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## REFUND, WAIVER, AND REDUCTION OF BONDS OR APPLICATION FEES GUIDELINE

### REFERENCES & RELATED DOCUMENTS

CP007 Refund, Waiver, and Reduction of Bonds or Application Fees Policy

### RATIONALE / BACKGROUND

#### Refund Guidelines

The applicant for a statutory application or bond, or their authorised agent, can request a refund of their applicable fees. Some foreseeable circumstances where this may be appropriate are:

1. An application is withdrawn early in the assessment process and a written request for a refund of fees is made; or
2. To reduce risks or liability to Council.

*When considering any refund request, the following criteria are to be applied unless there are extenuating circumstances:*

<b>Land Use Planning and Approvals Act 1993</b>	
Refund Percentage	Criteria
100%	<ul style="list-style-type: none"><li>• Application received; and</li><li>• Entered onto system; and</li><li>• Council Officer comments requested – no responses received; and</li><li>• No other work has commenced.</li></ul>
75%	<ul style="list-style-type: none"><li>• Application received; and</li><li>• Entered onto system; and</li><li>• Council Officer comments requested – responses received; and</li><li>• No other work has commenced</li></ul>
50%	<ul style="list-style-type: none"><li>• Application received; and</li><li>• Entered onto system; and</li><li>• Council Officer comments requested – responses received; and</li><li>• Initial assessment undertaken (includes information requests); and</li><li>• Not advertised (Discretionary Applications Only)</li></ul>
0%	<ul style="list-style-type: none"><li>• Application received; and</li><li>• Entered onto system; and</li><li>• Council Officer comments requested – responses received; and</li></ul>

DOC NO: CG007

RESPONSIBILITY: Director Infrastructure &  
Development Services

VERSION NO: 1

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	<ul style="list-style-type: none"> <li>• Initial assessment undertaken (includes information requests); and</li> <li>• Assessment Report Drafting Commenced; and/or</li> <li>• Advertised (Discretionary Applications Only)</li> </ul>
<b><i>Building Act 2016 – Food Act 2003 – Public Health Act 1997 – Local Government Act 1993 – Dog Control Act 2000 &amp; Other Miscellaneous Statutes</i></b>	
Refund Percentage	Criteria
100%	<ul style="list-style-type: none"> <li>• Application received; and</li> <li>• Entered onto system; and</li> <li>• No other work has commenced.</li> </ul>
50%	<ul style="list-style-type: none"> <li>• Application received; and</li> <li>• Entered onto system; and</li> <li>• Council Officer comments requested – responses received; and</li> <li>• Initial assessment undertaken (includes information requests).</li> </ul>
0%	<ul style="list-style-type: none"> <li>• Application received; and</li> <li>• Entered onto system; and</li> <li>• Assessment nearing completion.</li> </ul>

### **Waiver / Reduction Guidelines**

The applicant for a statutory application or bond, or their authorised agent, can request a waiver or reduction to their statutory fees or bond. Any such request must be made in writing.

There are foreseeable circumstances where a reduction or waiver of statutory application fees may be appropriate:

1. Application submitted by a non-profit organisation for a community purpose; or
2. Where the financial circumstances of the applicant warrant a written request for waiver or reduction of fees; or
3. To rectify a processing error by Council (for example re-advertising required by a Council oversight); or
4. To assist in resolving a potential risk or liability for Council.

Written fee waiver or reduction applications submitted by a non-profit organisation or charity, as defined by the Rate & Service Charge Remissions: Non-profit Community, Sporting, & Religious Groups Policy, may have up to 100% of the fee or bond waived.

When it is in Council’s best interest to waive or reduce an application fee or bond, up to 100% of the fees or bond may be waived depending on the circumstances.

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In considering whether or not to waive fees or bonds in other circumstances, the decision maker must take into account the following matters:

1. The merits of the request (where relevant); and
2. The amount of fees to be waived and consequent impact on Council's revenue; and
3. Existing precedents or the setting of a precedent if the fees were waived or reduced; and
4. The processing costs already borne by Council (where relevant); and
5. The amount of assessment that has already been undertaken by Council (where relevant); and
6. The risks, liability or burden created on Council if fees are not waived or reduced.

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