

3.19 FEES RELATING TO PLANNING AND BUILDING MATTERS

OBJECTIVE

To specify Council's position with respect to fees payable by certain parties in relation to planning and building matters.

POLICY

Under s. 6.12 of the *Local Government Act 1995* (the Act), local governments have the power to waive or grant concessions with respect to any money owed to them, and the Shire of Gingin has a delegation (Delegation 2.2) to the Chief Executive Officer in place in this regard. However, this power only extends to amounts owed under the provisions of the Act.

Planning and building-related fees and charges are established under other pieces of legislation, and therefore Delegation 2.2 does not apply to them. Nevertheless, it is Council's desire to relieve certain community groups, as far as possible, from the burden of such fees which can be significant.

To that end, Council has adopted the following policy:

1. Fees Payable Under the *Planning and Development Act 2005*

Under Reg. 52 of the *Planning and Development Regulations 2009*, a local government may waive or refund, in whole or in part, payment of a fee for a planning service. Neither the *Planning and Development Act 2005* or the *Planning and Development Regulations 2009* contain a provision for Council to delegate this power.

The Shire of Gingin will waive or refund, as the circumstances dictate, fees for planning services in accordance with the following:

- a. Only applications made by a sporting, charitable or other community group which is based within the Shire of Gingin will be eligible;
- b. The fee or fees to be waived or refunded must be established under the provisions of the *Planning and Development Act 2005* and its associated regulations; and
- c. The CEO is authorised to approve requests for the waiver or refunding of fees to a maximum amount of \$1,000. Consideration will not be given to the waiving or refunding of fees in excess of this amount.

2. Fees Payable under the *Building Act 2011*

The *Building Act 2011* does not contain any provision for a local government to waive fees payable under that legislation.

The Shire of Gingin will therefore refund fees for building services in accordance with the following:

- a. Only applications made by a sporting, charitable or other community group which is based within the Shire of Gingin will be eligible;

- b. The fee or fees to be refunded must be established under the provisions of the *Building Act 2011* and its associated regulations;
- c. A refund will only apply to that part of the fee retained by the Shire, and not to that part collected as a Building Industry Training Fund levy, or the levy paid to the Builder's Registration Board of WA. In instances where the building is a Shire of Gingin asset, then these fees will be paid by the Shire;
- d. The CEO is authorised to approve requests for the refunding of fees to a maximum amount of \$1,000;
- e. Fees shall not be refunded for processed building licence applications that are subsequently cancelled.

GOVERNANCE REFERENCES

Statutory Compliance	<i>Planning and Development Act 2005</i> <i>Planning and Development Regulations 2009</i> <i>Building Act 2011</i>
Industry Compliance	N/A
Organisational Compliance	N/A

POLICY ADMINISTRATION

Review Cycle	Bi-annual	Next Review	September 2023
Department	Planning and Development Assets		

Version	Decision Reference	Synopsis
1.	20/06/2017 - Item 11.1.1	Policy adopted
2.	21/09/2021 Item 11.1	Policy amended