

Version No. 001
Planning and Environment (Fees)
Regulations 2000

S.R. No. 72/2000

Version as at 1 August 2000

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1. Objectives

The objectives of these Regulations are—

- (a) 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
- (b) to prescribe fees for amendments to planning schemes; and
- (c) to prescribe fees for considering applications for permits; and
- (d) to prescribe fees for considering combined permit applications; and
- (e) to prescribe fees for considering combined amendments to planning schemes and permit applications; and
- (f) to prescribe fees for considering certificates of compliance; and
- (g) to prescribe the fee for planning certificates; and
- (h) 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 section 203 of the **Planning and Environment Act 1987**.

3. Commencement

These Regulations come into operation on 1 August 2000.

4. Revocation

The Planning and Environment (Fees) Regulations 1998¹ are **revoked**.

5. Reference to the Planning and Environment Act 1987

A reference in these Regulations to a section is a reference to a section of the **Planning and Environment Act 1987** unless a contrary intention appears.

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 **Planning and Environment Act 1987**; 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—

is \$700.

(2) The additional fee for—

- (a) considering submissions which seek a change to an amendment, and where necessary referring the submissions to a panel; and

- (b) providing assistance to a panel in accordance with section 158; and
- (c) making a submission in accordance with section 24(b); and
- (d) considering the report in accordance with section 27; and
- (e) after considering submissions and the report in accordance with section 27, if applicable, abandoning the amendment in accordance with section 28—

is \$700.

- (3) The additional fee for—

- (a) adopting an amendment or a part of an amendment in accordance with section 29; and
- (b) submitting the amendment for approval in accordance with section 31—

is \$460.

- (4) The additional fee for—

- (a) considering a request to approve an amendment in accordance with section 35; and
- (b) giving notice of approval of an amendment in accordance with section 36—

is \$700.

- (5) The fee prescribed in sub-regulation (1) is to be paid to the planning authority by the person who requested the amendment, at the time of making the request.

- (6) The fee prescribed in sub-regulation (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 sub-regulation (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 sub-regulation (4) is to be paid to the Minister by the person who requested the amendment when the amendment is submitted to the Minister for approval.

7. Applications for permits under section 47

The fee for an application for a permit under section 47, other than an application under section 96(1), is the fee set out for an application of that particular class as follows:

<i>Class of application</i>		<i>Fee</i>
Class 1	An application for use only.	\$440
Class 2	An application (other than an application to subdivide land) 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 if the estimated cost of development included in the application is more than \$10 000 and not more than \$100 000.	\$210

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<i>Class of application</i>	<i>Fee</i>
Class 3 An application (other than an application to subdivide land) 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 if the estimated cost of development included in the application is more than \$100 000.	\$430
Class 4 An application, other than— (a) an application to undertake development ancillary to the use of the land for a single dwelling per lot; or (b) an application to subdivide land— to develop land if the estimated cost of development included in the application is \$10 000 or less.	\$90
Class 5 An application, other than— (a) a Class 2 application; or (b) a Class 3 application; or (c) an application to subdivide land— to develop land if the estimated cost of development included in the application is more than \$10 000 and not more than \$250 000.	\$530

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<i>Class of application</i>		<i>Fee</i>
Class 6	<p>An application, other than—</p> <p>(a) a Class 3 application; or</p> <p>(b) an application to subdivide land—</p> <p>to develop land if the estimated cost of development included in the application is more than \$250 000 and not more than \$500 000.</p>	\$620
Class 7	<p>An application, other than—</p> <p>(a) a Class 3 application; or</p> <p>(b) an application to subdivide land—</p> <p>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.</p>	\$715
Class 8	<p>An application, other than—</p> <p>(a) a Class 3 application; or</p> <p>(b) an application to subdivide land—</p> <p>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.</p>	\$1010

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<i>Class of application</i>		<i>Fee</i>
Class 9	An application, other than— (a) a Class 3 application; or (b) an application to subdivide land— 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.	\$4235
Class 10	An application, other than— (a) a Class 3 application; or (b) an application to subdivide land— 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.	\$7060
Class 11	An application, other than— (a) a Class 3 application; or (b) an application to subdivide land— to develop land if the estimated cost of development included in the application is more than \$50 000 000.	\$14 120
Class 12	An application to subdivide an existing building.	\$340
Class 13	An application, other than a Class 12 application, to subdivide land into two lots.	\$340
Class 14	An application to effect a realignment of a common boundary between lots or to consolidate two or more lots.	\$340

