

# Waiver or Refund of Building Permit Fees Policy



<b>Policy type</b>	Council
<b>Adopted by</b>	Council
<b>Responsible General Manager</b>	General Manager Infrastructure
<b>Responsible officer</b>	Municipal Building Surveyor
<b>Date adopted</b>	22 July 2020
<b>Scheduled for review</b>	This policy will be reviewed four years from the date of adoption, or sooner if required.

## PURPOSE

To establish when Council will waive or refund building permit fees.

## SCOPE

This policy applies to building permit fees, paid or payable, to Moira Shire Council, excluding any government levies and lodgement fees.

## DEFINITIONS

Community based organisation means a body whether incorporated or not that:

- a) Is not established primarily for the purpose of profit or gain; and
- b) Does not distribute any profit or gain in the conduct of its activities to members; and
- c) Operates in the Moira community wholly for either:
  - i) A philanthropic or benevolent purpose (eg. a school council); or
  - ii) Any sporting or recreational purpose (eg. a football or netball club)

## POLICY

Council may waive or refund building application fees, including any GST, in the following circumstances:

### 1. Application

Fees may only be waived following a written request forwarded to the Municipal Building Surveyor

### 2. Refund

When an application is withdrawn, building fees and any GST applicable may be refunded on the following sliding scale:

- a) 80% refund where an application has been registered and no further work undertaken.
- b) 50% refund where an application has been registered and partially processed; or
- c) 40% where a building permit has been issued but no inspections have taken place.
- d) A refund will not apply if the building permit has lapsed

### 3. Waiver

- a) Council building permit fees may be waived for not-for-profit community based organisations, on occasions when the use or development proposed is minor and would not cause material detriment to any person. Applicants will still be required to pay statutory costs, such as government levies and lodgement fees.

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- b) In the event of a natural disaster the Municipal Building Surveyor may, following consultation with the Chief Executive Officer, waive all or part of the fees payable in respect of the demolition, reinstatement or replacement of any building destroyed provided that:
- i) it can be demonstrated that the building existed legally prior to the event,
  - ii) and that it is to be restored or replaced to that which previously existed;
  - iii) That the owner has no insurance that provides for permit fees

## RELATED LEGISLATION

*Building Act 1993*

*Building Regulations 2018 or any preceding/subsequent legislation*

*Local Government Act 2020*

*Charter of Human Rights & Responsibilities Act 2006*

## REFERENCES

Policy Development Guidelines

