

# CITY OF SUBIACO

## LOCAL PLANNING POLICY 7.2

### Refunding, Reducing and Waiving Planning Fees

#### ADMINISTRATIVE

Version	Date	Comment
1.0	19 June 2011	Original adoption
1.1	23 February 2021	Renumbered
2.0	13 May 2021	Review date
2.1	25 October 2022	Draft for public advertising
2.2	30 May 2023	Final adoption

#### AUTHORITY

- Planning and Development (Local Planning Schemes) Regulations 2015 (**LPS Regulations**);
- Planning and Development Regulations 2009 (**PD Regulations**); and
- City of Subiaco Local Planning Scheme No. 5 (**Scheme**)

#### STATUTORY BACKGROUND

This local planning policy (**the Policy**) is made pursuant to Schedule 2, Part 2, Division 2 of the LPS Regulations.

Planning fees are imposed in accordance with Part 7 and Schedule 2 of the PD Regulations. A local government is also permitted under regulation 49 to recover costs and expenses incurred in the provision of specified services.

The [Planning Services Fee Schedule](#) , adopted with the Council's annual budget, contains the fees set for the current financial year. The prescribed planning fees are a maximum amount and may be waived or refunded (in whole or part) under regulation 52.

This Policy applies in conjunction with the Scheme, the Residential Design Codes and any other relevant local planning policies.

#### PURPOSE

This Policy outlines the circumstances in which the City may refund, reduce or waive planning fees charged in accordance with the PD Regulations. This Policy does not apply to fees that are charged in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*.

#### APPLICATION

This Policy applies when planning fees are payable by applicants for planning services undertaken by the City of Subiaco.

## **POLICY**

### **1.0 Objectives**

- (a) to ensure that fees are appropriately waived, reduced and refunded in the applicable circumstances.
- (b) to remove financial barriers for owners of places within Heritage Areas or included on the Heritage List or the State Register of Heritage Places that are required to obtain development (planning) approval where they would otherwise be exempt from requiring said approval.
- (c) to ensure a consistent, efficient and equitable approach in the refunding, reducing and waiving of planning fees.
- (d) to encourage proponents to discuss development applications with adjoining owners and occupiers prior to lodgement.
- (e) to facilitate a collaborative and pro-active approach to community consultation for standard development applications.

### **2.0 Definitions**

- (a) The following terms are defined for the purpose of this Policy:

***Deemed Provisions*** means Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

***Form A*** means the pre-lodgement public consultation with adjoining neighbours form required for eligibility under clause 5 of this policy. Form A is contained in Attachment 1.

***Form B*** means the neighbour non-response form required in the event that an adjoining owner/occupier does not respond as per clause 5.1.4 of this policy. Form B is contained in Attachment 2.

***Heritage Grant*** means a successful grant provided through the City's Heritage Grant program to an applicant/owner of an eligible property.

***LPS Regulations*** means the *Planning and Development (Local Planning Schemes) Regulations 2015*.

***Planning Fees*** means the money charged by the City of Subiaco in accordance with the *PD Regulations 2009* for development application lodgement (processing) fees associated with that application. It does not include or extend to any other type of fee for planning service or function provided by the City of Subiaco. For the avoidance of any doubt, it does not include or extend to fees payable for public consultation.

***PD Act*** means the *Planning and Development Act 2005*.

<b><i>PD Regulations</i></b>	means the <i>Planning and Development Regulations 2009</i> .
<b><i>Reducing</i></b>	means to partly reduce the monetary value of the total required planning fee that is yet to be paid to the City.
<b><i>Refunding</i></b>	means to refund, in-part or whole, a planning fee that has already been paid to the City.
<b><i>Scheme</i></b>	means City of Subiaco <i>Local Planning Scheme No. 5 (LPS 5)</i> .
<b><i>Standard Development Application</i></b>	means any development application that does not meet the criteria for a complex application, as outlined in clause 4.1 of Local Planning Policy 7.3 – Public Consultation for Planning Proposals.
<b><i>Waiving</i></b>	means to waive a planning fee that would otherwise be required in accordance with City’s Planning Services and Fees Schedule.

- (b) All other terms, words and expressions used in this Policy have the same meaning as they have in the Scheme.

### **3.0 Planning Fees Concession**

- 3.1 An application for a 50% reduction of the applicable planning fees may be approved where the applicant is a not-for-profit organisation and:
- 3.1.1 has obtained an income tax exemption status from the Australian Taxation Office; and
  - 3.1.2 proof of a current not for profit status is provided at the time of submitting the request; and
  - 3.1.3 the application is either for a change of use or has a value of less than \$500,000.
- 3.2 The proponent must submit the supporting evidence for clause 3.1 and all relevant sub-clauses of this policy at the time of lodgement.

### **4.0 Places within Heritage Areas or included on the Heritage List or State Register of Heritage Places**

- 4.1 Landowners (or applicants) of places within Heritage Areas or included on the Heritage List or State Register of Heritage Places will have the planning fees waived in their entirety in the following circumstances:
- 4.1.1 Where the proposed development would not otherwise require the submission of an application for planning (development) approval under clause 61 of the Deemed Provisions (i.e. it would otherwise be “exempt” development); or

- 4.1.2 Where the proposed development consists solely of the demolition of non-original fabric which has no adverse impact on the heritage significance associated with the place; or
  - 4.1.3 Where the development proposes to restore or conserve:
    - (i) A significant external original element or feature of a building located in a Heritage Area; or
    - (ii) A significant internal or external original element or feature of a building included in the Heritage List or the State Register of Heritage Place;The heritage significance of the element or feature must be demonstrated in the archival material; or
  - 4.1.4 Where the proposed development has received a grant under the City's Heritage Grant program.
- 4.2 Where the proposed development has received a grant under the City's Heritage Grant program, any development application fee that has already been paid will be refunded, if the fee charged is directly related to the works considered under the applicable Heritage Grant. Only the proportion of works related to the heritage grant will be eligible for the refund.