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<i>Class of application</i>	<i>Fee</i>
Class 15 An application, other than— (a) a Class 12 application; or (b) a Class 13 application; or (c) a Class 14 application— to subdivide land.	\$685
Class 16 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 applications in a manner which would have been lawful under the Planning and Environment Act 1987 but for the existence of the restriction.	\$220
Class 17 An application, other than a Class 16 application, to— (a) create vary or remove a restriction within the meaning of the Subdivision Act 1988 ; or (b) create or remove a right of way.	\$475
Class 18 An application, other than a Class 16 application, to— (a) create vary or remove an easement other than a right of way; or (b) to vary or remove a condition in the nature of an easement other than a right of way in a Crown grant.	\$355

8. Combined permit applications

The fee for an application for any combination of use, development other than subdivision, subdivision and any matter referred to in Classes 16, 17 or 18 is the sum arrived at by adding the highest of the fees which would have applied if separate applications had been made plus 50% of each of the other fees which would have applied if separate applications had been made.

9. Combined permit application and planning scheme amendment

- (1) The fee for an application for a planning permit combined with a request for amendment of a planning scheme, made in accordance with section 96A, is the sum arrived at by adding the higher of the fees plus 50% of the lower of the fees which would have applied if separate applications had been made.
- (2) If the application for a planning permit referred to in sub-regulation (1) is for any combination of use, development other than subdivision, subdivision and any matter referred to in Classes 16, 17 or 18, the fee for the planning permit for the purposes of the calculation under sub-regulation (1) is the higher of the fees which would have applied if separate applications for planning permits had been made.

10. Certificates of Compliance

The fee for an application for a certificate of compliance under section 97N is \$130.

11. Fees to accompany applications for planning certificates under section 198

The fee for an application for a planning certificate under section 198 is \$16.

12. Determining whether anything has been done to the satisfaction of a responsible authority, Minister, public authority, municipal council or a referral authority

If a planning scheme specifies that a matter must be done to the satisfaction of a responsible authority or a referral authority, the fee for determining that matter is \$90.

13. Power to waive or rebate the payment of a fee

(1) A responsible authority or the Minister may waive or rebate the payment of a fee, in connection with matters other than an amendment to a planning scheme, in the following circumstances—

- (a) if an application is withdrawn and a new application is submitted; or
- (b) if in the opinion of the authority or the Minister the payment of the prescribed fee is not warranted because—
 - (i) of the minor nature of the consideration of the matter decided; or
 - (ii) in the opinion of the authority the application or determination imposes on the authority no appreciable burden; or
 - (iii) in the opinion of the authority the application or determination imposes on the authority a lesser burden than usual; or
- (c) if in the opinion of the authority or the Minister the application or determination assists—
 - (i) the proper development of the State, region or municipal district; or

- (ii) the proper development of part of the State, region or municipal district; or
 - (iii) the preservation of buildings or places in the State, region or municipal district which are of historical or environmental interest; or
 - (iv) an application is for land used exclusively for charitable purposes.
- (2) A planning authority or the Minister may waive or rebate the payment of a fee for an application for amendment to a planning scheme in the following circumstances—
- (a) if the application is intended to implement State, regional or local policy;
 - (b) if the application is intended to remove errors or anomalies in the planning scheme;
 - (c) if the application imposes on the authority or Minister no appreciable burden or a lesser burden than usual for supplying that service;
 - (d) if an application to amend a planning scheme, to consider submissions, or to approve an amendment has been withdrawn and a new application submitted;
 - (e) if the application rewrites and restructures the scheme so that it may be more readily understood, without changing the planning policy;
 - (f) if the application 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 scheme in the public interest;
 - (g) if the application combines more than one separate item into one amendment;

- (h) if the application has been made by a person or group of persons standing to gain no financial benefit from the amendment, or is not intended to benefit financially an owner or group of owners or is otherwise in the public interest.
 - (3) If a planning authority, responsible authority or Minister waives or rebates the payment of a fee in accordance with this regulation the matters taken into account and which formed the basis of the decision to waive or rebate the fee must be recorded in writing.
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ENDNOTES

1. General Information

The Planning and Environment (Fees) Regulations 2000, S.R. No. 72/2000 were made on 25 July 2000 by the Governor in Council under section 203 of the **Planning and Environment Act 1987**, No. 45/1987 and came into operation on 1 August 2000: regulation 3.

The Planning and Environment (Fees) Regulations 2000 will sunset 10 years after the day of making on 25 July 2010 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

There are no amendments made to the Planning and Environment (Fees) Regulations 2000 by statutory rules, subordinate instruments and Acts.

3. Explanatory Details

¹Reg. 4: S.R. No. 168/1998.