

Late Addendum Report

REPORTS FROM THE DIRECTOR PLANNING AND REGULATION

a12 [PR-CM] Fees and Charges 2011/2012 - Amendment to Item 18 Clause (2)

ORIGIN:

Building and Environmental Health

SUMMARY OF REPORT:

Council resolved at its meeting of 16 August 2011 to advertise reduced Section 96 fees. No submissions were received in response to the public exhibition and the reduction in fee is recommended for adoption..

RECOMMENDATION:

That Council adopts amended Item 18, Clause (2) of the "2011/2012 Fees and Charges", and includes the following subclause regarding modifications of consents for single dwellings or structures associated with single dwellings:

"(a) in the case of an application with respect to a development application that involves the erection of a dwelling-house or structures associated with a single dwelling house. \$190.00"

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REPORT:

In June 2011 Council adopted 2011/2012 Fees and Charges. Since the adoption of the Fees and Charges, Council's Building and Environmental Health Unit have identified an anomaly in one of the charges and propose that consideration be given to a reduction in part of the application of that charge.

The charge is listed as item number 18 in the fees and charges document and relates to modifications of consents. Section 258 of the Environmental Planning and Assessment Regulations relates to fees for an application for the modification of development consent. Part 1A of that clause provides that *"the maximum charge for an application under section 96(1A) of the Act, or under section 96AA (1) of the Act in respect to a modification which, in the opinion of the consent authority, is considered to be of minimal environmental impact, is \$645.00 or 50% of the fee for the original development application, whichever is the lesser"*.

Clause 96 (1A) of the Act relates to modifications of consents involving minimal environmental impact and where the proposed modification is relatively minor in that the development remains substantially the same as the development for which consent was originally granted. Clause 96 AA (1) of the Act relates to modifications by consent authorities of consents granted by the court and where the proposed modification is relatively minor in that the development remains substantially the same as the development for which then consent was originally granted. Both of these types of modifications would be where there is no impact on privacy, height, overshadowing, etc. An example of this would be a change to an internal floor layout.

Amendments to these fees were made in accordance with the maximum fees prescribed under the relevant sections of the Environmental Planning and Assessment Regulations which were amended at the end of the 2010/2011 financial year. What was overlooked however in the review of the amendments was that in previous years Council provided for a reduced charge in the case of an application to modify a consent under Section 96(1A) or Section 96 AA(1) that involved the erection of a single dwelling or structures associated with a single dwelling. This lesser charge was similar to that provided for under Clause 96(2) of the Regulations, currently \$190.00. The reasoning behind this reduction was due to the fact that this type of modification, where related to a single dwelling is fairly minor in nature and as they would involve minor environmental impact they can normally be determined relatively quickly and the maximum fee prescribed under the Regulations appeared somewhat excessive.

To give an example, a development application for a single dwelling with a value of \$250,000 would currently require a development application fee of \$1080.00, excluding PlanFirst fee and other fees relevant to a development application. Using Councils current rate for an application to modify the consent under Section 96(1A) or 96AA (1) the fee would be \$645.00 or 50% of the original fee, whichever is the lesser, the lesser fee being \$540.00 for an application with a building value of \$250,000.00.

It is therefore proposed that a subclause be added to item 18 (2) of Councils adopted fees and charges to allow for a reduced fee of \$190.00 for modifications involving single dwellings or structures associated with single dwellings.

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LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Nil.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

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