

Planning Scheme Amendment fees and costs

Title	Planning Scheme Amendment fees and costs
Description	Deals with fees and costs associated with Planning Scheme Amendments including statutory fees and non-statutory fees and costs
Category	Planning
Type	Policy
Approval authority	Director, Planning and Place Making
Responsible officer	Senior Coordinator Strategic Planning
Approval date	
Review cycle	Every four years, with annual updates to the table of fees and costs
Review date	
Document Reference (Trim)	
Human Rights compatibility	This policy has been assessed and is compatible with the Victorian Charter of Human Rights of Responsibilities

1. Purpose

This policy is intended to ensure that an appropriate proportion of the costs of a Planning Scheme Amendment (**an Amendment**) are paid to Council by a proponent when the proponent has requested that Council prepare and exhibit the amendment. The costs that the proponent will be responsible for will be a mix of statutory fees set by the *Planning and Environment (Fees) Regulations 2016 (the Regulations)* and, where appropriate, contributions to additional costs incurred by Council.

2. Policy

This policy outlines the fees and costs incurred by Council in preparing an Amendment to the Yarra Planning Scheme (**the Scheme**) that will be required to be paid by a proponent where the Amendment has been prepared at the request of the proponent. Council is the Planning Authority for the Scheme and is responsible for all local changes to the Scheme.

When proponents apply to Council for an Amendment, they are responsible for the payment of statutory fees under regulation 6 of the Regulations. The Regulations include a table at regulation 6, setting out who must pay fees, who the fees are to be paid to, and at what time in the stage of an Amendment the fees must be paid. The fees set out in the Regulations are determined in accordance with the *Planning and Environment Act 1987 (the Act)*. These fees are updated annually by the State Department responsible for Planning Schemes (the Department of Environment, Land, Water and Planning (**DELWP**)).

These statutory fees must be paid to Council (including the fee Council must pay the Minister for the approval of an Amendment) before an Amendment proceeds to the next stage.

In addition to these statutory fees, Council commonly incurs further costs in processing and considering an Amendment. This can range from Panel costs to additional costs because the Amendment is particularly complex, large or involves technical issues. In these cases, Council may request that the proponent agree to pay these additional costs before the Amendment proceeds to the next stage so that Council's services and resources are not unduly burdened by the Amendment request.

The payment of these fees and costs in no way guarantees an outcome, including whether or not Council will support the Amendment. The payment of these fees and costs solely allows Council to appropriately allocate services and resources to processing the Amendment.

3. Fees and costs incurred by Council

There are various costs that Council will incur in the preparation of an Amendment. These are outlined in detail in the table attached to this policy. Further information about particular fees and costs is set out here.

Considering an Amendment request

When a proponent comes to Council with an Amendment request, Council will incur costs in considering the merits of that request. Some of these costs are covered by the statutory fees allocated to 'Stage 1' in the process for an Amendment under the Regulations. However in some cases, an Amendment will be particularly complex or involve technical issues. In these cases, Council may require legal advice or other independent technical input in order to consider the Amendment. Where these circumstances arise, Council will discuss these additional costs with the proponent when the Amendment is requested.

Exhibition – public notification

If Council decides to prepare an Amendment at the request of a proponent, this normally involves what the Act calls exhibition, or in common terms, notification. Notification provides an opportunity for public input and submissions about an Amendment.

Typical costs that Council incurs in the notification of an Amendment include:

- Notification by direct mail to the area affected; and
- Notices (advertisements) in a newspaper and the Government Gazette.

These are consistent with requirements set out in the Act. These costs must be paid to Council when a proponent requests the Amendment. In cases where an Amendment is particularly large or complex, and therefore requires extensive community consultation, the costs incurred by Council in conducting that consultation will be charged back to the proponent. Where these circumstances arise, Council will discuss these additional costs with the proponent when the Amendment is requested.

Panel costs

If Council receives submissions which ask for changes to an Amendment, the submissions will commonly be referred to an Independent Panel for consideration under the Act. The costs of the panel hearing (run by Planning Panels Victoria) are charged to Council, however, the proponent must reimburse Council for these costs before Council formally considers the Panel's report and makes a decision about the Amendment.

