



Western Australia

Planning and Development Act 2005

**Planning and Development (Part 11B Fees)  
Notice 2024**



# Planning and Development (Part 11B Fees) Notice 2024

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#### **Defined terms**



## Planning and Development (Part 11B Fees) Notice 2024

### 1. Citation

This notice is the *Planning and Development (Part 11B Fees) Notice 2024*.

### 2. Commencement

This notice comes into operation on the day on which the *Planning and Development Amendment Act 2023* section 11 comes into operation.

### 3. Terms used

(1) In this notice —

***application to amend an approval*** means an application made under section 171X(2)(a), (b), (c) or (d) of the Act;

***application to cancel an approval*** means an application made under section 171X(2)(e) of the Act;

***appropriate design reviewer*** means a committee, person or body of a kind referred to in paragraph (a) or (b) of the definition of ***design review*** in section 171H(1) of the Act;

***design review fees*** has the meaning given in clause 4(4);

***Government Architect*** means the person holding office as the Government Architect or, during a vacancy in that office, the acting chairperson of the State Design Review Panel;

***registered community housing provider*** means a community housing provider that is included on the register under the *Planning and Development (Development Assessment Panels) Regulations 2011* regulation 50;

**cl. 4**

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**registered not-for-profit entity** means an entity that is included on the Australian Charities and Not-for-profits Register under the *Australian Charities and Not-for-profits Commission Act 2012* (Commonwealth) Chapter 2;

**State Design Review Panel** means the committee called the State Design Review Panel established under Schedule 2 clause 1 of the Act.

- (2) If a term used in this notice is given a meaning in section 171H(1) of the Act, it has the same meaning in this notice.

**4. Fees**

- (1) The fees set out in Schedule 1 are the fees set to be charged in respect of the following applications —
- (a) a significant development application;
  - (b) an application to amend an approval;
  - (c) an application to cancel an approval.
- (2) A fee set under subclause (1) is payable to the Commission by the applicant.
- (3) Subclause (4) sets the fees to be charged if —
- (a) before making a significant development application, the prospective applicant requests an appropriate design reviewer to conduct a design review of the development to which the application relates under the *Planning and Development (Significant Development) Regulations 2024* regulation 6(1)(b); or
  - (b) for the purposes of the Commission’s consideration of a significant development application under section 171P(1) of the Act, the Commission requests an appropriate design reviewer to conduct a design review of the development to which the application relates; or

- (c) for the purposes of the Commission's consideration of an application to amend an approval, the Commission requests an appropriate design reviewer to conduct a design review of the development to which the application relates.
- (4) The fees (the *design review fees*) are —
  - (a) if the Commission advised the person by whom the fees are payable that the appropriate design reviewer is to be the State Design Review Panel —
    - (i) \$12 000; and
    - (ii) if the number of design reviews is more than 3 — \$6 000 per design review after the 3<sup>rd</sup> design review;
  - or
  - (b) if the Commission advised the person by whom the fees are payable that the appropriate design reviewer is to be the Government Architect —
    - (i) \$5 000; and
    - (ii) if the number of design reviews is more than 3 — \$2 500 per design review after the 3<sup>rd</sup> design review.
- (5) However, if subclause (3)(a) and (b) apply in relation to the same significant development application —
  - (a) the person by whom the design review fees are payable is liable for the fees only once in relation to the application; and
  - (b) the design review fees are to be calculated based on the total number of design reviews of the development to which the application relates.
- (6) The design review fees are payable to the Commission by —
  - (a) if subclause (3)(a) applies — the prospective applicant requesting the design review; or

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- (b) if subclause (3)(b) applies — the applicant for the significant development application being considered by the Commission; or
- (c) if subclause (3)(c) applies — the applicant for the application to amend an approval.

**5. Reduced fees for particular entities**

A fee set under clause 4 is reduced by 50% if the fee is payable to the Commission by a registered community housing provider or a registered not-for-profit entity.

**6. Refund of fees if application withdrawn**

- (1) This clause applies if an applicant withdraws any of the following applications —
  - (a) a significant development application;
  - (b) an application to amend an approval;
  - (c) an application to cancel an approval.
- (2) If the applicant paid a fee set under clause 4(1) in respect of the application, the Commission may refund the fee (in whole or in part).
- (3) If the applicant paid the design review fee set under clause 4(4)(a)(i) or (b)(i) for up to 3 design reviews of the development to which the application relates —
  - (a) the Commission must refund the fee if the Commission is satisfied that none of the design reviews were started before the application was withdrawn; or
  - (b) the Commission may refund the fee (in whole or in part) if the Commission is satisfied that —
    - (i) a design review was started before the application was withdrawn; and
    - (ii) none of the design reviews were completed before the application was withdrawn.



- (4) If the applicant paid the design review fee set under clause 4(4)(a)(ii) or (b)(ii) for a design review of the development to which the application relates —
- (a) the Commission must refund the fee if the Commission is satisfied that the design review was not started before the application was withdrawn; or
  - (b) the Commission may refund the fee (in whole or in part) if the Commission is satisfied that —
    - (i) the design review was started before the application was withdrawn; and
    - (ii) the design review was not completed before the application was withdrawn.

**7. Refund of fees if design review not conducted**

- (1) This clause applies to each of the following applications —
- (a) a significant development application;
  - (b) an application to amend an approval.
- (2) If the applicant paid the design review fee set under clause 4(4)(a)(i) or (b)(i) for up to 3 design reviews of the development to which the application relates, the Commission must refund the fee if the Commission is satisfied that —
- (a) none of the design reviews will be conducted; or
  - (b) none of the design reviews were conducted by the time the application was determined.
- (3) If the applicant paid the design review fee set under clause 4(4)(a)(ii) or (b)(ii) for a design review of the development to which the application relates, the Commission must refund the fee if the Commission is satisfied that —
- (a) the design review will not be conducted; or
  - (b) the design review was not conducted by the time the application was determined.

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- (4) This clause does not apply if the applicant withdraws the application.

## Schedule 1 — Fees

[cl. 4]

<b>Item</b>	<b>Application</b>	<b>Fee</b>
1.	Significant development application for which the estimated cost of the development is —	
	(a) less than \$2 million	\$10 787
	(b) not less than \$2 million but less than \$5 million	\$16 440
	(c) not less than \$5 million but less than \$10 million	\$25 057
	(d) not less than \$10 million but less than \$15 million	\$35 288
	(e) not less than \$15 million but less than \$20 million	\$41 608
	(f) not less than \$20 million but less than \$50 million	\$45 911
	(g) not less than \$50 million	\$67 690
2.	Application to amend an approval	\$303
3.	Application to cancel an approval	\$303

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## Notes

This is a compilation of the *Planning and Development (Part 11B Fees) Notice 2024*.  
For provisions that have come into operation see the compilation table.

### Compilation table

<b>Citation</b>	<b>Published</b>	<b>Commencement</b>
<i>Planning and Development (Part 11B Fees) Notice 2024</i>	SL 2024/28 21 Feb 2024	1 Mar 2024 (see cl. 2)

## 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>
application to amend an approval .....	3(1)
application to cancel an approval .....	3(1)
appropriate design reviewer .....	3(1)
design review fees.....	3(1), 4(4)
Government Architect.....	3(1)
registered community housing provider.....	3(1)
registered not-for-profit entity .....	3(1)
State Design Review Panel .....	3(1)

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By Authority: GEOFF O. LAWN, Government Printer