



Environmental Planning and Assessment Further 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 object of this Regulation is to amend the *Environmental Planning and Assessment Regulation 2000* so as:

- (a) to prescribe certain services provided within the Department of Planning for which fees may be imposed in connection with development applications, and
- (b) to vary the fees payable with respect to certain development applications so as to include a component with respect to the services referred to in paragraph (a), and
- (c) to require consent authorities to account for, and remit to the Department of Planning, amounts equivalent to the fee component referred to in paragraph (b), and
- (d) to make consequential amendments to ensure that other fees are not affected by the variations referred to in paragraph (b).

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

2002 No 793

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

**Environmental Planning and Assessment Further
Amendment (Fees) Regulation 2002**

under the

Environmental Planning and Assessment Act 1979

1 Name of Regulation

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

2 Commencement

This Regulation commences on 1 November 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.

Schedule 1 Amendments

(Clause 3)

[1] Clause 245 What is the maximum fee?

Insert after clause 245 (2) (f):

- (g) the monitoring and reviewing by the Director-General of the practices and procedures followed by consent authorities in dealing with development applications:
 - (i) for the purpose of assessing the efficiency and effectiveness of those practices and procedures, and
 - (ii) for the purpose of ensuring that those practices and procedures comply with the provisions of the Act and this Regulation,
- (h) the monitoring and reviewing by the Director-General of the provisions of environmental planning instruments:
 - (i) that control development, or
 - (ii) that are required to be taken into consideration by consent authorities when dealing with development applications,

for the purposes of assessing the effectiveness of those provisions in achieving their intended effect and making recommendations for their improvement.

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Schedule 1 Amendments

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

Omit the Table to the clause. Insert instead, at the end of the clause:

Table

Estimated cost	Maximum fee payable
Up to \$5,000	\$110
\$5,001–\$50,000	\$170, plus an additional \$3 for each \$1,000 (or part of \$1,000) of the estimated cost.
\$50,001–\$250,000	\$352, plus an additional \$3.64 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$50,000.
\$250,001–\$500,000	\$1,160, plus an additional \$2.34 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,000.
\$500,001–\$1,000,000	\$1,745, plus an additional \$1.64 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000.
\$1,000,001–\$10,000,000	\$2,615, plus an additional \$1.44 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000.
More than \$10,000,000	\$15,875, plus an additional \$1.19 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000.

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

Omit "\$300". Insert instead "\$364".

[4] Clause 256A

Insert after clause 256:

256A Proportion of development application fees to be remitted to Director-General

- (1) For each development application lodged with a consent authority for development referred to in clause 246 (1) having an estimated cost exceeding \$50,000, an amount calculated as follows is to be set aside for payment to the Director-General for the services referred to in clause 245 (2) (g) and (h):

$$P = \frac{0.64 \times E}{1,000} - 5$$

where:

P represents the amount to be set aside, expressed in dollars rounded down to the nearest dollar, and

E represents the estimated cost of the development, expressed in dollars rounded up to the nearest thousand dollars.

- (2) On or before the 14th day of each month, the consent authority must forward to the Director-General the total amount set aside under subclause (1) in relation the development applications lodged with it during the previous month, together with a report in relation to those applications.
- (3) The report referred to in subclause (2) must contain such information, and be prepared in such form, as the Director-General may determine.

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Schedule 1

Amendments

[5] 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:

- (a) in the case of a request with respect to a development application that does not involve the erection of a building, the carrying out of a work or the demolition of a work or building, 50 per cent of the fee for the original development application, and
- (b) in the case of a request with respect to a development application that involves the erection of a dwelling-house with an estimated cost of construction of \$100,000 or less, \$150, and
- (c) in the case of a request with respect to any other development application, as set out in the Table to this clause.

Table

Estimated cost	Maximum fee payable
Up to \$5,000	\$55
\$5,001–\$250,000	\$85, plus an additional \$1.50 for each \$1,000 (or part of \$1,000) of the estimated cost.
\$250,001–\$500,000	\$500, plus an additional \$0.85 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,000.
\$500,001–\$1,000,000	\$712, plus an additional \$0.50 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000.
\$1,000,001–\$10,000,000	\$987, plus an additional \$0.40 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000.

Estimated cost	Maximum fee payable
More than \$10,000,000	\$4,737, plus an additional \$0.27 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000.

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

Omit clause 258 (2) (b). Insert instead:

- (b) if the fee for the original application was \$100 or more:
 - (i) in the case of an application with respect to a development application that does not involve the erection of a building, the carrying out of a work or the demolition of a work or building, 50 per cent of the fee for the original development application, and
 - (ii) in the case of an application with respect to a development application that involves the erection of a dwelling-house with an estimated cost of construction of \$100,000 or less, \$150, and
 - (iii) in the case of an application with respect to any other development application, as set out in the Table to this clause.

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Schedule 1 Amendments

[7] Clause 258, Table

Insert at the end of the clause:

Table

Estimated cost	Maximum fee payable
Up to \$5,000	\$55
\$5,001–\$250,000	\$85, plus an additional \$1.50 for each \$1,000 (or part of \$1,000) of the estimated cost.
\$250,001–\$500,000	\$500, plus an additional \$0.85 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,000.
\$500,001–\$1,000,000	\$712, plus an additional \$0.50 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000.
\$1,000,001–\$10,000,000	\$987, plus an additional \$0.40 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000.
More than \$10,000,000	\$4,737, plus an additional \$0.27 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000.

BY AUTHORITY