



New South Wales

Environmental Planning and Assessment Amendment (Fees) Regulation 2015

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*.

ROBERT STOKES, MP
Minister for Planning

Explanatory note

The object of this Regulation is to provide for a separate and additional fee for assessing the concept component of a staged development application for State significant development or a staged application for approval of State significant infrastructure (but only insofar as the relevant application sets out concept proposals for the development of a site or for proposed infrastructure). The fee is to be equivalent to the fee payable in respect of the proposed development or infrastructure to which the concept component of the staged application relates. This fee is payable in addition to any fee that may be payable in relation to a development application for the particular development or an application for approval of the particular infrastructure.

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

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Fees) Regulation 2015*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 **Amendment of Environmental Planning and Assessment Regulation 2000**

[1] **Clause 3 Definitions**

Omit the definition of *Director-General* from clause 3 (1). Insert instead:

Director-General means the Secretary of the Department.

[2] **Clause 256C Definitions**

Insert in alphabetical order in clause 256C:

concept component of a staged application means that part of a staged application that sets out concept proposals for the development of a site or for proposed infrastructure.

staged application means an application that is a staged development application or a staged infrastructure application.

Note. Section 83B of the Act sets out the meaning of staged development application.

staged infrastructure application has the same meaning as it has in section 115ZD of the Act.

[3] **Clause 256D Determination of fees payable for application**

Omit clause 256D (3).

[4] **Clause 256KA**

Insert after clause 256K:

256KA Additional fee for assessing concept component of staged application

- (1) In addition to any other fees payable under this Division, a fee is payable for assessing the concept component of a staged application.
- (2) The maximum fee payable under this clause is the maximum fee that would be payable in respect of all the proposed development, or all the proposed State significant infrastructure, to which the concept component of the staged application relates.
- (3) For the avoidance of doubt, the payment of a fee under this clause does not remove the need to pay any fee under this Division (or reduce any such fee) in relation to:
 - (a) in the case of a staged development application—the staged development application insofar as it sets out detailed proposals for the first stage of development, or
 - (b) in the case of a staged infrastructure application—the staged infrastructure application insofar as it sets out detailed proposals for the first stage, or
 - (c) any other application, including a subsequent application that relates to the staged application.

[5] **Clause 256L Additional fee for planning reform**

Insert after clause 256L (2):

- (3) This clause does not apply to the concept component of a staged application.

[6] Clause 256P Meaning of “estimated cost” for determining fee under this Division

Omit “a staged application” from clause 256P (4).

Insert instead “the concept component of a staged application”.

[7] Schedule 7 Savings and transitional provisions

Insert at the end of the Schedule with appropriate Part and clause numbering:

**Part Provisions consequent on making of
Environmental Planning and Assessment
Amendment (Fees) Regulation 2015**

Staged application fees—State significant development and State significant infrastructure

- (1) In this clause:
completed staged application means a staged application in respect of which the concept component of that staged application, and all subsequent applications relating to the staged application, have been lodged and determined.
- (2) Expressions in this clause have the same meaning as they have in Division 1AA of Part 15 of this Regulation.
- (3) A fee under clause 256KA is payable in respect of the concept component of a staged application (other than a completed staged application) and is so payable regardless of whether the concept component of the staged application has been determined.
- (4) Clause 256D (3), as in force immediately before its repeal by the *Environmental Planning and Assessment Amendment (Fees) Regulation 2015*:
 - (a) does not apply to or in respect of any application other than an application that is part of a completed staged application, and
 - (b) cannot be relied on to reduce any fee payable in respect of an application that has not been determined before the repeal of that subclause.