## Authorised Version

**Subdivision (Fees) Regulations 2016**  
S.R. No. 121/2016

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### Endnotes 5
Subdivision (Fees) Regulations 2016

The Governor in Council makes the following Regulations:

Dated: 27 September 2016

Responsible Minister:

RICHARD WYNNE
Minister for Planning

ANDREW ROBINSON
Clerk of the Executive Council

1 Objectives

The objectives of these Regulations are—

(a) to prescribe fees payable to Councils and referral authorities under the Subdivision Act 1988; and

(b) to empower Councils and referral authorities to waive or rebate the payment of fees payable under the Subdivision Act 1988 in specified circumstances.

2 Authorising provision

These Regulations are made under section 43 of the Subdivision Act 1988.

3 Commencement

These Regulations come into operation on 13 October 2016.
4 Revocation

The Subdivision (Fees) Interim Regulations 2015¹ are revoked.

5 Definition

In these Regulations the Act means the Subdivision Act 1988.

6 Fee for application to certify plan and for statement of compliance

(1) A person who applies under section 5(3)(c) of the Act to a Council for certification of a plan must pay a fee of 11·8 fee units to the Council for that certification and for the issue of a statement of compliance for the plan.

(2) A fee payable under subregulation (1) must be paid by the applicant at the time at which the application is made.

7 Fee for alteration of plan

(1) An applicant who has requested a Council to alter a plan under section 10(2) of the Act must pay a fee of 7·5 fee units to the Council for the Council to agree to the alteration.

(2) A fee payable under subregulation (1) must be paid by the applicant at the time at which the application is made.

8 Fee for application to amend certified plan

(1) A person who applies under section 11(1) of the Act to a Council for an amendment of a certified plan must pay a fee of 9·5 fee units to the Council for the amendment to be made.

(2) A fee payable under subregulation (1) must be paid by the applicant at the time at which the application is made.
9 Fee for checking engineering plan

(1) If a Council or a referral authority requires an applicant to submit an engineering plan under section 15 of the Act, the applicant must pay the fee fixed by the Council or referral authority (as the case requires) for checking the plan, which must not exceed 0.75 per cent of the estimated cost of constructing the works proposed on the plan.

(2) A fee payable under subregulation (1) must be paid by the applicant when the engineering plan is submitted.

10 Fee for engineering plan prepared by Council

If a Council prepares an engineering plan for approval under section 15 of the Act, the maximum fee that the Council may charge the applicant for the preparation of the plan is 3.5 per cent of the estimated cost of constructing the works proposed on the plan.

11 Fee for supervision of works

If a Council or referral authority appoints a person to supervise construction of works under section 17(2)(a) of the Act, the maximum fee that the Council or referral authority (as the case may be) may charge the applicant for the supervision is 2.5 per cent of the estimated cost of constructing the works.

12 Power to waive or rebate the payment of a fee

A Council or referral authority may waive or rebate the payment of all or part of any fee payable under the Act—

(a) in respect of an application that is withdrawn, if a new application is submitted in its place; or
(b) if in the opinion of the Council or referral authority (as the case may be) the payment of the fee is not warranted because—
   (i) of the minor nature of the consideration of the matter decided or to be decided; or
   (ii) the requested service imposes on the Council or referral authority (as the case may be) no appreciable burden or a lesser burden than usual for that type of service; or

(c) if the fee relates to land used exclusively for charitable purposes.

13 Reasons for waiver or rebate of fee to be recorded

If a Council or referral authority waives or rebates the payment of a fee in accordance with regulation 12, the Council or referral authority (as the case requires) must cause the matters taken into account and which formed the basis of the decision to waive or rebate the fee to be recorded in writing.
Endnotes

1 Reg. 4: S.R. No. 117/2015.

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the *Monetary Units Act 2004*.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2016 is $13.94. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the *Monetary Units Act 2004*. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.