

Environmental Planning and Assessment (Levies – City of Sydney) Direction 2021

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: 24th November 2021.

1 Name of Direction

This Direction is the *Environmental Planning and Assessment (Levies – City of Sydney) Direction 2021*.

2 When Direction takes effect

This Direction takes effect on the day on which *Sydney Local Environmental Plan 2012 (Amendment No 64)* commences.

3 Consent authorities to whom Direction is given

- (1) This Direction is given to:
 - (a) the Council of the City of Sydney (the **Council**), and
 - (b) any other consent authority determining a development application in relation to land to which this Direction applies.

- (2) To avoid doubt, this Direction also applies to:
 - (a) the Central Sydney Planning Committee (constituted by section 33 of the *City of Sydney Act 1988*) and any local planning panel when exercising, on behalf of the Council, the functions of the Council as a consent authority, and
 - (b) any other officer or employee of the Council to whom the Council delegates its functions as a consent authority.

Note. Section 7.21(1A) of the *Environmental Planning and Assessment Act 1979* provides as follows:

The imposition of a condition by a registered certifier as authorised by a contributions plan is subject to compliance with any directions given under section 7.17(1)(a), (b) or (d) with which a council would be required to comply if issuing the complying development certificate concerned.

4 Central Sydney land to which this Direction applies

This Direction applies to the land identified in Figure 1 in the Central Sydney Development Contributions Plan 2020, as adopted by the Council on 14 December 2020.

5 Maximum percentage levy

A consent authority must not impose, as a condition of development consent to carry out development on land to which this Direction applies, a levy under section 7.12 of the *Environmental Planning and Assessment Act 1979* that exceeds the percentage of the proposed cost of carrying out the development specified in Column 2 of the Table below opposite the relevant proposed cost of carrying out the development listed in Column 1 of the Table:

Column 1	Column 2
Up to and including \$250,000	Nil
More than \$250,000, up to and including \$500,000	1 per cent
More than \$500,000, up to and including \$1 million	2 per cent
More than \$1 million, if the development application is made no later than 30 June 2022	2 per cent
More than \$1 million on or from 1 July 2022, if the development application is made on or after 1 July 2022	3 per cent

6 Maximum percentage levy – modification of consent

- (1) Clause 5 applies in accordance with this clause to a modification of a development consent that imposes a levy if the applicable contributions plan provides for the adjustment of a levy on a modification of development consent.
- (2) For the purpose of applying clause 5, the proposed cost of carrying out the development is the proposed cost of carrying out the development as modified. However, the percentage specified in the Table to clause 5 opposite the proposed cost may be applied only to that part of the cost that represents an increase in the proposed cost of carrying out the development as a result of the modification to the consent.
- (3) A reference to a development application in the Table to clause 5 is to be read as a reference to the application to modify the development consent for the purpose of applying that clause.

7 Interpretation

A reference to the Act in this Direction is a reference to the *Environmental Planning and Assessment Act 1979* and a reference to a development application in this Direction includes a reference to an application for a complying development certificate.