

DAF Benchmarking Key Indicators – Development Assessment Fees

STAGE 2 OF THE PLANNING LIFECYCLE: ASSESSMENT

Clear requirements and criteria for submitting and assessing an application should be available at the outset to ensure appropriate outcomes.

Leading Practice Four: Track-Based Assessment

Development applications should be streamed into an assessment ‘track’ that corresponds with the level of assessment required to make an appropriately informed decision. The criteria and content for each track is standard.

Adoption of any track is optional in any jurisdiction, but should remain consistent with the model if used.

QUALITATIVE DATA:

	Context	SA	WA	VIC	ACT	NSW	QLD
1.	Are there set development application fees?	Yes	Yes.	Yes	Yes	Yes	Yes
2.	Are they uniform throughout the state/territory?	Yes	Yes.	Yes	Yes	Yes	No
3.	Who sets the fees for land use applications: a) Minister? b) Individual Councils? c) Other?	Minister for Urban Development and Planning via Regulations	Minister for Planning and Infrastructure through Regulations.	The Governor in Council in accordance with the Planning and Environment (Fees) Regulations (2000)	Minister for Planning via determination [legislative instrument]	<ul style="list-style-type: none"> Minister for Planning in EP&A Regulations Councils can charge additional “service” fees under the Local Government Act Certifiers for complying development can develop their own fee regime 	Individual councils and concurrence agencies
4.	Who sets the fees for land division applications: ▪ Minister? ▪ Individual Councils? ▪ Other?	Minister for Urban Development and Planning via Regulations	Minister for Planning and Infrastructure through Regulations.	The Governor in Council in accordance with the Planning and Environment (Fees) Regulations (2000)	Minister for Planning via determination	Minister for Planning in EP&A Regulations Councils can charge “service” fees under the Local Government Act	Individual councils
5.	Where are the fees set out: • Planning scheme? • Regulations? • Other?	Development Regulations	Local government development assessment fees are set out in the Planning and Development (Local Government	Planning and Environment (Fees) Regulations (2000).	D1 2008 – J7 Planning and Development Fees Determination 2008	EP&A Regulations for Part 4 & 3A Council Websites for their fees Certifiers develop their own	By resolution of the council or in a regulation under the Act for concurrence agencies

DAF Benchmarking Key Indicators – Development Assessment Fees

	Context	SA	WA	VIC	ACT	NSW	QLD
			<p>Planning Fees) Regulations 2000. Refer Attachment 1.</p> <p>The Western Australian Planning Commission's (WAPC) subdivision application fees are made under the <i>Planning and Development Act 2005</i> and the <i>Strata Titles Act 1985</i> and associated regulations, and published in the Gazette. Refer Attachments 2a and 2b.</p>		No. 3	fees	

	Procedures	SA	WA	VIC	ACT	NSW	QLD
1.	<p>What is the basis of the fee structure:</p> <ul style="list-style-type: none"> a) Different for each assessment path? b) Based on the level of complexity of assessment? c) Based on the value of the development? d) Other? 	Fees are based on level of complexity of assessment and the capital value.	<p>Local government development assessment fees are based on a sliding scale that is linked to the estimated cost of development.</p> <p>The WAPC's subdivision application fees are comprised of a base rate and a sliding scale fee per lot which varies depending on the number of allotments being created.</p>	Fees are <i>theoretically</i> based on level of complexity of assessment and the capital value, but this is not expressly specified under the Regulations.	Impact track fees specified separately. Otherwise based on cost of works (capital value of development)	Fees are set based on \$ capital value of the development excluding land value + fixed additional fees + "Planning Reform" fee which is a % of the DA fee based on capital value.	Varies for each council
2.	<p>Is there a suite of set fees, such as:</p> <ul style="list-style-type: none"> a) Application fee? b) Statutory referral fee? c) Concurrence fee? 	There is a state-wide specified fee level for applications, referrals and concurrence. Public notification is based on cost recovery plus and administration component.	<ul style="list-style-type: none"> a) Yes. b) N/A. c) N/A. d) The costs and expenses of advertising a development application and advertising matters related to the application 	There are a suite of fees. Refer to the attached schedules.	See determination Application fees Public notification fees Amendment fees	<p>Suite of fees – Part 3A and Part 4 Application fees plus additional fees</p> <ul style="list-style-type: none"> 1. If advertising the DA 2. if agency approvals or concurrences 3. if designated development 	No

