

Authorised Version No. 001
Planning and Environment (Fees) Interim
Regulations 2015

S.R. No. 116/2015

Authorised Version as at
15 October 2015

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1 Objectives

The objectives of these Regulations are—

- (a) to prescribe fees for amendments to planning schemes; and
- (b) to prescribe fees for considering applications for permits and applications for amendments to permits; and
- (c) to prescribe fees for considering combined permit applications or combined amendment to permit applications; and
- (d) to prescribe the fee for considering a request to amend an application for—
 - (i) a permit; or
 - (ii) an amendment to a permit—
after notice of an application has been given under section 52 of the Act; and
- (e) to prescribe fees for considering a combined amendment to a planning scheme and a permit application; and
- (f) to prescribe the fee for considering an application for a certificate of compliance; and
- (g) to prescribe the fee for considering an application for a planning certificate; and

- (h) to prescribe fees for determining whether anything has been done to the satisfaction of a responsible authority, Minister, public authority, municipal council or a referral authority; and
- (i) to empower a responsible authority, a planning authority or the Minister to waive or rebate the payment of a fee in specified circumstances.

2 Authorising provision

These Regulations are made under sections 202 and 203 of the **Planning and Environment Act 1987**.

3 Commencement

These Regulations come into operation on 15 October 2015.

4 Revocation

The Planning and Environment (Fees) Interim Regulations 2014¹ are **revoked**.

5 Definition

In these Regulations *the Act* means the **Planning and Environment Act 1987**.

6 Fees for amendments to planning schemes

- (1) The fee for—
 - (a) considering a request to amend a planning scheme; and
 - (b) taking action required by Division 1 of Part 3 of the Act; and

- (c) considering any submissions which do not seek a change to the amendment; and
 - (d) if applicable, abandoning the amendment in accordance with section 28 of the Act—
is \$798.
- (2) The additional fee, in relation to submissions which seek a change to an amendment, for—
- (a) considering submissions and, where necessary, referring the submissions to a panel; and
 - (b) providing assistance to a panel in accordance with section 158 of the Act; and
 - (c) making a submission to the panel in accordance with section 24(b) of the Act; and
 - (d) considering the report of the panel in accordance with section 27 of the Act; and
 - (e) after considering submissions and the report of the panel, abandoning the amendment in accordance with section 28 of the Act (if applicable)—
is \$798.
- (3) The additional fee for—
- (a) adopting an amendment or a part of an amendment in accordance with section 29 of the Act; and
 - (b) submitting the amendment for approval in accordance with section 31 of the Act—
is \$524.

- (4) The additional fee for—
- (a) considering whether to approve an amendment or part of an amendment in accordance with section 35 of the Act; and
 - (b) giving notice of approval of an amendment or part of an amendment in accordance with section 36 of the Act—

is \$798.

- (5) The fee prescribed in subregulation (1) is to be paid to the planning authority by the person who requested the amendment, at the time at which the amendment is requested.
- (6) The fee prescribed in subregulation (2) is to be paid to the planning authority by the person who requested the amendment, before the authority considers the submissions.
- (7) The fee prescribed in subregulation (3) is to be paid to the planning authority by the person who requested the amendment, before the authority adopts the amendment.
- (8) The fee prescribed in subregulation (4) is to be paid to the Minister by the person who requested the amendment—
- (a) when the amendment is submitted to the Minister for approval; or
 - (b) if the Minister has been requested to prepare the amendment, at the time the request is made.

7 Fees for applications for permits under section 47

For the purposes of section 47(1)(b) of the Act, the prescribed fee for an application for a permit, other than an application under section 96(1) of the Act, is the fee specified in Column 2 of the following Table corresponding to that class of application in Column 1 of the Table.

