



New South Wales

# Environmental Planning and Assessment Amendment (Fees) Regulation 2001

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

## Explanatory note

The object of this Regulation is to make provision with respect to fees payable under the *Environmental Planning and Assessment Act 1979*. In particular, the Regulation:

- (a) identifies certain services that are taken to be covered by the fees payable for a development application, and
- (b) clarifies the way in which certain construction costs and demolition costs are to be estimated, and
- (c) imposes a flat fee of \$110 (down from a minimum of \$170) for development that comprises the erection of a building and has an estimated cost of \$5,000 or less, and
- (d) imposes an additional fee for development that requires concurrence from a concurrence authority, and
- (e) varies a number of existing fees.

**2001 No 743**

Environmental Planning and Assessment Amendment (Fees) Regulation 2001

Explanatory note

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This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including section 157 (the general power to make regulations) and section 105.

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## Environmental Planning and Assessment Amendment (Fees) Regulation 2001

### 1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Fees) Regulation 2001*.

### 2 Commencement

This Regulation commences on 1 January 2002.

### 3 Amendment of Environmental Planning and Assessment Regulation 2000

The *Environmental Planning and Assessment Regulation 2000* is amended as set out in Schedule 1.

### 4 Notes

The explanatory note does not form part of this Regulation.

**2001 No 743**

Environmental Planning and Assessment Amendment (Fees)  
Regulation 2001

Schedule 1      Amendments

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**Schedule 1    Amendments**

(Clause 3)

**[1]    Clause 245 What is the maximum fee?**

Insert at the end of clause 245:

- (2) The services covered by the fee for a development application include the following:
  - (a) the receipt of the application, and any internal referrals of the application,
  - (b) consideration of the application for the purpose of determining whether any further information is required in relation to the proposed development,
  - (c) inspection of the land to which the proposed development relates,
  - (d) evaluation of the proposed development under section 79C of the Act, including discussion with interested parties,
  - (e) preparation of internal reports on the application,
  - (f) preparation and service of notices of the consent authority's determination of the application.

**[2]    Clause 246 What is the fee for a development application?**

Insert at the beginning of the Table to clause 246:

Up to \$5,000	\$110
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**[3]    Clause 246, Table**

Omit "Up to \$250,000" from the column headed **Estimated cost**.  
Insert instead "\$5,001-\$250,000".

**[4]    Clause 246 (3)**

Omit "or 248".

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- [5] **Clause 247 Development involving the erection of a dwelling-house with an estimated construction cost of \$100,000 or less**

Omit "\$115". Insert instead "\$300".

- [6] **Clause 248 Development involving the erection of a building for the purposes of a hospital, school or police station by a public authority**

Omit the clause.

- [7] **Clause 249 Development involving the subdivision of land**

Insert at the end of the clause:

**Note.** For example, a plan of subdivision that provides for 5 lots over land that has previously comprised 2 lots will result in the creation of 3 additional lots, and so attract a fee that includes a base amount of \$500 or \$250, as the case requires, together with a further amount of \$50 or \$40, as the case requires, for each of the 3 additional lots.

- [8] **Clause 250 Development not involving the erection of a building, the carrying out of a work, the subdivision of land or the demolition of a building or work**

Omit "\$170". Insert instead "\$220".

- [9] **Clause 251**

Omit the clause. Insert instead:

**251 Designated development**

In addition to any other fees payable under this Division, a maximum fee of \$715 is payable for designated development.

- [10] **Clause 252A**

Insert after clause 252:

**252A What additional fees are payable for development that requires concurrence?**

- (1) An additional fee of \$110, plus a further fee of \$250 for payment to each concurrence authority, are payable in respect of an application for development that requires concurrence under the Act or an environmental planning instrument.

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Schedule 1 Amendments

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- (2) The consent authority must forward each fee of \$250 to the concurrence authority concerned at the same time at which it forwards a copy of the development application to the concurrence authority under clause 59.
- (3) The fee of \$250 is not payable to any concurrence authority whose concurrence may be assumed in accordance with clause 64.
- (4) The fee of \$110 is not payable:
  - (a) for any application in respect of which concurrence may be assumed in accordance with clause 64 for all of the concurrence authorities concerned, or
  - (b) for any application made before 1 July 2002.

**[11] Clause 253 What additional fees are payable for integrated development?**

Omit "\$250 for each approval body is" from clause 253 (1).

Insert instead "\$110, plus a further fee of \$250 for payment to each approval body, are".

**[12] Clause 253 (2)**

Omit "the fee to the approval body".

Insert instead "each fee of \$250 to the approval body concerned".

**[13] Clause 253 (3)**

Insert after clause 253 (2):

- (3) The fee of \$110 is payable in respect only of applications made on or after 1 July 2002.

**[14] Clause 255 How is a fee based on estimated cost determined?**

Omit clause 255 (1). Insert instead:

- (1) In determining the fee for development involving the erection of a building, the consent authority must make its determination by reference to a genuine estimate of:
  - (a) the costs associated with the construction of the building, and

- (b) the costs associated with the preparation of the building for the purpose for which it is to be used (such as the costs of installing plant, fittings, fixtures and equipment).
- (1A) In determining the fee for development involving the carrying out of a work, the consent authority must make its determination by reference to a genuine estimate of the construction costs of the work.
- (1B) In determining the fee for development involving the demolition of a building or work, the consent authority must make its determination by reference to a genuine estimate of the costs of demolition.

**[15] Clause 257**

Omit the clause. Insert instead:

**257 What is the fee for a request for a review of a determination?**

The maximum fee for a request for a review of a determination under section 82A (3) of the Act is 50 per cent of the fee for the original development application.

**[16] Clause 258 What is the fee for an application for modification of a consent for local development or State significant development?**

Omit clause 258 (1). Insert instead:

- (1) The maximum fee for an application under section 96 (1) of the Act is \$55.
- (1A) The maximum fee for an application under section 96 (1A) of the Act is \$500 or 50 per cent of the fee for the original development application, whichever is the lesser.

**[17] Clause 260 What is the fee for a building certificate?**

Omit "\$50" wherever occurring. Insert instead "\$70".

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Schedule 1      Amendments

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**[18] Clause 260, Table**

Omit “10 cents”, “\$230” and “1.5 cents”.

Insert instead “14 cents”, “\$322” and “2.1 cents”, respectively.

BY AUTHORITY