

MISCELLANEOUS MATTERS THAT MAY APPLY TO DEVELOPMENT APPLICATIONS

1. Applications including multiple land uses

Where an application involves more than one type of land use (ie. Multiple dwelling and Office and Shop) then the fee is to be based on the highest land use fee, plus 50% of the fee for each additional land use proposed.

2. Combined applications (more than one type of development)

Where an application is 'combined' to include more than one type of development (ie Material Change of Use and Reconfiguring a Lot etc), the fee will be the full fee for each separate type of development.

3. Re-Use of Existing Building/s (Material Change of Use)

With the exception of Short term accommodation (in a single dwelling), where an application reuses existing building/s, a discount of 40% of the application fee may be applied to that aspect of the Material Change of Use application. Where there are additional aspects of development not within an existing building, the standard development application fees apply.

4. Additional fees where external consultants are required (ie legal / technical expertise / specialists)

Where external specialist consultants (excluding town planning consultants) are required by Council in consideration of any application, submission or request (for technical expertise, assessment and/or advice), the consultant's fees shall be paid by the Applicant. The fees must be paid prior to Council issuing its final determination on the matter.

5. Refunds and Rebates of Fees:

- a) If an application or request is withdrawn, a refund of the application fees is applicable as follows:
 - 95% - where withdrawn when 'not properly made'.
 - 75% - where withdrawn before a confirmation notice is issued
 - 50% - where withdrawn during the information request / referral stage
 - 25% - where withdrawn during or following public notification
 - 0% - once an application reaches the decision stage, there is no refund of application fees
- b) Lapsed Applications – if an application lapses under s.31 of the Development Assessment Rules, there is no refund.
- c) Other applications or requests – Price on Application. The relevant Branch Manager shall determine the amount of the refund, considering the administration and assessment time and the scale and impacts of the proposal.
- d) FastTrack development applications – a rebate of 15% may be payable following issue of the Decision Notice. However, if the application becomes ineligible for FastTrack during the assessment, there is no rebate. Note: the rebate only applies to eligible FastTrack MCU / RaL / Planning Scheme Works / OPW (signage) applications. Applications for Fast Track Plumbing and Drainage are not eligible.

6. Request to apply a Superseded Planning Scheme:

This fee is for Council to determine if it will apply a Superseded Planning Scheme, and it applies in addition to the applicable application fees to carry out the particular development.

7. Price On Application (POA) or unidentified fees

Where an application or request is not specifically itemised in the fees and charges schedule, or is noted as 'POA', the relevant Branch Manager shall determine the fee, taking into consideration similar itemised fees (where applicable), the likely assessment time and the intensity, scale and impacts of the proposal.

8. Resubmission of lapsed applications or approvals

Where a development application, or the currency period has lapsed under s.85 of the *Planning Act 2016* and/or s.31 of the Development Assessment Rules, the applicable fee will be 75% of the current fee where:

- a) the development application is resubmitted within six months of the application / approval lapsing; and
- b) the proposal is generally in accordance with the former proposal / approved plans and conditions; and
- c) there have been no changes to the Planning Scheme provisions, and/or the Planning Scheme has not been superseded.

Note: Council will not apply this reduced fee for the re-submission of a lapsed application / approval more than once.

9. Re-submission of a Landscape Plan for compliance / endorsement approval

Where a Landscape Plan is re-submitted for assessment within 12 months of the original approval, the applicable fee will be 75% of the current application fee where:

- a) All changes are clearly identified on the plans, using standard drafting techniques such as 'revision clouds'; and
- b) The proposal is generally in accordance with the former approved plans and conditions; and
- c) There have been no changes to the Planning Scheme provisions, and / or the Planning Scheme has not been superseded.

Note: Council will not apply this reduced fee for the resubmission of a Landscape Plan for compliance / endorsement more than once.

10. Requests for waiver / variation of development application fees:

The relevant Branch Manager has delegated authority to determine a request to partially waive a development application fee, where a strict application of the schedule of fees and charges does not reasonably reflect the cost of assessing the development application or request.

11. Toowoomba Railway Parkland Priority Development Area (PDA)

Applications over land within the PDA shall be lodged with Toowoomba Regional Council as Assessment Manager. The fees and charges schedule applies to the PDA, noting that any references to the *Planning Act 2016* should be replaced by the relevant section of the *Economic Development Act 2012*.

12. Policy 2.44 - Discounting or Waiver of Development Application Fees

This policy details the circumstances when Council may, at its discretion, agree to discount or waive development application fees for particular non-for-profit organisations:

- Community or welfare based non-profit organisations
- Charitable organisations
- Sporting or recreation organisations
- Emergency services

A request for discount or waiver must be made prior to lodgement of the development application, be made on the appropriate form, and include the information and evidentiary material required by the Policy.

13. Goods and Services Tax ('GST')

Where applicable, listed fee are inclusive of 'GST'.