Table

<i>Column 1</i>		<i>Column 2</i>
<i>Class of application</i>		<i>Fee</i>
Class 1	An application for use only.	\$502
Class 2	An application (other than an application to subdivide land) to— (a) develop land for a single dwelling per lot; or (b) use and develop land for a single dwelling per lot; or (c) undertake development ancillary to the use of land for a single dwelling per lot— if the estimated cost of development included in the application is more than \$10 000 and not more than \$100 000.	\$239

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<i>Column 1</i>	<i>Column 2</i>
<i>Class of application</i>	<i>Fee</i>
<p>Class 3</p> <p>An application (other than an application to subdivide land) to—</p> <p>(a) develop land for a single dwelling per lot; or</p> <p>(b) use and develop land for a single dwelling per lot; or</p> <p>(c) undertake development ancillary to the use of land for a single dwelling per lot—</p> <p>if the estimated cost of development included in the application is more than \$100 000.</p>	\$490
<p>Class 4</p> <p>An application to develop land if the estimated cost of development included in the application is \$10 000 or less, other than—</p> <p>(a) an application to undertake development ancillary to the use of land for a single dwelling per lot; or</p> <p>(b) an application to subdivide land.</p>	\$102

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<i>Column 1</i>		<i>Column 2</i>
<i>Class of application</i>		<i>Fee</i>
Class 5	An application to develop land if the estimated cost of development included in the application is more than \$10 000 and not more than \$250 000, other than— (a) a Class 2 or Class 3 application; or (b) an application to subdivide land.	\$604
Class 6	An application to develop land if the estimated cost of development included in the application is more than \$250 000 and not more than \$500 000, other than— (a) a Class 3 application; or (b) an application to subdivide land.	\$707
Class 7	An application to develop land if the estimated cost of development included in the application is more than \$500 000 and not more than \$1 000 000, other than— (a) a Class 3 application; or (b) an application to subdivide land.	\$815

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<i>Column 1</i>		<i>Column 2</i>
<i>Class of application</i>		<i>Fee</i>
Class 8	An application to develop land if the estimated cost of development included in the application is more than \$1 000 000 and not more than \$7 000 000, other than— (a) a Class 3 application; or (b) an application to subdivide land.	\$1153
Class 9	An application to develop land if the estimated cost of development included in the application is more than \$7 000 000 and not more than \$10 000 000, other than— (a) a Class 3 application; or (b) an application to subdivide land.	\$4837
Class 10	An application to develop land if the estimated cost of development included in the application is more than \$10 000 000 and not more than \$50 000 000, other than— (a) a Class 3 application; or (b) an application to subdivide land.	\$8064

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<i>Column 1</i>	<i>Column 2</i>	
<i>Class of application</i>	<i>Fee</i>	
Class 11	An application to develop land if the estimated cost of development included in the application is more than \$50 000 000, other than— (a) a Class 3 application; or (b) an application to subdivide land.	\$16 130
Class 12	An application to subdivide an existing building.	\$386
Class 13	An application, other than a Class 12 application, to subdivide land into 2 lots.	\$386
Class 14	An application to effect a realignment of a common boundary between lots or to consolidate 2 or more lots.	\$386
Class 15	An application to subdivide land, other than a Class 12, Class 13 or Class 14 application.	\$781

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<i>Column 1</i>	<i>Column 2</i>	
<i>Class of application</i>	<i>Fee</i>	
Class 16	<p>An application to remove a restriction (within the meaning of the Subdivision Act 1988) over land if the land has been used or developed for more than 2 years before the date of the application in a manner which would have been lawful under the Act but for the existence of the restriction.</p>	\$249
Class 17	<p>An application (other than a Class 16 application) to—</p> <p>(a) create, vary or remove a restriction within the meaning of the Subdivision Act 1988; or</p> <p>(b) create or remove a right of way.</p>	\$541
Class 18	<p>An application to—</p> <p>(a) create, vary or remove an easement other than a right of way; or</p> <p>(b) vary or remove a condition in the nature of an easement (other than a right of way) in a Crown grant.</p>	\$404

8 Composite fee for combined permit applications

The prescribed fee for an application for any combination of matters set out in separate classes in the Table in regulation 7 is the sum of—

- (a) the highest of the fees which would have applied if separate applications had been made; and
- (b) 50 per cent of each of the other fees which would have applied if separate applications had been made.

