



Western Australia

Planning and Development Act 2005

# **Planning and Development (Local Government Planning Fees) Regulations 2000**

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As at 20 Feb 2009

Version 01-a0-02

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at 19 February 2009

Western Australia

## Planning and Development (Local Government Planning Fees) Regulations 2000

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Western Australia

Planning and Development Act 2005 <sup>2</sup>

## Planning and Development (Local Government Planning Fees) Regulations 2000

### 1. Citation

These regulations may be cited as the *Planning and Development (Local Government Planning Fees) Regulations 2000* <sup>1</sup>.

[Regulation 1 amended in Gazette 8 Jun 2007 p. 2632.]

### 2. Commencement

These regulations come into operation on the day on which the *Planning Legislation Amendment Act 1999* comes into operation <sup>1</sup>.

### 3. Terms used

In these regulations —

***applicant*** includes a person making a request;

***fee*** includes charge;

***issue*** includes grant or give;

***Panel*** means a Fees Arbitration Panel appointed under regulation 11;

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**structure plan** means a plan, however described in a local planning scheme, for the coordination of subdivision and development.

*[Regulation 3 amended in Gazette 8 Jun 2007 p. 2632.]*

**4. Services for which fees may be imposed**

- (1) A local government may impose a fee in respect of the following services provided by the local government —
- (a) determination of a development application;
  - (b) provision of a subdivision clearance;
  - (c) determination of an application for a home occupation approval;
  - (d) determination of an application for a change of use or for a change or continuation of a non-conforming use;
  - (e) provision of a zoning certificate;
  - (f) a reply to a property settlement questionnaire;
  - (g) written planning advice;
  - (h) services provided by the local government pursuant to a request for a local planning scheme amendment;
  - (i) services provided by the local government pursuant to a request for adoption of a structure plan provided by the applicant.
- (2) No fee is payable for or in relation to services provided pursuant to a request for a local planning scheme amendment where the sole purpose of the amendment requested is to render a local planning scheme prepared or adopted by the local government consistent with the Metropolitan Region Scheme or a region planning scheme.

*[Regulation 4 amended in Gazette 8 Jun 2007 p. 2632 and 2635.]*

**5. Maximum fees for services in relation to certain planning matters**

- (1) Subject to regulation 16, the fees set out in Schedule 1 Part 1 are the maximum fees that may be imposed by a local government for or in relation to the following services —
  - (a) determination of a development application;
  - (b) provision of a subdivision clearance;
  - (c) determination of an application for a home occupation approval;
  - (d) determination of an application for a change of use or for a change or continuation of a non-conforming use;
  - (e) provision of a zoning certificate;
  - (f) a reply to a property settlement questionnaire;
  - (g) written planning advice.
- (2) A fee referred to in subregulation (1) is to be paid by an applicant when the application or request is made.

**6. Maximum fees for services in relation to scheme amendments and structure plans**

- (1) Subject to regulation 16, the fees set out in Schedule 1 Part 2 are the maximum fees that may be imposed by a local government for or in relation to services provided by the local government pursuant to a request for a local planning scheme amendment.
- (2) Subject to regulation 16, the fees set out in Schedule 1 Part 3 are the maximum fees that may be imposed by a local government for or in relation to services provided by the local government pursuant to a request for adoption of a structure plan provided by the applicant.
- (3) A fee referred to in subregulation (1) or (2) is to be calculated by the local government and included in a bill to be paid by the applicant when the request is made.

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- (4) If the local government decides —
- (a) not to initiate the local planning scheme amendment or the adoption of a structure plan; or
  - (b) to discontinue the preparation or adoption of a local planning scheme amendment or the adoption of a structure plan,

moneys paid by the applicant to the local government for the planning service and not expended by the local government on the provision of that service are to be refunded to the applicant.

