) Species is not included on a National, State or local area weed register; and</p> <p>c) Height of at least —</p> <p>i) 1.2 metres for Xanthorrhoea (grass tree) species; or</p> <p>ii) 3.0 metres for Banksia species; or</p> <p>iii) 4.0 metres for all other tree species; and/or</p> <p>d) Trunk diameter of at least 160 millimetres, measured 1.0 metres from the ground; and/or</p> <p>e) Average canopy diameter of at least 4.0 metres; and/or</p> <p>f) Any other species likely to be a remnant or regrowth local native tree with a height or canopy width deemed significant by the City; and/or</p> <p>g) Established trees that are significant from an Aboriginal Heritage perspective; and/or</p> <p>h) Any mature specimens that provide habitat or food for local fauna.</p>	\$200.00	<ul style="list-style-type: none"> Complex applications are not eligible for this fee reduction. Trees significant to Aboriginal Heritage include Nuytsia floribunda (Western Australian Christmas Tree). Examples of mature trees that provide habitat or food for local fauna include Banksia and Hakea species which are known food sources for the Carnaby's Black Cockatoo. This incentive is available for as long as it remains approved by Council. Incentive established at the 12 December 2024 Ordinary Meeting of Council.
<p><u>Business Enhancement Grants</u></p> <p>Application associated with a Business Enhancement Grant</p>	<p>1) A development or building application is required in connection with a Business Enhancement Grant.</p>	As established through Business Enhancement Grant.	<ul style="list-style-type: none"> Fee reductions are provided as 'in-kind' support and are included in the project budget considered through the Business Enhancement Grant. The amount of the reduction, if any, is determined during the assessment of the grant application.
<p><u>Withdrawn Applications</u></p> <p>Development applications that are withdrawn by the applicant, for any reason</p>	<p>1) The development application is withdrawn by the applicant by way of written notice.</p> <p>2) At the time the application is withdrawn —</p> <p>a) the application has not been assessed by the City; or</p> <p>b) the application has been, or is in the process of being, assessed and community consultation has not commenced;</p> <p>3) If Condition 2(b) applies, the application is not eligible for the fee reduction if it is for a change of use of land.</p>	<p>Fee reduction based on the applicable situation in Condition 2:</p> <p>2(a): 90 percent of the development application fee paid.</p> <p>2(b): 50 percent of the development application fee paid minus \$295.00.</p>	<ul style="list-style-type: none"> In relation to Condition 3, this relates to an application for which a \$295 application fee has been charged for an application for a 'Change of Use'. In relation to the fee reduction 2(b), if 50 percent of the fee is to be refunded a minimum of \$295 is to be retained.
<p><u>Not-for-Profit Organisations</u></p> <p>Development applications where the proponent or applicant is a not-for-profit organisation</p>	<p>1) The proponent or applicant has an income tax exemption status from the Australian Taxation Office and proof of this status is provided to the City.</p>	100 percent of the development application fee and additional expense charge	<ul style="list-style-type: none"> For the purposes of Condition 1 a not-for-profit organisation can engage a third-party to be the applicant on their behalf. To be eligible for the fee reduction the application must be for the purpose of supporting the work of the not-for-profit organisation.

	2) The application is either for a change of use or has a value of less than \$100,000.		<ul style="list-style-type: none">100 percent of additional expense charges being waived means that mailout fees would not be passed onto the applicant. The City is permitted to charge the applicant these fees under Regulation 49 of the <i>Planning and Development Regulations 2009</i>.
<u>Development Assessment Panel Amendments</u> Development applications to amend a determination of the Development Assessment Panel	1) The development application is lodged under Regulation 17A of the <i>Planning and Development (Development Assessment Panels) Regulations 2011</i> after withdrawing a previous Regulation 17 application and is consistent with that proposal.	100 percent of the development application fee	<ul style="list-style-type: none">Applications lodged under Regulation 17 are required to be determined by the Development Assessment Panel. Applications under Regulation 17A are to be determined by the City.This refund allows applicants to withdraw an application under Regulation 17, and apply under Regulation 17A, without being subject to a further application fee for the consideration of the same development.