Other legal costs

In circumstances where an Amendment requires Council to seek legal advice or consider a legal document such as an agreement under section 173 of the Act between Council and the proponent or other parties, the proponent will be responsible for the legal costs Council incurs in seeking that legal advice and / or preparing, reviewing and executing the legal document. Where these circumstances arise, Council will discuss these additional costs with the proponent when the Amendment is requested or as the need arises during the course of the Amendment.

4. Related Documents

- Planning and Environment Act 1987
- Planning and Environment (Fees) Regulations 2016.

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Attachment – Table fees and costs for an Amendment

The table below sets out the particulars of the statutory fees and other costs that are commonly incurred by Council in preparing a Planning Scheme Amendment to the Yarra Planning Scheme at the request of a proponent.

The fees and costs set out here are not intended to be an exhaustive list of all costs which may be incurred. If there are additional fees and costs beyond those listed, they will be discussed with the proponent when the Amendment is requested, or at other appropriate times as the need arises during the course of the Amendment.

All of the fees and costs set out in this table must be paid to Council as the Planning Authority by the time specified. Until the relevant fees and costs are paid, Council will not undertake the steps associated with that stage of the Amendment process.

This table of fees and costs will be reviewed yearly, however, if there is any discrepancy between the fees in this table and the fees in the *Planning and Environment (Fees) Regulations 2016*, the fees in the Regulations prevail.

Stage	Components	Fee or cost	Time at which the fee or cost must be paid
Stage 1 – Preliminary assessment and exhibition	Statutory fees: <ul style="list-style-type: none"> Council's preliminary assessment of the Amendment request. Council's decision to prepare and exhibit the Amendment. Exhibition of the Amendment. Council's assessment of submissions which do not ask for changes to the Amendment. Potentially abandoning the Amendment (after exhibition). 	\$2,976.70 (206 fee units)	When the Amendment is requested
	Additional costs incurred by Council for large or complex matters: <ul style="list-style-type: none"> Direct mail notification above 200 mail items Legal advice (see Other legal costs in section 3 above) Community forums or information sessions convened by Council about the Amendment. Independent review of technical documents or studies provided to Council by the proponent. This 	<ul style="list-style-type: none"> \$5.60 per mail notification item Determined on a case by case basis as agreed with the proponent 	Before an Amendment is exhibited or as agreed by Council and the proponent

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Stage	Components	Fee or cost	Time at which the fee or cost must be paid
	may involve Council engaging an independent consultant.		
Stage 2 – Considering submissions and Panel	<p>Statutory fees: The fees for Council to consider submissions which ask for a change to the Amendment and refer them to a Panel vary with the number of submissions.</p> <p>The fees are:</p> <ul style="list-style-type: none"> Up to and including 10 submissions 11 to (and including) 20 submissions Submissions that exceed 20 submissions <p>These fees also cover Council:</p> <ul style="list-style-type: none"> providing assistance to a Panel; making a submission to a Panel; considering the panel's report; and after considering submissions and the Panel's report, abandoning the Amendment. 	<ul style="list-style-type: none"> \$14,753.50 (1021 fee units) \$29,478 (2040 fee units) \$39,405.20 (2727 fee units) 	Before Council considers the submissions
	<p>Additional costs incurred by Council for Panels:</p> <p>Planning Panels Victoria also charges Council as the Planning Authority for the costs of running a panel, including panel member fees and other associated hearing costs.</p>	These costs will be invoiced to the proponent as paid by Council	Before Council considers the Panel's report

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	These costs are invoiced to Council after the Panel hearing and Panel report are completed.		
Stage 3 – Adopting the Amendment and submitting it for approval	Statutory fees: <ul style="list-style-type: none"> Adopting the Amendment or part of the Amendment. Submitting the Amendment to the Minister for approval. Giving notice of the approval of the Amendment. 	\$469.60 (32.5 fee units)	Before Council considers adopting the Amendment
Stage 4 – Minister’s fees for request to approve the Amendment	Statutory fees: <ul style="list-style-type: none"> Consideration by the Minister of a request to approve the Amendment. Giving notice of approval of the Amendment. 	\$469.60 (32.5 fee units)*	Before Council submits the Amendment to the Minister for approval.

* This fee is paid directly by Council to the Minister when Council submits the Amendment to the Minister for approval.

Combined amendment and permit

Under regulation 14, if a combined permit and planning scheme amendment is prepared, under section 96A(4)(a) of the Act the statutory fee is:

The sum of the highest of the fees which would have applied if separate applications were made and 50% of each of the other fees which would have applied if separate applications were made.