## **5.0 Pre-lodgement Public Consultation Concession**

This section is to be read in conjunction with [Local Planning Policy 7.3 - Public Consultation for Planning Proposals](#) (LPP 7.3). The proponent should make contact with the City prior to commencing any pre-lodgement public consultation should they wish to exercise this clause.

- 5.1 The City will either reduce or refund 25% of the standard development application fee where:
  - 5.1.1 The proponent has pro-actively consulted their plans with the adjoining properties as per Figures 1 – 3 of LPP 7.3 prior to development application lodgement; and
  - 5.1.2 The City has been provided with the necessary evidence at the time of lodgement that pre-lodgement public consultation has occurred through submission of Form A (Attachment 1). The City can provide the proponent with a list of the adjoining properties owner and occupier postal addresses, consistent with Figures 1 – 3 in LPP 7.3. The Form A must be completed by the owner/occupier that exists for that property at the time of lodgement, of which will be verified by the City; and
  - 5.1.3 The City reserves the right to vet any pre-lodgement public consultation and will undertake separate consultation to any owners/occupiers in the surrounding area; and
  - 5.1.4 If no response from an adjoining owner/occupier is received within 14 days from the proponent requesting comment, the proponent can submit the Neighbour Non-Response Form as per Form B (Attachment 2) at lodgement. The Form B will be accepted in lieu of Form A for that specific property only, enabling the proponent to still qualify for the pre-consultation concession.

## **6.0 Refund of Planning Fees where application withdrawn**

6.1 The City will only consider a written request to refund planning fees where the development application is withdrawn prior to a determination being issued. This applies to development application fees only and excludes public consultation fees. These requests will be granted in the following circumstances:

- 6.1.1 90% of the development application fee will be refunded where:
- (a) no assessment work has been undertaken by the City; and
  - (b) the application is withdrawn in writing by the applicant within seven days of the formal lodgement date.

OR

- 6.1.2 50% of the development application fee will be refunded where:
- (a) assessment work has already been undertaken by the City; and
  - (b) the application has not been advertised; and
  - (c) the application is withdrawn in writing by the applicant within 14 days of the formal lodgement date.

OR

- 6.1.3 30% of the development application fee will be refunded where:
- (a) assessment work has already been undertaken by the City; and
  - (b) the application has been advertised; and
  - (c) the application is withdrawn in writing by the applicant within 30 days of the formal lodgement date.

6.2 Any request that doesn't meet 6.1.1 to 6.1.3 above will not be granted by the City.

**Attachment 1**

**Form A: Pre-Lodgement Public Consultation with Adjoining Neighbours Form**

This form is to be completed by proponents who are undertaking pre-lodgement public consultation for a **standard** development application in accordance with clause 5.0 of Local Planning Policy 7.2 – Refunding, Reducing and Waiving Planning Fees.

The proponent must submit at the time of lodgement:

- A completed Form A; and
- All plans viewed by the adjoining owner/occupier/s; and
- Proof of registered post when distributing to properties that are not owner-occupied.

**Section A: To be filled out by the proponent**

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Applicant: \_\_\_\_\_

Landowner: \_\_\_\_\_

Proposed Development: \_\_\_\_\_

Proposed Development Address: \_\_\_\_\_

Date and time of correspondence: \_\_\_\_\_

**Section B: To be filled out by adjoining owner/occupier**

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**Notes to adjoining owner/occupier from the City of Subiaco:**

1. There is no obligation to participate in the pre-consultation concession;
2. You are advised that the City will undertake any public consultation as required by the deemed provision of the *Planning and Development (Local Planning Scheme) Regulations 2015* and Local Planning Policy 7.3. Should you be consulted by the City at that point, you can make submissions that support, object and/or provide comment on the proposal for consideration;
3. If you have any questions about the pre-consultation concession, please contact Planning Services via 08 9237 9222, or [planning@subiaco.wa.gov.au](mailto:planning@subiaco.wa.gov.au).

Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

Telephone No. or Email Address: \_\_\_\_\_

Date and time of correspondence: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature (if more than one owner/occupier): \_\_\_\_\_

Signature (if more than one owner/occupier): \_\_\_\_\_

Encl. copy of all plans.  
Encl. proof of posting by registered post to any properties that are not owner/occupied.

**Attachment 2  
Form B: Neighbour Non-Response Form**

This form is to be completed by proponents who have not received any response from the adjoining owner/occupier/s within 14 days of attempted contact and still wish to apply for the pre-lodgement public consultation concession in accordance with Section 5.1.4 of Local Planning Policy 7.2 – Refunding, Reducing and Waiving Planning Fees.

The proponent must submit at the time of lodgement:

- A completed Form B for the property unable to be contacted; and
- Completed Form A's for the remainder of the properties, as per Attachment 1.

Applicant: \_\_\_\_\_

Landowner: \_\_\_\_\_

Proposed Development: \_\_\_\_\_

Proposed Development Address: \_\_\_\_\_

Neighbour Address: \_\_\_\_\_

Neighbour Owner/occupier status: \_\_\_\_\_

I, \_\_\_\_\_ [name], the owner/ occupier [circle] of \_\_\_\_\_ [landowner/occupier address], have taken all reasonable steps to contact the owner/ occupier [circle] of \_\_\_\_\_ [state address]

Date	Time	Action Taken

Signature of Proponent: \_\_\_\_\_

Date: \_\_\_\_\_

**Note:** The City may follow up any claims made under Form B to ensure the information is accurate.