

3. DA No. 2008.0657: Refund of development application fees – New Years Eve Celebrations – Ford Oval, Merimbula

Group Manager, Planning Development and Environmental Services

Applicant	Merimbula Area Chamber of Commerce and Tourism Inc
Owner	Bega Valley Shire Council as trustees
Site	Ford Oval – Lot 7006 DP 1002051, Ocean Drive, Merimbula
Zone	6(a) Existing Open Space
Proposed development	Use of land – Ford Oval – New Years Eve celebrations and fireworks display

PRECIS

The development application for the event was submitted to Council on 15 October 2008. As part of the application, the applicant formally requested a refund of the development application fee of \$576 which was paid at the time of lodgement.

BACKGROUND

10 As part of the assessment process, the development application was referred to the Traffic Development Advisory Committee for consideration. In response, the Committee raised no objection to the proposal subject to a number of conditions. One of the conditions required the preparation of a traffic control plan.

The applicant was advised of the need to prepare a traffic control plan on 5 November 2008.

In response, the applicant advised that funding for the event was “very tight” and they did not have the resources to produce or commission the preparation of the necessary traffic control plan.

20 The matter was referred to Council’s Social Planning Co-ordinator for consideration under the RTA sponsored summer bus program, however the program was already subsidising the event to the order of \$2,000, and no further funding/assistance was available.

In recognition of the fact that the preparation and certification of a traffic control plan was an integral part of the approval process for the event, the Council’s Group Manager Infrastructure agreed the plan could be prepared by Council staff at no cost to

the applicant. The plan was subsequently prepared in house and endorsed on the 19 November 2008.

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Council's Group Manager Planning, Development and Environmental Services approved Development Application 2008.0657 for the conduct of the event on the 3 December 2008.

Further Council at its meeting on 22 July 2008 allocated \$10,000 for the event in the September Budget Review.

COMMENTS

Council's adopted policy 4.1.1(r) – "Development by registered charities and other community groups" recognises the community benefit provided by registered charities and community groups and provides a procedure whereby development application fees can be refunded as a donation back to the applicant where the General Manager is satisfied that the applicant meets the charitable, not for profit or community group status and the development application provides general benefit.

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While the event was for the benefit of the community, it is considered that given Council's financial commitment (\$10,000) and resource assistance (preparation of the traffic control plan) extended to the Chamber in planning and running the event a refund of the fee is not justified in this instance.

RECOMMENDATION

1. That Council resolve not to refund the prescribed development application fees (\$576) paid on lodgement of Development Application 2008.0657.
2. That Council advise the Merimbula Area Chamber of Commerce and Tourism Inc accordingly.

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