

COUNCIL POLICY

**Policy Name**

Development Application Fee Refund

Abstract

Establishes the refund of Development Applications Fees upon the withdrawal of a Development Application

Dates	Policy or amendment approved	15 Nov 2023
	Policy or amendment takes effect	15 Dec 2023
	Policy is due for review (up to 4 years)	15 Nov 2027
Endorsed by	Executive Leadership Team	
Approved by	Gunnedah Shire Council at its Ordinary Meeting held on 15 Nov 2023 Resolution number: 11.11/23	
Policy Custodian	Director Planning and Environmental Services	
Relevant to	Gunnedah Shire Council	
Superseded Policies	Development Application Fee Refund adopted 23 June 1999, Resolution 391.3	
Related documents	Nil	
Related legislation	Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2021.	

Contents

1. Purpose
2. Scope
3. Definitions
4. Policy principles
5. Policy statement
6. Accountability, roles and responsibilities
7. Acknowledgements
8. Version control and change history

1. Purpose

- 1.1 This Policy outlines the consideration for refund of Development Application fee for a Development Application.
- 1.2 The objective of this policy is to establish the maximum percentage of Development Application fees that can be refunded should a Development Application be withdrawn prior to the determination of a Development. The objective includes identifying time taken by Council to process and assess a Development Application regardless of the application being determined.

2. Scope

- 2.1 This policy applies to any Development Application lodged to Council by a member of the public, state agency or Council officer which is withdrawn prior to determination of the application.

3. Definitions

- 3.1 **Applicant** means the person who is identified as the applicant on the form produced by the NSW Planning Portal

Council means Gunnedah Shire Council

Development Application means an application for consent under Part 4 of the Environmental Planning and Assessment Act 1979 to carry out development and include an application made under 4.55 to modify a development consent, but does not an application for a Complying Development Certificate.

Development Application Fee means a fee paid to Council under Schedule 4, Part 2 and Part 4 of the *Environmental Planning and Assessment Regulation 2021*.

Land Owner means the land owner of a parcel of land at the time of which a request for withdrawal of an application is made.

Withdrawal means a request to withdraw an application having been made under Part 4 of the *Environmental Planning and Assessment Act 1979*.

4. Policy Principles

- 4.1 Applicants or Land Owners may choose not to proceed with a development for any reason. Where the Land Owner or Applicant of a Development Application formally withdraws a Development Application, Council may refund some of the Development Application Fees paid to Council.

The applicable refund amount is relative to the time and extent that Council's staff have undertaken the Development Assessment Process.

5. Policy Statement

5.1 Where the applicant decides not to proceed with the application:

- (a) An application to withdraw the Development Application is to be made in accordance with Section 40 of the *Environmental Planning and Assessment Regulation 2021*.
- (b) A request must be made in writing to Council requesting a refund of Development Application Fees.
- (c) No DA fees shall be refunded after the application has been determined. Prior to determination the applicant shall be eligible for a refund of up to half the original DA fee less the cost of time spent by staff on the application.

5.2 Where the applicant has lodged a DA and Construction Certificate and notifies Council of the cancellation of the application prior to commencing construction, the following fees shall be refunded:

- (a) Half of the Construction Certificate portion of fees, calculated by subtracting DA fee from the combined fee.
- (b) Full refund of inspection fees.
- (c) Full refund of sewer fees.
- (d) Full refund of Sewer Management System fee, subject to 50% being retained where site inspections and design work has been carried out by Council prior to cancellation of application.
- (e) Refunds for Plan First, Owner Builder Permit, Long Service Levy and Home Warranty Insurance shall be obtained through the relevant external authorities for the payment.

5.3 Advertising and notification fees shall be refunded where the DA is withdrawn prior to any action being taken to advertise and notification of the DA.

5.4 Where a fee is payable in respect of an application for Integrated Development a refund would shall be directed to the State Government agencies.

6. Accountability, roles and responsibility

6.1 Policy Custodian

Director Planning and Environmental Services

6.2 Responsible Officer

Manager Development Assessment

7. Acknowledgements

Acknowledgements

Nil

8. Version Control and change history

Date	Version	Approved by & Resolution No.	Amendment
June 1999	1.0	Council Meeting 23 June 1999, Resolution 391.3	
December 2023	2.0	Council Resolution No. 11.11/23, 15 November 2023	Placed on Public Exhibition 16 Nov 2023 to 14 Dec 2023