DAF Benchmarking Key Indicators – Development Assessment Fees

	Procedures	SA	WA	VIC	ACT	NSW	QLD
	a) Public notification fee? b) Other?		are payable by an applicant if incurred by a local government on the applicant's behalf. In all other instances the applicant is responsible for advertising costs. There is no public advertising in respect of subdivision applications which are determined by the WAPC. e) N/A.			4. if construction certificate 5. if subdivisions 6. Planning Reform Fee	
3.	Can an applicant be sure of the assessment fee before submitting the application to the relevant authority?	Yes, as the fees are set out in the Regulations but in most cases councils confirm the fees as it depends on the extent of statutory referrals required.	In the case of local government development assessment fees, no. Although fees are set out in the Regulations, the following additional costs and expenses, which may be incurred by a local government in processing a development application, 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	Yes, as the fees are set out in the Regulations.	Yes – See determination	Yes as to the fees under the EP&A Regulation but councils can charge "service" fees under the Local Government Act – these tend to be based on a schedule on the Councils website.	Yes, may need to contact council to confirm fees

DAF Benchmarking Key Indicators – Development Assessment Fees

	Procedures	SA	WA	VIC	ACT	NSW	QLD
			<p>equipment such as computer modeling; (e) Costs and expenses of specialist advice required in relation to the application, for example, advice in relation to heritage matters.</p> <p>In the case of the WAPC's subdivision application fees, yes. The fees are set out in the Gazette notice and there are no other additional costs and expenses that could be incurred.</p>				
4.	<p>If the application fee is made up of fees to the council and referral fees to agencies:</p> <p>c) Does the applicant pay a single fee at the point of lodgement with distribution by the council?</p> <p>d) Does the applicant pay the council and the referral body separately?</p> <p>e) Other?</p>	The applicant pays the council a single fee and there is a distribution of funds between the council and agencies on a quarterly basis.	No application fees in Western Australia are split between the decision-maker and referral agencies.	N/A	No	The applicant pays the council a single fee and council forwards the appropriate fee to the agency	The applicant pays the council and concurrence agencies separately
5.	Are there any development application types that do not require a payable fee?	Crown development and the council applications do not attract a fee in order to avoid cross charging between levels of government.	No.	Yes – development under \$10,000.	No	No	Unknown for Council applications Yes for some concurrence agencies

DAF Benchmarking Key Indicators – Development Assessment Fees

	Procedures	SA	WA	VIC	ACT	NSW	QLD
6.	Who retains the fees when: a) The council is the decision making body? b) A state statutory body is the decision making body? c) The Minister is the decision making body?	a) Council retains the fee when it is the decision making body. b) & c) Planning SA retain the fee as it is responsible for providing advice to both the Development Assessment Commission and the Minister.	a) The council. b) The state statutory body (i.e. WAPC). c) N/A.	The decision making body retains the fees.	Territory Revenue & Treasury	(a) Council when consent authority (b) Dept of Planning when Dept or Minister is the approval authority	Each agency retains the fees it collects from the applicant
7.	Are the fees reviewed on a regular basis in regard to: a) Inflation? b) An overall review?	a) All fees are re-gazetted for 1 July each year in line with CPI b) Fees are reviewed on an irregular basis	Regulation 17 of the Planning and Development (Local Government Planning Fees) Regulations 2000 requires that the regulations (and fees) be reviewed within 12 months of their coming into operation. The fees were reviewed in mid-2007 to reflect the CPI increase since they came into effect (17%). The WAPC reviews its fees annually, largely to take into account inflation.	a) Inflation: For the past 3 years, on a yearly basis, with the intention that this frequency will continue. b) An overall review: Every 10 years	CPI, Reviewed annually	About every 5 years – we are due for a review of the Part 4 fees.	Unknown
8.	Are the development application fees based on: d) A single fee structure such as value or type of use? e) The sum of various development assessment fee	The development application fee is calculated for each application after adding the various relevant components set out in the Regulations. Thus a simple application is cheaper than a complex application even if it is of a similar capital value.	The development application fee is calculated on the basis of the value of the proposed development. Any additional costs and expenses, which may be incurred by a local government in processing a development application, are payable by the applicant in addition to the	The development application fees are generally based on a single fee structure based on a fee value for a type, and in some cases, value of development. Where a proposal involves more than one 'class' of application, the fee is	Single fee structure as per determination	Under the EP&A Regulation, a single fee is charged which includes one or more component fees	The sum of various development assessment fee components – but each component is paid separately

