

Planning reform services fee

FAQs on the planning reform services fee (PRS fee)

These FAQs are for councils, stakeholders, applicants, and proponents about the PRS fee.

What is the PRS fee?

The PRS fee is the fee collected by the Planning Secretary under sections 266 and 267 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation).

What is the PRS fee used for?

The purpose of the PRS fee is to support the development and implementation of reforms to streamline the planning process and to enhance transparency, efficiency, and community involvement. It is used to:

- monitor and evaluate the operation of the planning system.
- support the development and implementation of reforms to the planning system.
- support key strategic projects as part of ongoing planning reform.

More specifically, the PRS fees collected are used to:

- monitor and review the practices and procedures followed by consent authorities in dealing with development applications (DAs) to:
 - assess the efficiency and effectiveness of those practices and procedures.
 - ensure they comply with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and EP&A Regulation.
- monitor and review the provisions of environmental planning instruments (EPIs) to assess their effectiveness and make improvements. These include development control provisions and provisions that consent authorities are required to consider when assessing DAs.
- deliver online planning services and information, including the NSW Planning Database and the NSW Planning Portal. This includes compilation, maintenance, and enhancements to online services.

When are PRS fees charged?

For DAs other than State Significant Development (SSD)

The PRS fee is required to be charged for DAs with an estimated cost of more than \$50,000 that involve the erection of a building, the carrying out of a work, or the demolition of a work or a building.

The PRS fee for DAs (not including SSD) is not an additional charge and must be remitted from the consent authority to the Planning Secretary from the fees paid for the DA (DA fees).

For SSD DAs and State Significant Infrastructure (SSI) applications

Where the project has an estimated cost of more than \$50,000, the department will apply the fee except in exceptional circumstances.

How is the PRS fee calculated?

The PRS fee is charged as an amount equivalent to 0.064 cents for every dollar of the estimated cost of development or infrastructure.

Where the Planning Secretary requires payment of the PRS fee for an SSD DA or an SSI application, the fee charged must not exceed the fee calculated in accordance with the above formula.

For DAs (not including SSD), consent authorities retain a \$5 fee per DA.

When can the PRS fee be reduced or waived?

PRS fee for DAs may only be reduced or waived by the Planning Secretary

A consent authority to whom a fee is payable under the EP&A Regulation may waive payment of all or part of that fee. Such fees include any fees payable on a DA submitted to a consent authority.

However, only the Planning Secretary may waive all or part of the PRS fee.

This means that a consent authority must seek the Planning Secretary's approval to waive all or part of the PRS fee component of any applicable DA fees.

If the consent authority has not obtained the Planning Secretary's approval to waive all or part of the PRS fee, the amount equivalent to the PRS fee should still be paid by the consent authority to the Planning Secretary.

PRS fee for SSD and SSI applications may be reduced or waived by the Planning Secretary

The Planning Secretary may, at their discretion, waive payment of all or part of the PRS fee for SSI applications.

PRS fee may be waived in extenuating circumstances

The Planning Secretary may waive the PRS fee where there have been extenuating circumstances, such as natural disasters.

When can the PRS fee be refunded?

If a consent authority rejects an application, the consent authority must refund to the applicant the whole of the fee paid for the application (including the PRS fee). If the Minister rejects an application for approval of SSI, the Planning Secretary will refund the PRS fee.

If a DA (including for SSD) is withdrawn, the Planning Secretary may, at their discretion, refund the PRS fee.

The PRS fee is not refundable if the DA (including for SSD) is refused consent by the consent authority.

If the Minister disapproves an application for approval of SSI, the Planning Secretary will not refund the PRS fee.

Will the PRS fee be charged for the concept component of a staged application?

A concept DA is a DA that sets out a concept proposal for the development of a site (section 4.22(1) of the EP&A Act). As a concept DA will not involve the erection of a building, the carrying out of a work, or the demolition of a work or a building, the PRS fee will not be charged.

A concept DA may be made in respect of SSD (section 4.37 of the EP&A Act), and a staged infrastructure application may be made for SSI (section 5.20 of the EP&A Act). The PRS fee is also not charged for the concept component of a staged application for SSD and SSI projects.

The PRS fee will be charged for any applications that accompany or follow a concept proposal that meet the criteria in sections 266 or 267 of the EP&A Regulation.

Will the PRS fee be charged for modification applications?

No. The PRS fee will not be charged for modification applications.

Will the PRS fee be charged for subdivision DAs?

The PRS fee will be charged for subdivision DAs where the application is for development (not including SSD) with an estimated cost of more than \$50,000 that involves the erection of a building, the carrying out of a work, or the demolition of a work or a building. The PRS fee will not be charged for subdivision DAs that do not involve the carrying out of works.

The PRS fee is charged for SSD DAs or SSI applications for subdivision only where the application has an estimated cost of more than \$50,000.

Will the PRS fee be charged for complying development?

No. The PRS fee applies only to DAs (including for SSD) and applications for approval of SSI.

When are consent authorities required to report the PRS fees collected?

Consent authorities (including councils) for applications (not including SSD and SSI) must give the Planning Secretary:

- on or before the 14th day of each month — a report in the approved form, in relation to the applications lodged with the consent authority during the previous month, and
- on or before the 28th day of each month — the total amount of PRS fees set aside under this section in relation to the applications.

This must be done through the [Planning Reform Fee Administration Database System](#).