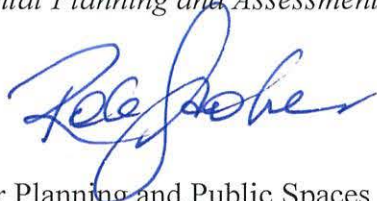


## Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2019

under the

Environmental Planning and Assessment Act 1979

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



Minister for Planning and Public Spaces

Dated: 11<sup>th</sup> December, 2019

### 1 Name of Direction

This Direction is the *Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2019*.

### 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 5 (1)

Insert after clause 5 (1) (d) (and re-number clause 5 (1) (e) as clause 5 (1) (f)):

- (e) *residential accommodation* has the same meaning as in the standard local environmental planning instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*, and

### [2] Clause 5 (4), (5), (6) and (7)

Omit clause 5 (4). Insert instead:

- (4) For the purposes of this Direction, a contributions plan does not cease to be an IPART reviewed contributions plan even though it is amended, if the amendment:
  - (a) does not expand the types of residential accommodation for which a contribution may be required, or the circumstances in which a contribution may be required for residential accommodation, and
  - (b) does not expand the circumstances in which a contribution may be required for subdivision of land into residential lots, and
  - (c) does not result in an increase in the amount of the contribution that may be required to be made for development for residential accommodation or subdivision into residential lots, and
  - (d) does not expand the area to which the contributions plan applies, and
  - (e) does not alter the public amenities and public services for which contributions may be required to be made.
- (5) To avoid doubt, a contributions plan does not cease to be an IPART reviewed contributions plan only because that plan is amended by another contributions plan to specify that a complying development certificate for development of a kind to which the plan otherwise applies must be issued subject to a condition requiring the payment of a contribution.
- (6) A reference in subclause (4) and (5) to an amendment to a contributions plan includes a reference to a contributions plan that is amended by repealing the plan and re-making it with amendment.
- (7) Notes in this Direction do not form part of this Direction.

### [3] Clause 9 (1)

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

- (f) *Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2019*.

**[4] Clause 9 (2)**

Omit “council”. Insert instead “consent authority”.

**[5] Schedule 2**

After item 12, insert the following (and renumber the other items appropriately):

- (13) Land within Shellharbour local government area identified in *Shellharbour City Council Section 94 Contributions Plan 2016 - 8th Review Amendment 1* (as in force at 1 August 2019) as:
- (a) Benefit Area 9 – Tullimbar Infrastructure, or
  - (b) Precinct 9 – Calderwood.
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