



Planning Bulletin 93

Planning and Development (Local Government Planning Fees) Regulations 2000



October 2008

1 Purpose

The purpose of this planning bulletin is to advise of amendments to the Planning and Development (Local Government Planning Fees) Regulations 2000.

The regulations have been amended to increase 2007/08 fees by the Consumer Price Index (CPI) rate of 3.4 per cent as advised by WA Treasury. The new fees will become effective from 10 October 2008.

This planning bulletin supersedes Planning Bulletin 84 Planning and Development (Local Government Planning Fees) Regulations 2000. The change consists of a new schedule of fees.

Background

The regulations provide a framework for local government fees and charges for planning services and include details of the fees that may be levied. The regulations were gazetted in 2000, reviewed in 2007 and in 2008.

In 2007, amendments to the Town Planning (Local Government Planning Fees) Regulations 2000 were gazetted on 8 June 2007. Those amendments:

- Increased fees to reflect the CPI increase of approximately 17% from gazettal of the regulations in December 2000 to 2006/07.
- Introduced a fee by way of penalty for an application for approval of development that has commenced or been carried out at three times the ordinary fee.
- Updated the old terms used in the regulations to be consistent with terms currently used.

The regulations were further amended on 22 June 2007 to increase 2006/07 fees by CPI for 2007/08 to be effective from 1 July 2007.

The fees in schedule 1 of the regulations have been amended to correct errors in part 1 introduced by the previous fee increase. The previous fee increase resulted in fees that were inconsistent with the cumulative CPI rates that the increase sought to attain. In addition to the corrections in the fee scales, the recent amendment also increases the fees prescribed in schedule 1 of the regulations by CPI.

2 Fee principles

The system of fees is based on the following guiding principles:

- A maximum fee structure that enables local governments to charge less or not at all.
- The capacity for local governments to charge a higher fee than the specified maximum or charge when and where there are exceptional circumstances beyond what is normally undertaken by most local governments; that is, for applications which require:
 - specific assessment (eg environmental assessment studies);
 - extensive consultation procedures (eg for exceptionally large, unusual or complicated proposals);
 - technical resources and equipment (eg computer modelling); and/or
 - specialist skills (eg heritage conservation).

3 Development applications

Fees for development applications are based on a sliding scale.

A maximum fee of \$127 applies to development applications where the estimated cost of development is up to \$50,000. Fees are capped at a maximum fee of \$30,600 for

developments with an estimated cost of \$21.5 million or more. The fee for determination of a development application for an extractive industry is \$635. The cost of advertising and specialist reports are separate charges.

The applicant must provide an estimate of the cost of development from which fees are to be calculated at the time of lodgement. Where a local government is not satisfied that the estimated cost is a reasonable estimate of the proposed development, it may require the applicant to provide additional information to justify the cost.

4 Local planning scheme amendment proposals and structure plans

A separate fee for scheme amendments and structure plans applies. This is to be calculated using the fee calculation table. The calculation is to be based on estimated salary costs, direct costs, specialist report costs and documentation costs.

The following provisions also apply to these fees:

- Fees relate only to scheme amendments initiated at the request of an applicant.
- Fees are payable by the applicant at the time of lodgement of the request for the scheme amendment or structure plan.
- Only those activities to be paid for or carried out by the local government specific to the proposal are to be included in the fee calculation.
- The cost of specialist services or reports required by the local government to adequately assess a scheme amendment or structure plan proposal is payable by the applicant, and the local government may

permit this work (or part thereof) to be undertaken directly by the applicant.

- Details of the calculation used to derive a fee are to be made available to the applicant on request.
- Fees are not payable for a scheme amendment where the sole purpose of the amendment is to achieve consistency between a region scheme and a local planning scheme.
- Fees may be waived by a local government, at its discretion.
- Any fees not expended are to be refunded where a scheme amendment or structure plan is discontinued.
- If an applicant is not satisfied that the fees calculated by a local government are a reasonable estimate of the service, then the matter may be referred to the Fees Arbitration Panel (comprising representatives from the Western Australian Local Government Association, the Western Australian Planning Commission, the Planning Institute of Australia and industry planning groups) for determination.

5 Subdivision clearance fees

A sliding scale of fees applies to applications for subdivision clearances.

6 Other fees

A flat fee applies to an application for approval of a home occupation with a reduced fee for renewal of approvals. A flat fee also applies to an application for a change of use, for issue of a zoning certificate, for a reply to a property settlement questionnaire and for the issue of written planning advice.