*[Regulation 6 amended in Gazette 8 Jun 2007 p. 2635.]*

**7. How fees may be reduced**

- (1) A local government may, in respect of a service prescribed under Schedule 1 Part 1, impose a fee that is less than the maximum fee prescribed in respect of that service.
- (2) A local government may impose a fee that is less than the maximum fee prescribed in respect of the services provided by the local government pursuant to a request for a local planning scheme amendment or adoption of a structure plan by —
  - (a) reducing the relevant hourly rate specified under Schedule 1 Part 2 or Schedule 1 Part 3; or
  - (b) reducing the total fee calculated under Schedule 1 Part 2 or Schedule 1 Part 3.

*[Regulation 7 amended in Gazette 8 Jun 2007 p. 2635.]*

**8. Costs and expenses**

- (1) The following costs and expenses, if incurred by a local government in providing a service referred to in regulation 5(1)(a) to (d) or regulation 6, are payable by the applicant in addition to the fee for the provision of the service —
  - (a) costs and expenses of advertising the application and advertising matters related to the application;



- (b) costs and expenses of any specific assessment that is required in relation to the application, for example, environmental assessment;
  - (c) costs and expenses of consultation procedures required in relation to the application;
  - (d) costs and expenses of technical resources and equipment such as computer modelling;
  - (e) costs and expenses of specialist advice required in relation to the application, for example, advice in relation to heritage matters.
- (2) A local government may, by a bill given to the applicant —
- (a) require an applicant to pay estimated costs and expenses that may be incurred by the local government before the costs and expenses are actually incurred; or
  - (b) require the applicant to pay the actual costs and expenses after the costs and expenses are incurred.
- (3) Any moneys paid in advance by an applicant to a local government for estimated costs or expenses referred to in subregulation (1) that are not incurred by the local government are to be refunded to the applicant on the completion of the service.

*[Regulation 8 amended in Gazette 8 Jun 2007 p. 2633.]*

**9. Itemised account to be provided on request**

If an applicant so requests, a local government is to give to the applicant an itemised account of —

- (a) any bill that has been given to the applicant by the local government for services referred to in regulation 6; or
- (b) any bill that has been given to the applicant by the local government for costs and expenses referred to in regulation 8.

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**10. Dispute as to amount payable**

- (1) If a dispute arises as to an amount payable for or in relation to services to be provided pursuant to a request for —
  - (a) a local planning scheme amendment; or
  - (b) adoption of a structure plan provided by the applicant,the dispute may be referred in writing by the relevant local government or applicant to a Fees Arbitration Panel for its decision which is final.
- (2) The referral of a dispute to a Panel does not affect the provision of the service in respect of which the fee is paid or the requirement to pay that fee, but the Panel may order the local government to refund any part of the fee paid.

*[Regulation 10 amended in Gazette 8 Jun 2007 p. 2635.]*

**11. Fees Arbitration Panel**

- (1) A Fees Arbitration Panel is to consist of the following members appointed by the Minister —
  - (a) a person nominated by WALGA;
  - (b) a person nominated by the Commission;
  - (c) a planning consultant nominated by the Royal Australian Planning Institute;
  - (d) a person selected by the Minister from a panel of names submitted by industry planning groups under subregulation (2).
- (2) When it is necessary to appoint a person under subregulation (1)(d) the Minister is to request the Housing Industry Association, the Urban Development Institute of Australia, the Property Council of Australia, the Building Designers Association and the Real Estate Institute of Western Australia to each nominate a person for appointment.
- (3) The Minister is to appoint one of the members as chairperson of the Panel.

- (4) The function of a Panel is to determine a dispute referred to it under regulation 10.

*[Regulation 11 amended in Gazette 8 Jun 2007 p. 2633.]*

**12. Panel meetings**

- (1) The Panel may hold a meeting to decide a dispute referred to the Panel.
- (2) The Panel may invite a person to be present at a meeting of the Panel to advise or inform, or make a submission to the Panel.
- (3) The applicant, or a representative of the applicant, and a representative of the local government are entitled to be present whenever a person invited under subregulation (2) is present at a meeting of the Panel.

