



New South Wales

# Environmental Planning and Assessment Amendment (Infrastructure) Regulation 2007

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*.

FRANK SARTOR, M.P.,  
Minister for Planning

## Explanatory note

The object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000*:

- (a) to require a development application that relates to development in respect of which a site compatibility certificate issued by the Director-General of the Department of Planning is required under *State Environmental Planning Policy (Infrastructure) 2007* to be accompanied by such a certificate, and
- (b) to prescribe a maximum fee for an application for such a certificate.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 78A (1) and (9), 137 and 157 (the general regulation-making power).

**2007 No 623**

Environmental Planning and Assessment Amendment (Infrastructure)  
Clause 1 Regulation 2007

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**Environmental Planning and Assessment Amendment  
(Infrastructure) Regulation 2007**

under the

Environmental Planning and Assessment Act 1979

**1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Infrastructure) Regulation 2007*.

**2 Commencement**

This Regulation commences on the day on which *State Environmental Planning Policy (Infrastructure) 2007* commences.

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

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

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 3 Definitions

Omit the definition of *site compatibility certificate*. Insert instead:

*site compatibility certificate (infrastructure)* means a certificate issued under clause 19 (5) of *State Environmental Planning Policy (Infrastructure) 2007*.

*site compatibility certificate (seniors housing)* means a certificate issued under clause 25 (4) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

### [2] Clause 50 How must a development application be made?

Omit “site compatibility certificate” from clause 50 (2A).

Insert instead “site compatibility certificate (seniors housing)”.

### [3] Clause 50 (2B)

Insert after clause 50 (2A):

(2B) A development application that relates to development in respect of which a site compatibility certificate (infrastructure) is required under *State Environmental Planning Policy (Infrastructure) 2007* must be accompanied by such a certificate.

### [4] Clause 262A What is the fee for a site compatibility certificate (seniors housing)?

Omit “site compatibility certificate” wherever occurring.

Insert instead “site compatibility certificate (seniors housing)”.

### [5] Clause 262B

Insert after clause 262A:

#### 262B What is the fee for a site compatibility certificate (infrastructure)?

- (1) Subject to subclause (2), the maximum fee for an application to the Director-General for a site compatibility certificate (infrastructure) is \$250 plus an additional \$250 for each hectare (or part of a hectare) of the area of the land in respect of which the certificate was issued.
- (2) The fee for an application to the Director-General for a site compatibility certificate (infrastructure) must not exceed \$5,000.