9 Fee for request to amend an application for a permit or an application for an amendment to a permit

- (1) For the purposes of section 57A(3)(a) of the Act, the prescribed fee for a request to amend an application for a permit after notice of the application has been given under section 52 of the Act is \$102 for every class of application (other than a class 4 application) set out in the Table in regulation 7.
- (2) For the purposes of section 57A(3)(a) of the Act, the prescribed fee for a request to amend an application to amend a permit after notice of the application has been given under section 52 of the Act is \$102 for every class of application (other than a class 5 application) set out in the Table in regulation 10.

10 Fees for applications to amend permits under section 72

The prescribed fee for an application to amend a permit under section 72 of the Act is the fee specified in Column 2 of the following Table corresponding to that class of application specified in Column 1 of the Table.

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Table

<i>Column 1</i>	<i>Column 2</i>
<i>Class of application</i>	<i>Fee</i>
Class 1	An application to amend a permit to use land if that amendment is to change the use for which the land may be used. \$502
Class 2	An application to amend a permit (other than a permit to develop land or to use and develop land for a single dwelling per lot or to undertake development ancillary to the use of the land for a single dwelling per lot)— (a) to change the statement of what the permit allows; or (b) to change any or all of the conditions which apply to the permit; or (c) in any way not otherwise provided for in this regulation. \$502
Class 3	An application to amend a permit (other than a permit to subdivide land) to— (a) develop land for a single dwelling per lot; or (b) use and develop land for a single dwelling per lot; or \$239

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<i>Column 1</i>	<i>Column 2</i>
<i>Class of application</i>	<i>Fee</i>
Class 4	<p>(c) undertake development ancillary to the use of land for a single dwelling per lot—</p> <p>if the estimated cost of any additional development to be permitted by the amendment is more than \$10 000 and not more than \$100 000.</p> <p>An application to amend a permit (other than a permit to subdivide land) to—</p> <p>(a) develop land for a single dwelling per lot; or</p> <p>(b) use and develop land for a single dwelling per lot; or</p> <p>(c) undertake development ancillary to the use of land for a single dwelling per lot—</p> <p>if the estimated cost of any additional development to be permitted by the amendment is more than \$100 000.</p>
	\$490

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<i>Column 1</i>		<i>Column 2</i>
<i>Class of application</i>		<i>Fee</i>
Class 5	An application to amend a permit to develop land if the estimated cost of any additional development to be permitted by the amendment is \$10 000 or less, other than the following permits— (a) a permit to undertake development ancillary to the use of the land for a single dwelling per lot where the total estimated cost of the development originally permitted and the additional development to be permitted by the amendment is not more than \$10 000; (b) a permit to subdivide land.	\$102
Class 6	An application (other than a Class 3 or a Class 4 application) to amend a permit if the estimated cost of any additional development to be permitted by the amendment is more than \$10 000 and not more than \$250 000.	\$604

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<i>Column 1</i>		<i>Column 2</i>
<i>Class of application</i>		<i>Fee</i>
Class 7	An application (other than a Class 4 application) to amend a permit if the estimated cost of any additional development to be permitted by the amendment is more than \$250 000 and not more than \$500 000.	\$707
Class 8	An application (other than a Class 4 application) to amend a permit if the estimated cost of any additional development to be permitted by the amendment is more than \$500 000.	\$815
Class 9	An application to amend a permit to— (a) subdivide an existing building; or (b) subdivide land into 2 lots; or (c) effect a realignment of a common boundary between lots or to consolidate 2 or more lots.	\$386

11 Composite fee for combined application to amend permit

The prescribed fee for an application to amend a permit for any combination of matters set out in separate classes in the Table in regulation 10 is the sum of—

- (a) the highest of the fees which would have applied if separate applications to amend the permit had been made; and

- (b) 50 per cent of each of the other fees which would have applied if separate applications to amend the permit had been made.

12 Combined permit application and planning scheme amendment fee

- (1) For the purposes of section 96A(4)(a) of the Act, the prescribed fee for an application for a permit combined with a request for amendment to a planning scheme is the sum of—
 - (a) the higher of the fees which would have applied if separate applications had been made; and
 - (b) 50 per cent of the lower of the fees which would have applied if separate applications had been made.
- (2) If the application for a permit referred to in subregulation (1) is for any combination of matters set out in separate classes in the Table in regulation 7, the fee for the permit for the purposes of the calculation under subregulation (1) is the highest of the fees which would have applied if separate applications for permits had been made.