**13. Decisions of the Panel**

- (1) A Panel member, including the chairperson, has a single vote on a determination to be made by the Panel and, in the case of an equality of votes, the chairperson also has a casting vote.
- (2) A matter that is to be determined by the Panel must be decided by a majority of votes.
- (3) A determination is a valid determination of the Panel, even though it is not made at a meeting of the Panel, if each member of the Panel agrees in writing to the proposed determination.

**14. Local government may waive or refund fee**

A local government may waive or refund, in whole or in part, payment of a fee for a planning service.

**15. Performance standards**

Not later than 3 years after the coming into operation of these regulations, each local government is to introduce or adopt performance standards to be met by the local government in relation to the imposition of fees for planning services.

**r. 16**

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**16. Exemption**

- (1) The Minister may by notice in writing exempt a local government from the requirement to impose fees in accordance with regulations 5 and 6.
- (2) The notice may be given subject to such conditions as the Minister thinks fit.
- (3) Regulations 5, 6, 7, 8, 9, 10, 14 and 15 do not apply to a local government while a notice given to the local government under subregulation (1) is in force.
- (4) The Minister may by notice in writing revoke or amend a notice given under subregulation (1).

**17. Review of regulations**

- (1) Not later than 12 months after the coming into operation of these regulations the Minister is to appoint a person or persons to report to the Minister on the operation and effectiveness of the regulations.
- (2) The report is to be made after reasonable endeavours have been made to obtain the views of the public and local governments on the operation and effectiveness of the regulations.

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**Schedule 1 — Fees for planning services**

[r. 5(1)]

**Part 1 — Maximum fixed fees**

*[Heading inserted in Gazette 10 Oct 2008 p. 4552.]*

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<b>Item</b>	<b>Description of planning service</b>	<b>Maximum fee</b>
1.	Determining a development application (other than for an extractive industry) where the development has not commenced or been carried out and the estimated cost of the development is — (a) not more than \$50 000 (b) more than \$50 000 but not more than \$500 000 (c) more than \$500 000 but not more than \$2.5 million (d) more than \$2.5 million but not more than \$5 million (e) more than \$5 million but not more than \$21.5 million (f) more than \$21.5 million	\$127 0.29% of the estimated cost of development \$1 450 + 0.23% for every \$1 in excess of \$500 000 \$6 050 + 0.19% for every \$1 in excess of \$2.5 million \$10 800 + 0.12% for every \$1 in excess of \$5 million \$30 600
2.	Determining a development application (other than for an extractive industry) where the development has commenced or been carried out	The fee in item 1 plus, by way of penalty, twice that fee
3.	Determining a development application for an extractive industry where the development has not commenced or been carried out	\$635
4.	Determining a development application for an extractive industry where the development has commenced or been carried out	The fee in item 3 plus, by way of penalty, twice that fee
5.	Providing a subdivision clearance for — (a) not more than 5 lots	\$64 per lot

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Regulations 2000**

**Schedule 1** Fees for planning services

**Part 2** Maximum fees: scheme amendments

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<b>Item</b>	<b>Description of planning service</b>	<b>Maximum fee</b>
	(b) more than 5 lots but not more than 195 lots	\$64 per lot for the first 5 lots and then \$32 per lot
	(c) more than 195 lots	\$6 400
6.	Determining an initial application for approval of a home occupation where the home occupation has not commenced	\$191
7.	Determining an initial application for approval of a home occupation where the home occupation has commenced	The fee in item 6 plus, by way of penalty, twice that fee
8.	Determining an application for the renewal of an approval of a home occupation where the application is made before the approval expires	\$64
9.	Determining an application for the renewal of an approval of a home occupation where the application is made after the approval has expired	The fee in item 8 plus, by way of penalty, twice that fee
10.	Determining an application for change of use or for an alteration or extension or change of a non-conforming use to which item 1 does not apply, where the change or alteration, extension or change has not commenced or been carried out	\$254
11.	Determining an application for change of use or for an alteration or extension or change of a non-conforming use to which item 1 does not apply, where the change or alteration, extension or change has commenced or been carried out	The fee in item 10 plus, by way of penalty, twice that fee
12.	Providing a zoning certificate	\$64
13.	Replying to a property settlement questionnaire	\$64
14.	Providing written planning advice	\$64

