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TOWN PLANNING AND DEVELOPMENT ACT 1928

**TOWN PLANNING
(LOCAL GOVERNMENT
PLANNING FEES)
REGULATIONS 2000**

Town Planning and Development Act 1928

Town Planning (Local Government Planning Fees) Regulations 2000

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Town Planning (Local Government Planning Fees) Regulations 2000*.

2. Commencement

These regulations come into operation on the day on which the *Planning Legislation Amendment Act 1999* comes into operation.

3. Interpretation

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;

“**structure plan**” means a plan, however described in a town planning scheme, for the coordination of subdivision and development;

Town Planning (Local Government Planning Fees) Regulations 2000

r. 4

“WAMA” has the same meaning as in the *Local Government Act 1995*.

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 town 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 town planning scheme amendment where the sole purpose of the amendment requested is to render a town planning scheme prepared or adopted by the local government consistent with the Metropolitan Region Scheme or a regional planning scheme.

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;

Town Planning (Local Government Planning Fees) Regulations 2000

r. 6

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

Town Planning (Local Government Planning Fees) Regulations 2000**r. 7**

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.

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 town 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.

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(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.

Town Planning (Local Government Planning Fees) Regulations 2000

r. 9

- (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.

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.

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 town 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.

Town Planning (Local Government Planning Fees) Regulations 2000**r. 11**

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 WAMA;
 - (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.

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.

Town Planning (Local Government Planning Fees) Regulations 2000

r. 13

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.

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).

Town Planning (Local Government Planning Fees) Regulations 2000

r. 17

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.

Town Planning (Local Government Planning Fees) Regulations 2000**Fees for planning services Schedule 1****Schedule 1 — Fees for planning services**

[r. 5(1)]

Part 1 — Maximum fixed fees

Item	Description of planning service	Maximum fee
1	Determination of development application (other than for an extractive industry) where the estimated cost of the development is —	
	(a) not more than \$50 000	\$100
	(b) more than \$50 000 but not more than \$500 000	0.23% of the estimated cost of development
	(c) more than \$500 000 but not more than \$2.5 million	\$1 150 + 0.18% for every \$1 in excess of \$500 000
	(d) more than \$2.5 million but not more than \$5 million	\$4 750 + 0.15% for every \$1 in excess of \$2.5 million
	(e) more than \$5 million but not more than \$21.5 million	\$8 500 + 0.1% for every \$1 in excess of \$5 million
	(f) more than \$21.5 million	\$25 000
2	Determination of development application for an extractive industry	\$500
3	Provision of a subdivision clearance —	
	(a) not more than 5 lots	\$50 per lot
	(b) more than 5 lots but not more than 195 lots	\$50 per lot for the first 5 lots and then \$25 per lot
	(c) more than 195 lots	\$5 000
4	Application for approval of home occupation —	
	(a) initial fee	\$150
	(b) renewal fee	\$50
5	Application for change of use or for change or continuation of a non-conforming use where development is not occurring	\$200

Town Planning (Local Government Planning Fees) Regulations 2000**Schedule 1** Fees for planning services

Item	Description of planning service	Maximum fee
6	Issue of zoning certificate	\$50
7	Reply to a property settlement questionnaire	\$50
8	Issue of written planning advice	\$50

Part 2 — Maximum fees: scheme amendments*

Task	Estimated costs				
	Director/ City/ Shire Planner (\$60/hour)	Manager/ Senior Planner (\$45/hour)	Planning Officer (\$25/hour)	Other staff e.g. environmental health officer (2 @ \$25/hour)	Secretary/ administrative clerk (\$20/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					

Town Planning (Local Government Planning Fees) Regulations 2000**Fees for planning services Schedule 1**

Task	Estimated costs				
	Director/ City/ Shire Planner (\$60/hour)	Manager/ Senior Planner (\$45/hour)	Planning Officer (\$25/hour)	Other staff e.g. environmental health officer (2 @ \$25/hour)	Secretary/ administrative clerk (\$20/hour)
3.Approval to advertise:					
(a) Action local government recommend- ation					
(b) Refer to Commis- sion for approval					
(c) Advertising, notifica- tions, referrals					
(d) Deal with enquiries					
(e) Assess submissions					
(f) Liaise with external agencies					
(g) Applicant discussion and liaison					
4.Decision to adopt:					
(a) Finalise amend- ment/plan, report and agenda preparation					
(b) Applicant discussion					
(c) Action local government recommend- ation					

Town Planning (Local Government Planning Fees) Regulations 2000**Schedule 1** Fees for planning services

Task	Estimated costs				
	Director/ City/ Shire Planner (\$60/hour)	Manager/ Senior Planner (\$45/hour)	Planning Officer (\$25/hour)	Other staff e.g. environmental health officer (2 @ \$25/hour)	Secretary/ administrative clerk (\$20/hour)
5. Amendment/ plan approved:					
(a) Report on Minister's approval					
(b) Notify submissions					
(c) Update text and maps					
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.*

Town Planning (Local Government Planning Fees) Regulations 2000Fees for planning services **Schedule 1****Part 3 — Maximum fees: structure plans****

Task	Estimated costs				
	Director/ City/ Shire Planner (\$60/hour)	Manager/ Senior Planner (\$45/hour)	Planning Officer (\$25/hour)	Other staff e.g. environmental health officer (2 @ \$25/hour)	Secretary/ administrative clerk (\$20/hour)
1.Preliminaries:					
Preliminary discussions and registration					
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					

Town Planning (Local Government Planning Fees) Regulations 2000**Schedule 1** Fees for planning services

Task	Estimated costs				
	Director/ City/ Shire Planner (\$60/hour)	Manager/ Senior Planner (\$45/hour)	Planning Officer (\$25/hour)	Other staff e.g. environmental health officer (2 @ \$25/hour)	Secretary/ administrative clerk (\$20/hour)
(c) Deal with enquiries					
(d) Assess submissions					
(e) Liaise with external agencies					
(f) Proponent discussion and liaison					
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)					

Town Planning (Local Government Planning Fees) Regulations 2000**Fees for planning services Schedule 1**

Task	Estimated costs				
	Director/ City/ Shire Planner (\$60/hour)	Manager/ Senior Planner (\$45/hour)	Planning Officer (\$25/hour)	Other staff e.g. environmental health officer (2 @ \$25/hour)	Secretary/ administrative clerk (\$20/hour)
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 town planning scheme of a local government are not consistent with the 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.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

