



Environmental Planning and Assessment Amendment (Fees) Regulation 2002

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 Planning

Explanatory note

The objects of this Regulation are:

- (a) to enable concurrence authorities and approval bodies to waive, reduce and remit the fees payable to them with respect to their consideration of applications for development requiring concurrence and applications for integrated development, respectively, and
- (b) to ensure that the processing fees payable to consent authorities in relation to such applications are maximum fees, not fixed fees, and
- (c) to make minor consequential amendments in connection with the amendments referred to in paragraphs (a) and (b).

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

2002 No 543

Clause 1 Environmental Planning and Assessment Amendment (Fees)
Regulation 2002

Environmental Planning and Assessment Amendment (Fees) Regulation 2002

1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Fees) Regulation 2002*.

2 Amendment of Environmental Planning and Assessment Regulation 2000

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

Schedule 1 Amendments

(Clause 2)

[1] Clause 51 Rejection of development applications

Insert before clause 51 (2) (a):

- (a1) being an application for development requiring concurrence, the application fails to include the concurrence fees appropriate for each concurrence relevant to the development, or

[2] Clause 51 (2) (a) (ii)

Omit the subparagraph. Insert instead:

- (ii) to include the approval fees appropriate for each approval relevant to the development, or

[3] Clause 51 (2) (a) (iii)

Omit “integrated”.

[4] Clause 252A What additional fees are payable for development that requires concurrence?

Omit “An additional fee of \$110, plus a further fee of \$250” from clause 252A (1).

Insert instead “An additional processing fee up to a maximum of \$110, plus a concurrence fee”.

[5] Clause 252A (2)

Omit “fee of \$250”. Insert instead “concurrence fee”.

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Schedule 1 Amendments

[6] Clause 252A (3) and (3A)

Omit clause 252A (3). Insert instead:

- (3) The concurrence fee for a development application is not payable:
 - (a) to any concurrence authority whose concurrence may be assumed in accordance with clause 64, or
 - (b) to any concurrence authority that has notified the consent authority in writing that payment of the fee is waived, whether generally, in relation to that application or in relation to a class of development applications to which that application belongs.
- (3A) A concurrence authority may repay to the consent authority the whole or any part of a concurrence fee paid to it under this clause, in which case the consent authority must remit the amount repaid to the applicant.

[7] Clause 252A (4)

Omit “The fee of \$110”. Insert instead “The additional processing fee”.

[8] Clause 252A (5)

Insert after clause 252A (4):

- (5) For the purposes of this clause, the *concurrence fee* payable to a concurrence authority for a development application is \$250 or such lesser amount as is notified to the consent authority in writing by the concurrence authority, whether generally, in relation to that application or in relation to a class of development applications to which that application belongs.

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

Omit “An additional fee of \$110, plus a further fee of \$250” from clause 253 (1).

Insert instead “An additional processing fee up to a maximum of \$110, plus an approval fee”.

[10] Clause 253 (2)

Omit “fee of \$250”. Insert instead “approval fee”.

[11] Clause 253 (2A) and (2B)

Insert after clause 253 (2):

(2A) The approval fee for a development application is not payable to any approval body that has notified the consent authority in writing that payment of the fee is waived, whether generally, in relation to that application or in relation to a class of development applications to which that application belongs.

(2B) An approval body may repay to the consent authority the whole or any part of an approval fee paid to it under this clause, in which case the consent authority must remit the amount repaid to the applicant.

[12] Clause 253 (3)

Omit “The fee of \$110”. Insert instead “The additional processing fee”.

[13] Clause 253 (4)

Insert after clause 253 (3):

(4) For the purposes of this clause, the *approval fee* payable to an approval body for a development application is \$250 or such lesser amount as is notified to the consent authority in writing by the approval body, whether generally, in relation to that application or in relation to a class of development applications to which that application belongs.