



New South Wales

# **Environmental Planning and Assessment Amendment (Cumberland Plain Biodiversity Certification) Regulation 2022**

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*.

ANTHONY ROBERTS, MP  
Minister for Planning

## **Explanatory note**

The object of this Regulation is to specify fees for applications to modify biodiversity certification initiated under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Part 13.5A.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 7.44(1) and 10.13, the general regulation-making power.

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### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Cumberland Plain Biodiversity Certification) Regulation 2022*.

### **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 2021

[1] Sections 30A(2) and 201A(2)

Insert “, Part 2” after “*Guidelines*” wherever occurring.

[2] Section 269A

Insert after section 269—

**269A Fees for applications to modify biodiversity certification initiated under State Environmental Planning Policy (Biodiversity and Conservation) 2021, Part 13.5A**

- (1) This section sets out the fees relating to an application made by or on behalf of a relevant landowner under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Part 13.5A (a **relevant application**).
- (2) The following fees are specified in Schedule 4—
  - (a) the fee payable for consideration of a relevant application,
  - (b) the fee payable for the further assessment of the relevant application, if approved by the Minister.
- (3) The Planning Secretary may require the payment of a fee, of no more than the maximum additional fee specified in Schedule 4, for reviewing significant ecological data required to be provided with an application to modify biodiversity certification initiated as a result of a relevant application.
- (4) In this section—

**biodiversity certification** has the same meaning as in the *Biodiversity Conservation Act 2016*.

**relevant landowner** has the same meaning as in *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Part 13.5A.

[3] Schedule 4 Fees

Insert at the end of Part 9—

- |      |  |          |
|------|--|----------|
| 9.11 | Consideration of request for the Minister to prepare an application to modify, under the <i>Biodiversity Conservation Act 2016</i> , section 8.22(1)(a), the description of biodiversity certified land under <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> , section 13.16C | \$1,000  |
| 9.12 | Further assessment of request referred to in item 9.11 involving a lot with an area of more than 2ha under <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> , section 13.16D  | \$14,000 |
| 9.13 | Maximum additional fee if application to modify biodiversity certification requires the Minister to review significant ecological data   | \$15,000 |