

Housing and Productivity Contribution: Standard conditions of consent

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Instructions

1. These conditions should be used for development applications where the Housing and Productivity Contribution applies.

2. Review the contributions case associated with the application in the NSW Planning Portal.

3. Download or copy the contributions amounts from the contributions case
 - For most applications this will be a single table
 - For contributions related to a staged DA, a table will be produced for each stage.

4. Select the condition relevant to the application
 - Development consents
 - Development consents where residential subdivision is staged
 - Concept DAs
 - Complying development certificates

5. Copy the contribution amounts into the relevant table.

A – Development consents

This condition is to be used for development consents (other than complying development certificates, concept DAs or staged residential subdivision)

Housing and productivity contribution

- 1 The housing and productivity contribution (**HPC**) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	
Transport project component	
Total housing and productivity contribution	

- 2 The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

$$\frac{\textit{highest PPI number}}{\textit{consent PPI number}}$$

where:

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and

June quarter 2023 and **PPI** have the meanings given in clause 22 (4) of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

- 3 The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate

High-density residential development within the meaning of the HPC Order for which no construction certificate is required	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building	Before the issue of the first strata certificate
Manufactured home estate for which no construction certificate is required	Before the installation of the first manufactured home

In the Table, **HPC Order** means the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

- 4 The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
- 5 If the Minister administering the *Environmental Planning and Assessment Act 1979* agrees, the HPC (apart from any transport project component) may be made, instead of as a monetary contribution, in the following ways:
 - (a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
 - (b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 2 at the time of payment.

- 6 Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

B – Development consents where residential subdivision is staged

This condition is to be used for development consents where residential subdivision is staged (other than complying development certificates or for concept DAs)

Housing and productivity contribution

- The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 3, is required to be made:

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	
Transport project component	
Total housing and productivity contribution	

- The HPC may be paid in instalments for each stage of the subdivision authorised by this consent for which a subdivision certificate is sought. The amounts of the instalments that are payable for each stage are as follows:

Stage 1 of residential subdivision	Amount of instalment
Housing and productivity contribution (base component)	
Transport project component	
Total housing and productivity contribution	

Stage 2 of residential subdivision	Amount of instalment
Housing and productivity contribution (base component)	
Transport project component	
Total housing and productivity contribution	

[Add tables for each stage authorised by the consent]

Each amount in the table must be adjusted at the time of payment in accordance with condition 3.

- The amount payable at the time of payment is the amount shown as the total housing and productivity contribution for each stage specified in the tables to condition 2, adjusted by multiplying it by:

$$\frac{\text{highest PPI number}}{\text{consent PPI number}}$$

where:

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and

June quarter 2023 and **PPI** have the meanings given in clause 22 (4) of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

- 4 The HPC must be paid before the issue of the first subdivision certificate in relation to the development, or if it is paid in instalments, before the issue of the subdivision certificate for the relevant stage of the subdivision.
- 5 The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
- 6 If the Minister administering the *Environmental Planning and Assessment Act 1979* agrees, the HPC may be made, instead of as a monetary contribution, in the following ways:
 - (a) the dedication or provision of land for the purpose of regional infrastructure in the region in which the development will be carried out,
 - (b) the carrying out of works for the purpose of regional infrastructure in the region in which the HPC development will be carried out.

If the HPC is made partly as a monetary contribution, the amount of the part payable is the amount of the part adjusted in accordance with condition 3 at the time of payment. Each part of an instalment that is to be made as a monetary contribution is also to be adjusted in accordance with condition 3 at the time its payment.

- 7 Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.

C – Concept DAs – as described in section 4.22 of the Act

These conditions should be used in conjunction with A or B.

This condition is to be used if the concept DA also sets out detailed proposals for the first stage of development.

- 1 A housing and productivity contribution (**HPC**) is required to be made for the first stage of the development authorised by this consent, as set out in the table below but adjusted in accordance with condition 2:

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	
Transport project component	
Total housing and productivity contribution	

..... insert conditions from A or B as appropriate.

These conditions are to be included in a concept DA consent, whether or not the consent is for a first stage of development:

- X **In addition to the housing and productivity contribution required by condition x [Insert if HPC required for the first stage authorised by consent]**, development consent for a stage of development on the site to which this consent relates is to be subject to a condition requiring a housing and productivity contribution to be made if such a contribution is otherwise required for that stage of development under a Ministerial planning order under Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* at the time the development consent for that stage is granted (the **applicable order**).
- Y A housing and productivity contribution for a stage of development is to be calculated in accordance with the applicable order.

D – Complying development certificates

Housing and productivity contribution

- 1 The housing and productivity contribution (HPC) set out in the table below, but as adjusted in accordance with condition 2, is required to be made:

Housing and productivity contribution	Amount
Housing and productivity contribution (base component)	
Transport project component	
Total housing and productivity contribution	

- 2 The amount payable at the time of payment is the amount shown in condition 1 as the total housing and productivity contribution adjusted by multiplying it by:

$$\frac{\text{highest PPI number}}{\text{consent PPI number}}$$

where:

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and

June quarter 2023 and **PPI** have the meanings given in clause 22 (4) of the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

If the amount adjusted in accordance with this condition is less than the amount at the time consent is granted, the higher amount must be paid instead.

- 3 The HPC must be paid before the commencement of any work authorised by this certificate. However, if development is any of the kinds set out in the table below, the total housing and productivity contribution may be paid (or must be paid, if no work is involved in the development) as set out in the table:

Development	Time by which HPC must be paid
Development consisting only of residential subdivision within the meaning of the HPC Order	Before the issue of the first subdivision certificate
High-density residential development within the meaning of the HPC Order	Before the issue of the first strata certificate
Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata	Before the issue of the first strata certificate

subdivision and a change of use of an existing building	
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In the Table, **HPC Order** means the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023*.

- 4 The HPC must be paid using the NSW planning portal (<https://pp.planningportal.nsw.gov.au/>).
- 5 Despite condition 1, a housing and productivity contribution is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023* exempts the development from the contribution. The amount of the contribution may also be reduced under the order, including if payment is made before 1 July 2025.