



New South Wales

Environmental Planning and Assessment (SREP 28) Regulation 1999

under the

Environmental Planning and Assessment Act 1979

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*. (P98/00164/PC)

ANDREW REFSHAUGE MP

Minister for Urban Affairs and Planning

Explanatory note

The object of this Regulation is to facilitate the environmental planning and development of land to which *Sydney Regional Environmental Plan No 28—Parramatta* applies.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 80 (11), 105 and 157 (the general regulation-making power).

1999 No 434

Clause 1 Environmental Planning and Assessment (SREP 28) Regulation 1999

Environmental Planning and Assessment (SREP 28) Regulation 1999

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment (SREP 28) Regulation 1999*.

2 Amendment of Environmental Planning and Assessment Regulation 1994

The *Environmental Planning and Assessment Regulation 1994* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 2)

Clauses 110DA and 110DB

Insert after clause 110D:

110DA Master plans under SREP 28

- (1) Pursuant to section 80 (11) of the Act, a development application in respect of land described in Schedule 2 to *Sydney Regional Environmental Plan Policy No 28—Parramatta* must not be determined by the consent authority unless a master plan within the meaning of that Plan has been prepared for the land.
- (2) Despite subclause (1), a consent authority may dispense with the need for a master plan referred to in that subclause if, in the opinion of the consent authority:
 - (a) the development application is of a minor nature, and
 - (b) other guidelines that apply to the proposed development are adequate.

110DB Fees for draft master plans under SREP 28

- (1) If a draft master plan in respect of land within a Precinct within the meaning of *Sydney Regional Environmental Plan No 28—Parramatta* is prepared by an owner or lessee of the land, the owner or lessee must pay:
 - (a) the relevant council (where the council may adopt the draft master plan at first instance) or the Director-General (where only the Director-General may adopt the draft master plan) an assessment fee determined by the council or the Director-General, as the case may be, and
 - (b) if the council that may adopt a draft master plan fails or refuses to adopt it within 6 months after the date on which it was submitted to the council for adoption, the Director-General an assessment fee determined by the Director-General.

1999 No 434

Environmental Planning and Assessment (SREP 28) Regulation 1999

Schedule 1 Amendment

- (2) If a draft master plan is prepared by the relevant council or the Director-General, the owner or lessee of the land, as specified by the council or Director-General, must pay the council or the Director-General a preparation fee determined by the council or the Director-General.
- (3) If there is more than one owner or lessee of the land to which a draft master plan prepared by a council or the Director-General applies, the preparation fee is payable as apportioned between them by the relevant council or the Director-General.
- (4) An assessment fee or a preparation fee must not exceed the reasonable cost to the relevant council, or to the Director-General and the Department, of assessing or preparing the draft master plan, carrying out any associated studies and publicly exhibiting the draft master plan.

BY AUTHORITY