7 Fee by way of penalty

Where an application for development approval is lodged after the development has commenced or been carried out, an additional amount, by way of penalty, that is twice the amount of the maximum fee payable for determination of the application is applicable. For example the maximum fee for

development of not more than \$50,000 is \$127. If the development had commenced or been carried out at the time of application, a fee by way of penalty of \$254 would be applied to the application in addition to the fee of \$127, making the total fee chargeable \$381.

8 Goods and services tax

It has been determined that the Goods and Services Tax (GST) will not apply to fees for development applications, subdivision clearances, home occupations, change of use and issue of zoning certificates as they are application and certificate type fees that are compulsory in nature. These items have been listed in A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2000 (No. 2).

GST will apply to fees for property settlement questionnaires and written planning advice, and scheme amendments and structure plans, as these are in the nature of a service.

The estimated cost of development cited in schedule 1, part 1, item 1, is exclusive of GST. For example if the estimated cost of development is \$300,000 excluding GST, the fee chargeable for determination of the development application at time of lodgement is \$870.

9 Adoption of the fees

The new fee schedule will be effective from 10 October 2008.

10 Information

Enquiries on the information contained in this planning bulletin should be directed to the Strategic Policy and Management Division at the Department for Planning and Infrastructure.

Schedule of Fees**Part 1 Maximum fixed fees**

(effective 10 October 2008)

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	\$127
	(b) more than \$50,000 but not more than \$500,000	0.29% of the estimated cost of development
	(c) more than \$500,000 but not more than \$2.5 million	\$1,450 + 0.23% for every \$1 in excess of \$500,000
	(d) more than \$2.5 million but not more than \$5 million	\$6,050 + 0.19% for every \$1 in excess of \$2.5 million
	(e) more than \$5 million but not more than \$21.5 million	\$10,800 + 0.12% for every \$1 in excess of \$5 million
	(f) more than \$21.5 million	\$30,600
		and, if the development has commenced or been carried out, an additional amount, by way of penalty, that is twice the amount of the maximum fee payable for determination of the application under paragraph (a), (b), (c), (d), (e) or (f)
2	Determination of development application for an extractive industry	\$635 and, if the development has commenced or been carried out, an additional amount of \$1,270 by way of penalty
3	Provision of a subdivision clearance:	
	(a) not more than 5 lots	\$64 per lot
	(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
4	Application for approval of home occupation:	
	(a) initial fee	\$191 and, if the home occupation has commenced or been carried out, an additional amount of \$382 by way of penalty
	(b) renewal fee	\$64 and, if the approval to be renewed has expired, an additional amount of \$128 by way of penalty
5	Application for change of use or for alteration or extension or change of a non conforming use to which item 1 does not apply	\$254 and, if the change of use or the alteration or extension or change of the non conforming use has commenced or been carried out, an additional amount of \$508 by way of penalty
6	Issue of zoning certificate	\$64
7	Reply to a property settlement questionnaire	\$64
8	Issue of written planning advice	\$64

Note: All fees are exclusive of GST unless otherwise indicated

Part 2 Maximum fees:
Scheme amendments*

Task	Estimated cost				
	Director/ City/Shire Planner (\$76/hour)	Manager/ Senior Planner (\$57/hour)	Planning Officer (\$32/hour)	Other staff eg 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 WAPC for approval					
(c) Advertising, notifications, referrals					
(d) Deal with enquiries					
(e) Assess submissions					
(f) Liaise with external agencies					
(g) Applicant discussion and liaison					

Task	Estimated cost				
	Director/ City/Shire Planner (\$76/hour)	Manager/ Senior Planner (\$57/hour)	Planning Officer (\$32/hour)	Other staff eg Environmental Health Officer (2 @ \$32/hour)	Secretary/ Administrative Clerk (\$26/hour)
4 Decision to adopt:					
(a) Finalise amendment/plan, report and agenda preparation					
(b) Applicant discussion					
(c) Action local government recommendation					
5 Amendment/plan approved:					
(a) Report on Ministers 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.

Part 3 Maximum fees:
Structure plans**

Task	Estimated cost				
	Director/ City/Shire Planner (\$76/hour)	Manager/ Senior Planner (\$57/hour)	Planning Officer (\$32/hour)	Other staff eg 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) 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					

Task	Estimated cost				
	Director/ City/Shire Planner (\$76/hour)	Manager/ Senior Planner (\$57/hour)	Planning Officer (\$32/hour)	Other staff eg 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					
(d) Refer to WAPC for approval					
5 Plan adopted:					
(a) Report on WAPC approval					
(b) Notify proponent/others					
HOURS					
COST					
+ 33.3% (to recover operating overhead costs)					
Total salary costs					
+ direct costs					
+ special costs					
TOTAL PAYABLE					

** This table is based on the WAPC'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 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.

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