



# Narrromine

SHIRE COUNCIL

## Heritage Fee Reduction Policy

### DOCUMENT VERSION CONTROL

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## **HERITAGE FEE REDUCTION POLICY**

**POLICY NAME:** Narromine Council Heritage Fee Reduction Policy

**COUNCIL ADOPTION:** 12 September 2018

**RELEVANT LEGISLATION:** Section 356 (2) Local Government Act 1993

### **RELATED POLICIES/DOCUMENTS:**

- Department of Local Government (now Office of Local Government) Circular to Councils 06-32 dated 18 May 2006
- NSW Heritage Office Local Government Guidelines

## **1. INTRODUCTION**

### **1.1 Title and Commencement**

This policy is titled *Heritage Fee Reduction Policy*. This policy was first adopted by Council on 14 May 2014.

### **1.2 Purpose of the Policy**

The purpose of the policy is to provide assistance for owners of properties subject to statutory heritage listings by reducing the cost of lodging development applications.

The purpose of this policy is to provide guidelines for reduction or waiving of development applications fees.

The reduction of development application fees, which are statutory charges, is considered 'financial assistance' in terms of Section 356 of the Local Government Act 1993. Therefore, applications for fee reduction will require Council resolution.

### **1.3 Objectives and Coverage of the Policy**

The objectives of the Heritage Fee Reduction Policy are to:

- provide conservation incentives for owners of heritage properties through reduction of development application fees.
- encourage investment of savings from the refund to be put towards the cost of any conservation work completed by an owner of a heritage property and thus provide a conservation incentive.

### **1.4 Definitions**

For the purpose of this policy:

“Conservation work” means the restoration of the fabric of a heritage item or property within a heritage conservation area and its setting.

## **2. POLICY STATEMENT**

### **2.1 Eligibility**

This heritage incentive is offered to owners of privately owned residential and commercial properties that are listed as Heritage Items or are within Heritage Conservation Areas listed under Schedule 5 of the Narromine Local Environmental Plan 2011.

Government owned properties have been excluded from a refund of DA fees as they are rate exempt or have access to other financial assistance.

### **2.2 Funding Limits**

A reimbursement of development application fees for conservation work will be given provided the following requirements are complied with:

- The development is proposed on a privately owned property listed as a Heritage Item or is within a Conservation Area under Schedule 5 of the Narromine Local Environmental Plan 2011;
- The proposed development involves conservation work as all or part of the application;
- A development application has been approved for the proposed conservation work;
- The conservation work has been completed in accordance with the development consent and any conditions of development consent;

- An inspection to ensure the conservation work has been completed has been undertaken by a Council Officer;
- Copies of receipts received by the applicant for work undertaken (including any labour and material costs) have been supplied to Council;
- Where the conservation work costs less than the development application fee, the amount refunded will be for the cost of the conservation work only; and
- The reimbursement of fees is to be limited to that part of the development directly associated with the conservation work. Please refer to table 3.1 for examples.

Table 3.1 – % Reimbursement of DA fees for conservation work

| <b>Total Development Cost</b> | <b>Development Cost Involving Conservation Work</b> | <b>Percentage of Reimbursement of DA Fees (not total development cost)</b> |
|-------------------------------|---|--|
| \$10,000                      | \$5,000   | 50%  |
| \$100,000                     | \$25,000  | 25%  |
| \$200,000                     | \$20,000  | 10%  |
| \$250,000                     | \$10,000  | 4%   |

The percentage of the reimbursement of fees is equivalent to the proportion of the cost of works involving conservation to the total development costs.

### **3. Approval Process**

#### **3.1 Legislative Requirements**

The reduction of development application fees, which are statutory charges, is considered 'financial assistance' in terms of Section 356 of the Local Government Act 1993. Therefore, applications for fee reduction will require Council resolution. The application for fee reduction will be notified to Council and require approval by Council resolution. Section 377 (1) of the Local Government Act 1993 requires that applications to provide financial assistance must be resolved by Council.

### **3.2 The Application Process**

The process of applying for a heritage fee reduction is as follows:

- i) An applicant approaches Council for guidance on conservation and redevelopment of a heritage item/site;
- ii) Inspection by staff and the Heritage Adviser at the development site held to determine scope of works and required information (pre-lodgement meeting);
- iii) Development application lodged with Council including a heritage management document, cost estimate of conservation works as well as total development cost;
- iv) If approval is given, the applicant carried out the work in compliance with all conditions of development consent;
- v) Post development, the applicant completes the form “Application for a heritage DA fee reduction” and includes information to support the cost estimate of the conservation work;
- vi) A report is prepared for the next available meeting of Council and a determination is made on the application, and;
- vii) Council notifies the applicant of its decision and, if approved by Council, the refund amount is paid.

### **3.3 Exempt Development**

In addition to the above, certain works and activities do not require a Development Application if the Council is of the opinion that the proposed development would not adversely affect the heritage significance of the heritage item or heritage conservation area (see clause 20(3) of Narromine LEP 1997).

Full Council must resolve in this manner to give effect to this exemption from the need for development consent. In this instance, this policy does not apply as there are no development application fees to reduce.

### **3.4 Privacy**

Narromine Shire Council collects information for the purposes stated on this Policy. Applications for fee reduction will require a public report to Council, which will include such information as the name of the applicant, the relevant development and the total amount of the fee reduction. Information included will be stored on the relevant Council file and may be accessible by requests for information under the GIPA Act. Council records are disposed in accordance with the General Authority for Local Government Records (GA39).