DAF Benchmarking Key Indicators – Development Assessment Fees

	Procedures	SA	WA	VIC	ACT	NSW	QLD
	components?		<p>development application fee:</p> <p>(a) costs and expenses of advertising the application and advertising matters related to the application;</p> <p>(b) costs and expenses of any specific assessment that is required in relation to the application, for example, environmental assessment;</p> <p>(c) costs and expenses of consultation procedures required in relation to the application;</p> <p>(d) costs and expenses of technical resources and equipment such as computer modeling;</p> <p>(e) Costs and expenses of specialist advice required in relation to the application, for example, advice in relation to heritage matters.</p>	calculated by: the sum arrived at by adding the highest of the fees plus 50% of each of the other fees which would have applied if separate applications had been made.			
9.	Is there a separate fees structure for Major Developments/Impact/EI S assessment?	Yes, the fee per capital value is higher as this requires a higher level of assessment compare to standard applications.	No. Major developments would be subject to any fees payable under the different approval regimes applying to it.	<p>No, but there is a sliding scale of fees for development that addresses the higher level of assessment needed for major development:</p> <p>≤ \$10,000</p> <p>\$10,001 -</p> <p>\$250,001 -</p> <p>\$500,001 -</p> <p>\$1,000,001 -</p> <p>\$7,000,001 -</p> <p>\$10,000,001 -</p> <p>> \$50,000,001</p>	<p>Yes.</p> <p>Major Impact \$26,600</p> <p>Minor Impact \$ 10,000</p> <p>Plus cost of work, component in some cases</p>	<p>Yes</p> <p>Part 3A has its own regime</p> <p>Part 4 Designated development (needs EIS on any grounds) is the regular DA plus additional charge</p>	IPA chpt part 8 (EIS process) requires a fee to be paid by the applicant when applying for terms of reference for the EIS

DAF Benchmarking Key Indicators – Development Assessment Fees

	Procedures	SA	WA	VIC	ACT	NSW	QLD
10.	Are additional fees incurred on the base amount if assessment against building rules is required?	Yes these building rules consent fees are set out in the same Schedule in the Regulations.	N/A.	N/A – Assessment under the Building Regulations is addressed completely separately from the planning process.	N/A	There is a separate construction certificate fee.	Varies between councils
11.	Is there a requirement that the application fee is: <ul style="list-style-type: none"> a) Paid in full at the time of submitting the application? b) Paid in stages prior to a decision being made? c) Other 	An application is not formally lodged until the basic fee is paid and a decision on the application does not need to be made until all of the subsequent fees for referrals etc have been paid.	As a matter of law an application is not formally lodged until the relevant fee is paid.	A – The fee must be paid in full at the time of submitting the application.	Paid in full at time of submitting application	The application is not formally lodged without the fees.	Fee must be paid in full for application to be properly made
12.	Are refunds given to the applicant if they withdraw their application: <ul style="list-style-type: none"> • Part way through the assessment process? • Prior to a decision being made? 	No refunds are usually provided unless they relate to declared Major Developments which attract a significantly higher application fee.	Refunds in whole or in part are possible at any stage of the process. Regulation 14 of the Planning and Development (Local Government Planning Fees) Regulations 2000 specifically provides for local governments to waive or refund, in whole or in part, the payment of a fee.	Refunds are generally not given.	Refunds not given	Yes	Councils and concurrence agencies have the discretion to refund all or part of the fee paid to it
13.	Who has the power to waive or refund a fee?	Individual councils and their delegated staff have the decision, except where DAC or the Minister is the assessment body.	Individual councils and the WAPC.	A responsible authority or the Minister may waive or rebate the payment of a fee, (the matters taken into account and which formed the basis of the decision to waive or rebate the fee must be recorded in writing).	ACT Treasurer	Who ever is the approval authority	Council or concurrence agency if not delegated

DAF Benchmarking Key Indicators – Development Assessment Fees

QUANTATIVE DATA:

	Timelines	SA	WA	VIC	ACT	NSW	QLD
1.	When was the last major fee review implemented?	July 2007	In mid-2007 for both local government planning fees and the WAPC's subdivision application fees	1 st November 2007 (inflation)	2007 with gazettal of Planning and Development Act	In 2002 for Part 4 and 2007 for Part 3A	Unknown