*[Part 1 inserted in Gazette 10 Oct 2008 p. 4552-3.]*

**Planning and Development (Local Government Planning Fees)  
Regulations 2000**

Fees for planning services      **Schedule 1**  
Maximum fees: scheme amendments      **Part 2**

**Part 2 — Maximum fees: scheme amendments\***

Task	Estimated costs				
	Director/ City/ Shire Planner (\$76/hour)	Manager/ Senior Planner (\$57/hour)	Planning Officer (\$32/hour)	Other staff e.g. environmental health officer (2 @ \$32/hour)	Secretary/ administrative clerk (\$26/hour)
1.Preliminaries:					
Preliminary discussions and application registration					
2.Decision to initiate:					
(a) Information and site visit					
(b) Applicant discussion					
(c) Development Control Unit (DCU) meeting					
(d) Action DCU recommendation					
(e) Assessment report and agenda preparation MINOR MAJOR					
3.Approval to advertise:					
(a) Action local government recommendation					
(b) Refer to Commission for approval					

**Planning and Development (Local Government Planning Fees)  
Regulations 2000**

**Schedule 1** Fees for planning services

**Part 2** Maximum fees: scheme amendments

Task	Estimated costs				
	Director/ City/ Shire Planner (\$76/hour)	Manager/ Senior Planner (\$57/hour)	Planning Officer (\$32/hour)	Other staff e.g. environmental health officer (2 @ \$32/hour)	Secretary/ administrative clerk (\$26/hour)
(c) Advertising, notifications, referrals					
(d) Deal with enquiries					
(e) Assess submissions					
(f) Liaise with external agencies					
(g) Applicant discussion and liaison					
4. Decision to adopt:					
(a) Finalise amendment/ plan, report and agenda preparation					
(b) Applicant discussion					
(c) Action local government recommend- ation					
5. Amendment/ plan approved:					
(a) Report on Minister's approval					
(b) Notify submissions					
(c) Update text and maps					



**Planning and Development (Local Government Planning Fees)  
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Fees for planning services      **Schedule 1**  
Maximum fees: structure plans      **Part 3**

Task	Estimated costs				
	Director/ City/ Shire Planner (\$76/hour)	Manager/ Senior Planner (\$57/hour)	Planning Officer (\$32/hour)	Other staff e.g. environmental health officer (2 @ \$32/hour)	Secretary/ administrative clerk (\$26/hour)
HOURS					
COST					
+33.3% (To recover operating overhead costs)					
Total salary costs					
+ Direct costs					
+ Special costs					
+ Scheme map and text preparation					
TOTAL PAYABLE					

*\*Where readvertising of substantial modifications is required, the fee is to be calculated in accordance with items 3, 4 and 5 of the Table for the staff time used in arranging the readvertising and reviewing the submissions and the direct costs incurred in readvertising the amendment.*

*[Part 2 amended in Gazette 8 Jun 2007 p. 2634-5; 22 Jun 2007  
p. 2861; 10 Oct 2008 p. 4553.]*

**Part 3 — Maximum fees: structure plans\*\***

Task	Estimated costs				
	Director/ City/ Shire Planner (\$76/hour)	Manager/ Senior Planner (\$57/hour)	Planning Officer (\$32/hour)	Other staff e.g. environmental health officer (2 @ \$32/hour)	Secretary/ administrative clerk (\$26/hour)
1.Preliminaries:					
Preliminary discussions and registration					

