

5.2 Refund of Building Permit Fees

Adoption		
Date	Meeting	Council Decision
17/05/12	OCM	08-0512-10.1.4
Review		
Date	Meeting	Council Decision
22/11/18	OCM	04-1118
Delegation		
No.	Title	

PURPOSE

Ensure that a structured approach is maintained by Council when dealing with the issue of building fee refunds.

- Enable staff to deal with the refund of building fees under delegated authority.

POLICY

This policy is designed to clearly define the different categories of building fee refunds applicable to building permit applications that are cancelled.

It is the intent of the policy to allow staff to deal with requests for building permit fee refunds administratively and for such requests to be dealt with in a consistent manner.

The policy places a building permit that is withdrawn into one of three categories for determining the level of refund applicable to the building fees paid.

Where an application is withdrawn and does not reasonably sit within one of the following categories, then it shall be reported to Council's Chief Executive Officer for determination.

Category 1

A building permit application is submitted but is withdrawn prior to any assessment being carried out by Council.

In this instance Council has receipted the application registered (i.e. given a number and information recorded on the computer system), registered, established a file and placed any trust monies (e.g. BRB and BCITF levies in to respective accounts).

The minimum fee for an application is prescribed by regulation. In these instances it is considered that Council would have spent at least that amount in administration costs.

Accordingly in this category an administration fee, being the minimum building permit application fee, shall be retained by Council and the balance may be refunded to the applicant upon request.

Category 2

A building permit application is submitted but is withdrawn prior to approval being granted or is cancelled/refused due to required information not being provided by the applicant within the timeframe prescribed by the Building Regulations.

That is, Council has carried out the administrative function of Category one and also undertaken the professional assessment such as site inspection, plan and specification assessment for compliance with

the Building Code of Australia and Health Act assessment. Formal appraisal has not been completed and may be pending further information or planning approval.

In this instance, where preliminary processing has been completed and the application is withdrawn, Council would be "out of pocket" if only the minimum permit application fee was retained.

In order to retain an appropriate amount of the application fee to cover the preliminary assessment and processing costs the following refund structure is adopted by the Council:-

- Where the application fee paid is \$150.00 or less no refund will be given;
- Where the application fee paid is greater than \$150.00 but less than \$300.00, a minimum fee of \$150.00 shall be retained by Council and the balance may be refunded to the applicant upon request; and
- Where the application fee paid exceeds \$300.00 then 50% of the fee may be refunded upon request.