

Environmental Planning and Assessment (Local Infrastructure Contributions) Further Amendment Direction 2018

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, in pursuance of section 7.17 of the *Environmental Planning and Assessment Act 1979*, give the following Direction.



Minister for Planning

Dated: 18/12/2018

1 Name of Direction

This Direction is the *Environmental Planning and Assessment (Local Infrastructure Contributions) Further Amendment Direction 2018*.

2 When Direction takes effect

This Direction takes effect on the date of its publication in the Gazette.

3 Consent authorities to which Direction is given

(1) This Direction is given to:

- (a) local councils, and
- (b) Sydney district planning panels and regional planning panels.

(2) To avoid doubt, this Direction also applies to:

- (a) any local planning panel when exercising, on behalf of a council, the functions of the council as a consent authority, and
- (b) any other officer or employee of such a council to whom the council delegates its functions as a consent authority.

4 Amendment of Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012

The *Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012* is amended as set out in Schedule 1.

Schedule 1 Amendments

[1] Clause 3

Omit clause 3. Insert instead:

3 Consent authorities to whom Direction is given

(1) This Direction is given to:

- (a) local councils, and
- (b) Sydney district planning panels and regional planning panels.

In this Direction, a reference to a consent authority is a reference to a local council or planning panel to whom the Direction is given.

(2) To avoid doubt, this Direction also applies to:

- (a) any local planning panel when exercising, on behalf of a council, the functions of the council as a consent authority, and
- (b) any other officer or employee of such a council to whom the council delegates its functions as a consent authority.

[2] Clauses 5 and 6

Omit “council (or planning panel)” wherever occurring. Insert instead “consent authority”.

[3] Clause 6 (5)

Omit “2017 direction”. Insert instead “2017 Amendment Direction”.

[4] Clauses 6A, 6B, 6C and 6D

Omit “council or planning panel” wherever occurring. Insert instead “consent authority”.

[5] Clause 6A

Insert after clause 6A (4):

- (5) To avoid doubt, this clause continues to apply in relation to land to which a specified contributions plan as in force at 28 July 2017 applies (or applied) even if:
- (a) that plan is amended or repealed, or
 - (b) any new or amended contributions plan that applies to the land also applies to other land.

Accordingly, a monetary contribution may be imposed as a condition of consent for development on any such land, if allowed by the applicable contributions plan, up to the maximum amounts set out in items 1 to 4 of the table to subclause (2), irrespective of whether the amended plan or the new plan is an IPART reviewed contributions plan.

- (6) If, on or after 1 July 2020, the contributions plan that applies when development consent is granted is not the relevant specified contributions plan as in force at 28 July 2017 or an IPART reviewed contributions plan, the consent authority must not grant development consent subject to a condition requiring the payment of a monetary contribution that exceeds \$30,000 for each dwelling or each residential lot.

[6] Clause 6B

Insert after clause 6B (2):

- (3) To avoid doubt, this clause continues to apply in relation to land to which draft *Rockdale Contributions Plan 2016 – Urban Renewal Area* (as submitted to IPART for review) applies even if:
- (a) that draft contributions plan, when approved under the *Environmental Planning and Assessment Act 1979*, is amended, or
 - (b) the contributions plan, as approved, is amended or repealed, or
 - (c) any new or amended contributions plan that applies to the land also applies to other land.

Accordingly, a monetary contribution may be imposed as a condition of consent for development on any such land, if allowed by the applicable contributions plan, up to the maximum amounts set out in items 1 to 4 of the table to subclause (2), irrespective of whether the contributions plan is an IPART reviewed contributions plan.

- (4) If, on or after 1 July 2020, the contributions plan that applies when development consent is granted is not an IPART reviewed contributions plan, the consent authority must not grant development consent subject to a condition requiring the payment of a monetary contribution that exceeds \$30,000 for each dwelling or each residential lot.

[7] Clause 6C (2)

Omit “IPART reviewed plan” from column 3 of item 5 of the table. Insert instead “IPART reviewed contributions plan”.

[8] Clause 9

Insert at the end of clause 9 (1) (d):

- (e) *Environmental Planning and Assessment (Local Infrastructure Contributions) Further Amendment Direction 2018*.

[9] Schedule 1

Omit paragraph (b) from item 9 (relating to land within Lake Macquarie City Local Government Area).

[10] Schedule 2

Insert at the end of item 6 (relating to land within Lake Macquarie Local Government Area):

, or

- (d) the Urban Release Areas identified as Catherine Hill Bay Area 1, Catherine Hill Bay Area 2 and Nords Wharf Area 1 on the urban release area map (URA_011) adopted by *Lake Macquarie Local Environmental Plan 2014*, as in force at 1 December 2018.

[11] Schedule 2

Insert the following item after item 10 (and re-number the other items in Schedule 2 appropriately):

- (11) Land within Port Stephens Local Government Area identified as Kings Hill - Raymond Terrace on the site identification map set out on page D-160 of the *Port Stephens Development Control Plan 2014* as in force at 1 December 2018.

[12] Schedule 2

Amend item 12 (as re-numbered) by omitting “Queanbeyan City Local Government Area” and by inserting instead “Queanbeyan-Palerang Regional Local Government Area”.

[13] Schedule 2

Insert at the end of item 12 (as re-numbered):

, or

- (c) South Jerrabomberra Urban Release Area in *Queanbeyan-Palerang Regional Council South Jerrabomberra Local Infrastructure Contributions Plan 2018* as adopted on 26 April 2018.

[14] Schedule 2

Insert the following item after item 14 (as re-numbered) and re-number the last two items in the Schedule as items 16 and 17:

- (15) Land within Wollondilly Local Government Area referred to as Wilton Growth Area in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*, with boundaries shown on the Wilton Growth

Area Precinct Boundary Map adopted by that Policy as at 29 July 2016
(identified as PCB_001).