	Indicators	SA	WA	VIC	ACT	NSW	QLD
1.	If fees are include a component based on capital value, what are the main capital value increments or plateaus?	\$10,000, \$100,000 and \$1,000,000	\$50,000, \$500,000, \$2.5 million, \$5 million, and \$21.5 million.	≤ \$10,000 \$10,001 - \$250,001 - \$500,001 - \$1,000,001 - \$7,000,001 - \$10,000,001 - > \$50,000,001	0 – 1500 1501 – 5000 5001 – 20 000 20 001 – 100 000 100 001 – 150 000 150 001 – 200 000 200 001 – 250 000 250 001 – 500 000 500 001 – 1 mill 1 mill – 10 mill > 10 mill	Part 3A – gradation to \$400M Part 4 – gradation to \$10M	Unknown
2.	What would be the fees for a detached dwelling which: <ul style="list-style-type: none"> Is a complying form of development with a capital value of \$300,000; and Is not subject to any referrals or concurrences; and Is not subject to any public notification? 	Base fee \$46.75 <ul style="list-style-type: none"> No assessment charge due to complying development No charge No charge Total Cost = \$46.75	No fee as this type of development does not require the planning approval of the local government under Clause 8.2(b) of the <i>Model Scheme Text</i> (Appendix B of the Town Planning Regulations 1967).	No fee would apply, as a planning permit would not be required.	No fee if exempt development If code – Assessable \$863.10	(a1) depends on fee regime of certifier issuing the certificate (a2) if DA to council, then \$1,270	Unknown
3.	What would be the fees for a detached dwelling which: <ul style="list-style-type: none"> Is a complying form of development with a capital value of \$500,000; and Is not subject to any referrals or concurrences; and Is not subject to any 	Base fee \$46.75 <ul style="list-style-type: none"> No assessment charge due to complying development 	No fee as this type of development does not require the planning approval of the local government under Clause 8.2(b) of the <i>Model Scheme Text</i> (Appendix B of the Town Planning Regulations 1967).	No fee would apply, as a planning permit would not be required.	No fee if exempt development. If code assessable \$863.10	a1) depends on fee regime of certifier issuing the certificate (a2) if DA to council, then \$1,745	Unknown

DAF Benchmarking Key Indicators – Development Assessment Fees

	Indicators	SA	WA	VIC	ACT	NSW	QLD
	public notification?	<ul style="list-style-type: none"> No charge No charge <p>Total = \$46.75</p>					
4.	<p>What would be the fee for a warehouse which:</p> <ul style="list-style-type: none"> Is a merit form of development with a capital value of \$800,000; and Is subject to referral to 3 statutory referral bodies; and Subject to public notification including a newspaper notice? 	<p>Base fee of \$46.75</p> <p>a) Development with a value over \$100,000 incurs 0.125% of development costs up to a total of \$200K = \$1,000</p> <p>And for development with building work at a cost of greater than \$5K = \$53</p> <p>b) Referrals for a development with a capital value of less than \$1,000,000 requires a fee of \$167 per referral body = $167 \times 3 =$ \$534</p> <p>c) Public notification costs = \$80 plus advertising fee at discretion of relevant authority to cover costs.</p> <p>Total Costs = \$1713.75 plus advertising</p>	<p>The fee is $\\$1,415 + 0.18\%$ for every \$1 in excess of \$500,000 + plus advertising cost.</p> <p>So, $\\$1,415 + \\$538.20 +$ advertising cost.</p> <p>Total = \$1,953.20 plus advertising.</p>	<p>\$768 (as a development valued between \$500,001 & \$1,000,000)</p> <p>Nil fees for referrals; and</p> <p>Based on individual councils' fee schedule for public notice.</p>	<p>Cost of work fee \$1568.64</p> <p>Public notification \$1045</p> <p>Total: \$2613.64</p>	<p>\$3,260 + \$750 for integrated approval authorities</p> <p>total \$4,010</p>	Unknown
5.	<p>What would be the fee for a thousand square metre shop which:</p> <ul style="list-style-type: none"> Is a non-complying/prohibited form of development with a capital value of \$1,000,000; and 	<ul style="list-style-type: none"> Base fee \$46.75 plus a Non-complying lodgement fee \$75; and Development Plan Assessment Fee for development with a value over \$100,000 	<p>If no immediate refusal occurs due to the application being for a prohibited development the fee is $\\$1,415 + 0.18\%$ for every \$1 in excess of \$500,000.</p>	<p>a) \$768 (although, as a prohibited development a permit cannot be issued)</p> <p>b) N/A</p> <p>c) Each council applies its own fees to notice procedures.</p>	<p>Prohibited development can be impact assessable if existing use right available.</p> <p>\$2000 fee + 1568.64 (cost of works) + 1045 (public notification)</p>		