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SCHEDULE 2 - DEFINITIONS

Additional expense charge	Means additional costs and expenses incurred by the City for which the City may charge applicants in accordance with Regulation 49 of the <i>Planning and Development Regulations 2009</i> .
Building application	Means an application made to the City under the <i>Building Act 2011</i> .
Building application fee	Means the money charged by the City for an application of that type set out in Schedule 2 of the <i>Building Regulations 2012</i> and the City's Schedule of Fees and Charges.
City	Means the City of Vincent.
Complex application	<p>As defined in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p><i>The Planning and Development (Local Planning Schemes) Regulations 2015 definition is:</i></p> <p><i>"Complex application means —</i></p> <ol style="list-style-type: none"> <i>an application for approval of development that is a use of land if the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located; or</i> <i>an application of a kind identified elsewhere in this Scheme, or in a local planning policy, as a complex application for development approval;"</i> <p><i>For the purposes of clause (b), the City of Vincent Community and Stakeholder Engagement Policy states:</i></p> <p><i>"[A] complex development application means a development application which proposes or is of the type:</i></p> <ul style="list-style-type: none"> <i>Telecommunications infrastructure</i> <i>Development on City owned and managed land</i> <i>Mandatory or Optional Development Assessment Panel Form 1 applications as defined by the Planning and Development (Development Assessment Panel) Regulations 2015.</i>
Deemed Provisions	Means Division 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Development application	<p>As defined in the <i>Planning and Development Act 2005</i>.</p> <p><i>The Planning and Development Act 2005 definition is:</i></p> <p><i>"Development application means an application under a planning scheme, or under an interim development order, for approval of development."</i></p>
Development application fee	Means the money charged by the City for a development application of that type set out in Schedule 2 of the <i>Planning and Development Regulations 2009</i> and the City's Schedule of Fees and Charges.

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SCHEDULE 2 - DEFINITIONS

Heritage protected place	<p>As per the definition provided for 'heritage-protected place' in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p> <p><i>The Planning and Development (Local Planning Schemes) Regulations 2015 definition is:</i></p> <p><i>"A heritage-protected place is a place —</i></p> <ol style="list-style-type: none"><i>a) that is entered in the State Register of Heritage Places under the Heritage Act 2018 section 42; or</i><i>b) that is under consideration for entry into the State Register of Heritage Places as described in subclause (2); or</i><i>c) that is the subject of an order under the Heritage Act 2018 Part 4; or</i><i>d) that is the subject of a heritage agreement that has been certified under the Heritage Act 2018 section 90; or</i><i>e) that is included on a heritage list as defined in clause 7; or</i><i>f) that is within a heritage area as defined in clause 7."</i><p><i>Note: For this clause, 'e)' includes the City of Vincent Heritage List.</i></p>
Significant Existing Tree	<p>As defined in the Residential Design Codes Volume 1.</p> <p><i>The R Codes definition is:</i></p> <p><i>"Significant Existing Tree means an existing tree that meets the following criteria:</i></p> <ul style="list-style-type: none"><i>• healthy specimens with ongoing viability; and</i><i>• species is not included on a State or local area weed register; and</i><i>• height of at least 4m; and/or</i><i>• trunk diameter of at least 160mm, measured 1m from the ground; and/or</i><i>• average canopy diameter of at least 4m; or</i><i>• as specified with the local planning framework."</i>
Significant Tree	<p>See Tree of Significance.</p>
Tree of Significance	<p>As defined in the City of Vincent Local Planning Policy: Trees of Significance.</p> <p><i>The Local Planning Policy: Trees of Significance definition is:</i></p> <p><i>"Tree of Significance means any tree(s) listed on the City's Trees of Significance Inventory."</i></p>

Where a definition is not provided, refer to the relevant Act or subsidiary regulations relevant to that application type.