

Purpose

In accordance with the Planning Act 2016 Section 109, Council may choose to aid eligible community organisations based within the Whitsunday Region by fully or partially refunding Development Application Fees. Council's intent is to encourage eligible community organisations based within the Region to enhance the standard of their facilities (new or improved) thereby providing the best service for club members and the local community.

Scope

This policy is applicable to incorporated eligible community organisations, Councillors, employees and contractors of the Whitsunday Regional Council.

Policy Statement

1. Council may refund fees for relevant application types, up to a maximum of \$3,000.00, where the development is carried out by an eligible community organisation and the development is a bona fide activity that is for the benefit of their members and/or the community. Each application will be assessed on its individual merits having consideration for the funds available in Council's budget.
2. To ensure that the eligible community organisation meets Council's identified cultural, community, sporting or recreational expectations, applications for consideration under this Policy must also satisfy the following eligibility criteria:
 - 2.1 the application must not hold a liquor licence, other than a Community Liquor Permit, as issued by the Office of Liquor and Gaming Regulation.
 - 2.2 the applicant must not operate gaming machines.
 - 2.3 the applicant must be based in the Council region or be associated with a membership base in the region.
 - 2.4 the applicant must make available its membership to the general community.
 - 2.5 the applicant must provide copies of the organisation's audited financial statements for the past two (2) financial years if requested; and
 - 2.6 the applicant must provide a copy of their Certificate of Incorporation, demonstrating their status as an eligible community organisation.
3. In accordance with the Planning Act 2016 and this Policy, an applicant must pay all relevant application fees in full and then request, in writing, reimbursement from Council.
4. An application for refund, in accordance with this Policy, must be received by Council, in writing, no later than six months after the date the fees were paid.
5. The procedure for the assessment, as contained within this Policy, ensures:
 - 5.1 transparency and accountability to the community.
 - 5.2 an effective reporting mechanism to Council regarding the total value of donations approved in any one financial year.

- 5.3 an equitable assessment of each application or request received.
- 5.4 a standard process for applicants to follow when requesting donations or refunds from the Council.
6. Development applications may include equipment sheds, additions and/or alterations to existing buildings that will enhance the services/facilities of the organisation, advertising devices and other similar developments.
7. Should an eligible community organisation not fully comply with the eligibility criteria, as per clauses 2. Council may resolve to partially refund the applicable application fees on a case-by-case basis. In these instances, Council may require the provision of additional information to assist with its determination.
8. A full or partial refund of development fees shall not apply to applications to vary an approval, unless the application is solely attributable to an administrative error made by Council, in which case a full refund will be granted.
9. The full or partial refund of development fees will not, unless exceptional circumstances can be proven, apply to applications where a use or development has commenced unlawfully, and the application is required to render that use or development lawful.
10. State and Federal Government fees and charges are to be paid at the time of the development application lodgement. These fees and charges will not be reimbursed by Council.
11. This Policy does not apply to the payment of Infrastructure Charges, as identified on an Infrastructure Charges Notice.
12. A report, detailing all fees fully or partially refunded, will be submitted to Council as required.
13. For any fully or partially refunded development fees, the applicant must recognise the Whitsunday Regional Council in publicity associated with the development.
14. Council will maintain a record of all revenue foregone by Council in accordance with this Policy.

Applicable Legislation

Planning Act 2016 - Section 54 and Section 109

Building Act 1975

Plumbing and Drainage Act 2002

Local Government Act 2009

Definitions

CEO refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the *Local Government Act 2009*.

Council refers to the Whitsunday Regional Council

Development Application Fees Refund Policy

Community Services - Community Development
COMM_10

Employee refers to any employee, contractor, volunteer etc. of the Council

Related Documents

Community Donations Policy

Human Rights Compatibility Statement

This Policy has been assessed as compatible with the Human Rights protected under the *Human Rights Act 2019*.

COUNCIL POLICY			
Date Adopted by Council	13 October 2021	Council Resolution	2021/10/13.19
Effective Date	13 October 2021	Next Review Date	13 October 2024
Responsible Officer(s)	Manager Community Development & Libraries	Revokes	LSP_C&ENV_17
Public Consultation: Yes / No			