**Planning and Development (Local Government Planning Fees)  
Regulations 2000**

**Schedule 1** Fees for planning services

**Part 3** Maximum fees: structure plans

Task	Estimated costs				
	Director/ City/ Shire Planner (\$76/hour)	Manager/ Senior Planner (\$57/hour)	Planning Officer (\$32/hour)	Other staff e.g. environmental health officer (2 @ \$32/hour)	Secretary/ administrative clerk (\$26/hour)
2.Decision to advertise:					
(a) Information and site visit					
(b) Proponent discussion					
(c) Development Control Unit (DCU) meeting					
(d) Action DCU recommendation					
(e) Assessment report and agenda preparation					
3.Approval to advertise:					
(a) Action local government recommendation					
(b) Advertising, notifications, referrals					
(c) Deal with enquiries					
(d) Assess submissions					
(e) Liaise with external agencies					
(f) Proponent discussion and liaison					

**Planning and Development (Local Government Planning Fees)  
Regulations 2000**

Fees for planning services      **Schedule 1**  
Maximum fees: structure plans      **Part 3**

Task	Estimated costs				
	Director/ City/ Shire Planner (\$76/hour)	Manager/ Senior Planner (\$57/hour)	Planning Officer (\$32/hour)	Other staff e.g. environmental health officer (2 @ \$32/hour)	Secretary/ administrative clerk (\$26/hour)
4.Decision to adopt:					
(a) Finalise report and agenda preparation					
(b) Proponent discussion					
(c) Action local government recommendation					
5.Plan adopted:					
(a) Refer to Commission for endorsement					
(b) Notifications and deposit of plan					
HOURS					
COST					
+33.3% (To recover operating overhead costs)					
Total salary costs					
+ Direct costs					
+ Special costs					
TOTAL PAYABLE					

*\*\*This Table is based on the Western Australian Planning Commission's draft model text provisions for structure plans. Where the structure plan provisions in a local planning scheme of a local government are not consistent with the*

**Planning and Development (Local Government Planning Fees)  
Regulations 2000**

**Schedule 1** Fees for planning services

**Part 3** Maximum fees: structure plans

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*draft model text provisions, the fees should be calculated by that local government in accordance with the structure plan provisions of the scheme.*

*Where readvertising of a proposed structure plan is required, the fee is to be calculated in accordance with items 3, 4 and 5 of the Table for the staff time used in arranging the readvertising and reviewing the submissions and the direct costs incurred in readvertising the structure plan.*

*[Part 3 amended in Gazette 8 Jun 2007 p. 2634-5; 22 Jun 2007 p. 2861; 10 Oct 2008 p. 4553.]*

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**Notes**

- <sup>1</sup> This reprint is a compilation as at 20 February 2009 of the *Planning and Development (Local Government Planning Fees) Regulations 2000* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Town Planning (Local Government Planning Fees) Regulations 2000</i> <sup>3</sup>	19 Dec 2000 p. 7243-59	19 Dec 2000 (see r. 2 and <i>Gazette</i> 19 Dec 2000 p. 7273)
<i>Town Planning (Local Government Planning Fees) Amendment Regulations 2007</i>	8 Jun 2007 p. 2632-5	8 Jun 2007
<i>Planning and Development (Local Government Planning Fees) Amendment Regulations (No. 2) 2007</i>	22 Jun 2007 p. 2860-1	r. 1 and 2: 22 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b))
<i>Planning and Development (Local Government Planning Fees) Amendment Regulations 2008</i>	10 Oct 2008 p. 4551-3	r. 1 and 2: 10 Oct 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 11 Oct 2008 (see r. 2(b))

**Reprint 1: The *Planning and Development (Local Government Planning Fees) Regulations 2000* as at 20 Feb 2009** (includes amendments listed above)

- <sup>2</sup> Formerly made under the *Town Planning and Development Act 1928* s. 33B, continued under the *Planning and Development Act 2005* s. 261.
- <sup>3</sup> Now known as the *Planning and Development (Local Government Planning Fees) Regulations 2000*; citation changed (see note under r. 1).

**Defined Terms**

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**Defined Terms**

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

<b>Defined Term</b>	<b>Provision(s)</b>
applicant.....	3
fee .....	3
issue .....	3
Panel .....	3
structure plan.....	3