13 Fee for application for certificates of compliance

For the purposes of section 97N(2) of the Act, the prescribed fee for an application for a certificate of compliance is \$147.

14 Fee for application for planning certificates

For the purposes of section 198(2) of the Act, the prescribed fee for an application for a planning certificate is \$18.20.

15 Fee for determining whether anything has been done to the satisfaction of a responsible authority, Minister, public authority, municipal council or a referral authority

- (1) If a planning scheme specifies that a thing must be done to the satisfaction of a responsible authority, Minister, public authority, municipal council or a referral authority, the prescribed fee for determining if the thing has been done satisfactorily is \$102.
- (2) The person who seeks the determination under subregulation (1) must pay the fee for that determination.

16 Power to waive or rebate fee other than fee relating to amendment to a planning scheme

A responsible authority or the Minister may wholly or in part waive or rebate the payment of a fee that the authority or the Minister has received or is entitled to receive in connection with matters other than an amendment to a planning scheme, if—

- (a) an application is withdrawn and a new application is submitted; or
- (b) an application is for land used exclusively for charitable purposes; or
- (c) in the opinion of the responsible authority or the Minister the payment of the fee is not warranted because of the minor nature of the consideration of the matter decided or to be decided; or
- (d) in the opinion of the responsible authority or the Minister the payment of the fee is not warranted because the application or determination imposes on the authority or the Minister no appreciable burden or a

- lesser burden than usual for supplying that service; or
- (e) in the opinion of the responsible authority or the Minister the application or determination assists—
- (i) the proper development of the whole or part of the State, region or municipal district; or
 - (ii) the preservation of buildings or places in the State, region or municipal district that are of historical or environmental interest.

17 Power to waive or rebate fee relating to amendment of a planning scheme

A planning authority or the Minister may wholly or in part waive or rebate the payment of a fee for considering a request to amend a planning scheme or carry out any other stage of the process for amending a planning scheme if—

- (a) a request to amend a planning scheme, to consider submissions relating to an amendment or to approve an amendment has been withdrawn and a new request submitted; or
- (b) the amendment combines into one amendment separate items from multiple requests for an amendment to a planning scheme; or
- (c) in the opinion of the planning authority or the Minister—
 - (i) the amendment is intended to implement State, regional or local policy; or

- (ii) the amendment is intended to remove errors or anomalies in the planning scheme; or
- (iii) the request imposes on the planning authority or the Minister no appreciable burden or a lesser burden than usual for supplying that service; or
- (iv) the amendment rewrites and restructures the planning scheme so that it may be more readily understood, without changing the planning policy; or
- (v) the amendment implements a general review of the planning scheme, is to implement a new use or development strategy or is otherwise designed to upgrade and improve the planning scheme in the public interest; or
- (vi) the request has been made by a person or persons standing to gain no financial benefit from the amendment or the amendment is not intended to benefit financially an owner or owners of land.

18 Reasons for waiver or rebate of fee to be recorded

If a planning authority, responsible authority or the Minister waives or rebates the payment of a fee in accordance with regulation 16 or 17, the matters taken into account and that formed the basis of the decision to waive or rebate the fee must be recorded in writing by the authority or the Minister (as the case requires).

19 Expiry

These Regulations expire on 14 October 2016.

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Planning and Environment (Fees) Interim Regulations 2015, S.R. No. 116/2015 were made on 13 October 2015 by the Lieutenant-Governor as the Governor's deputy with the advice of the Executive Council under sections 202 and 2013 of the **Planning and Environment Act 1987**, No. 45/1987 and came into operation on 15 October 2015: regulation 3.

The Planning and Environment (Fees) Interim Regulations 2015 will expire on 14 October 2016: see regulation 19.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule.

This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms.

See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

2 Table of Amendments

There are no amendments made to the Planning and Environment (Fees) Interim Regulations 2015 by statutory rules, subordinate instruments and Acts.

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Reg. 4: S.R. No. 163/2014.