DAF Benchmarking Key Indicators – Development Assessment Fees

	Indicators	SA	WA	VIC	ACT	NSW	QLD
	<ul style="list-style-type: none"> Is subject to referral to 3 statutory referral bodies; and Subject to public notification including a newspaper notice; and Subject to a concurrence? 	<p>incurs 0.125% of development costs up to a total of \$200K = \$1,250</p> <ul style="list-style-type: none"> A non-complying Development Assessment Fee (unless no assessment is to be undertaken due to an immediate refusal of the application) is 0.125% of the development cost, up to a maximum of \$200,000 for development with a value exceeding \$100,000 = \$1,250 Referrals for a development with a capital value of greater than \$1,000,000 requires a fee of \$278 each referral body = 278 x 3 = \$834 Public notification costs = \$80 plus advertising fee at discretion of relevant authority to cover costs. Concurrence fee to DAC = \$95 <p>Total = \$3,630.75 + advertising costs</p>	<p>So, \$1,415 + \$898.20.</p> <p>Total = \$2,313.20.</p>	<p>d) N/A</p> <p>+ certification fees under the Subdivision Regulations 2000 of \$100 + \$20 for each lot.</p>	<p>Total: \$4613.64</p>		
6.	What would be the fee for a merit land division/subdivision	<p>Base fee \$46.75</p> <ul style="list-style-type: none"> Division of allotments 	The fee for 2 lots up to and including 100 lots is \$1,295	\$364 is the standard fee to subdivide land	\$1573		

DAF Benchmarking Key Indicators – Development Assessment Fees

	Indicators	SA	WA	VIC	ACT	NSW	QLD
	which: <ul style="list-style-type: none"> Results in the creation of 1 allotment into 2 allotments; and Does not involve building work; and Is not subject to any referrals or concurrences; and Is not subject to any public notification? 	equals to greater than existing allotment numbers = \$110 <ul style="list-style-type: none"> a land division fee \$119 plus \$11.20 per allotment (up to a maximum of 472 allotments) = \$130.2 and a statement of Requirements fee of \$313 and a DAC Consultation Report Fee = \$156 and a Certificate of Approval Fee = \$261 No charge No charge Total = \$1016.95	plus \$30 per lot. $\$1,295 + 2 \times \$30.$ $\$1,295 + \$60.$ Total = \$1,355.	into two lots. + certification fees under the Subdivision Regulations 2000 of \$100 + \$20 for each lot.			
7.	What would be the fee for a merit land division/subdivision which: <ul style="list-style-type: none"> Results in the creation of 1 allotment into 20 allotments; and Does not involve building work; and Is not subject to any referrals or concurrences; and Is not subject to any public notification? 	Base fee \$46.75 <ul style="list-style-type: none"> Division of allotments equals to greater than existing allotment numbers = \$110 a land division fee \$119 plus \$11.20 per allotment (up to a maximum of 472 allotments) $11.2 \times 19 = \mathbf{\\$219 + 119 = 331.8}$; and a statement of Requirements fee of \$313 and a DAC Consultation Report Fee = \$156; a Certificate of Approval Fee = \$261 	The fee for 2 lots up to and including 100 lots is \$1,295 plus \$30 per lot. $\$1,295 + 20 \times \$30.$ $\$1,295 + \$600.$ Total = \$1,895.	\$736 is the standard fee for subdivision of land into more than two lots.	If the DA is for a Lease variation to subdivide one block into 20 blocks the fees would be: $\$1573.50$ Lease variation fee – includes first block $19 \times \$208.40$ – for the other 19 blocks $\$29$ – dial a search fee for the lease of the block that is to be subdivided $\$830$ – major notification fee Total = \$6392.10 If the DA is for a		

DAF Benchmarking Key Indicators – Development Assessment Fees

	Indicators	SA	WA	VIC	ACT	NSW	QLD
		Total = \$1218.55			<p>Subdivision Implementation Plan for 20 blocks the fees will be:</p> <p>Involving gazettal of roads \$502.90 plus 49 per block = \$1482.90 plus \$830 major notification fee = \$2312.90</p> <p>No new roads \$250.30 plus \$37.50 per block = \$1000.30 plus \$830 major notification fee = \$1830.30</p>		