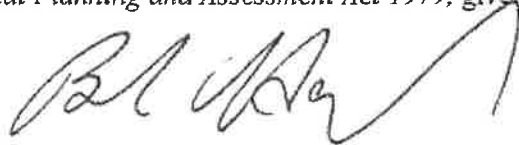


Environmental Planning and Assessment (Local Infrastructure Contributions - Port Botany and Port Kembla) Direction 2013

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, in pursuance of section 94E of the *Environmental Planning and Assessment Act 1979*, give the following Direction.



Minister for Planning and Infrastructure

Dated: **06 DEC 2013**

1 Name of Direction

This Direction is the *Environmental Planning and Assessment (Local Infrastructure Contributions – Port Botany and Port Kembla) Direction 2013*.

2 When Direction takes effect

This Direction takes effect, in relation to a consent authority referred to in clause 3, on the day on which it is given to that consent authority.

3 Consent authorities to which Direction is given

This Direction is given to the following consent authorities:

- (a) the Council of the City of Botany Bay,
- (b) Randwick City Council,
- (c) Wollongong City Council.

4 Section 94A levies

A condition may not be imposed under section 94A of the *Environmental Planning and Assessment Act 1979* in relation to development on land within the following areas:

- (a) Port Botany Lease Area,
- (b) Port Kembla Lease Area.

Accordingly, the maximum percentage of the proposed cost of carrying out that development that may be imposed as a levy is nil.

5 Section 94 contributions

A condition may not be imposed under section 94 of the *Environmental Planning and Assessment Act 1979* for the provision, extension or augmentation of any public services or public amenities, in relation to development on land within the following areas:

- (a) Port Botany Lease Area,
- (b) Port Kembla Lease Area.

Accordingly, the maximum amount of any such contribution for that development is nil.

6 Pending applications

This Direction extends to an application for a complying development certificate made to a consent authority, but not finally determined, before this Direction takes effect.

7 Interpretation

(1) In this Direction:

- (a) *Port Botany Lease Area* means the area shown edged in red and identified as "Port Botany Lease Area" on the State Environmental Planning Policy (Port Botany and Port Kembla) 2013 Lease Area Map, and
- (b) *Port Kembla Lease Area* means the area shown edged in red and identified as "Port Kembla Lease Area" on the State Environmental Planning Policy (Port Botany and Port Kembla) 2013 Lease Area Map, and
- (c) *State Environmental Planning Policy (Port Botany and Port Kembla) 2013 Lease Area Map* has the same meaning as in *State Environmental Planning Policy (Port Botany and Port Kembla) 2013*.

(2) Notes in this Direction do not form part of this Direction.

Note.

Section 94EC (1A) of the *Environmental Planning and Assessment Act 1979* provides as follows:

The imposition of a condition by an accredited certifier as authorised by a contributions plan is subject to compliance with any directions given under section 94E (1) (a), (b) or (d) with which a council would be required to comply if issuing the complying development certificate concerned.