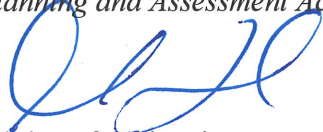


Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2017

under the

Environmental Planning and Assessment Act 1979

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



Minister for Planning

Dated: 17/7/2017

1 Name of Direction

This Direction is the *Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2017*.

2 When Direction takes effect

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

3 Consent authorities to which Direction is given

- (1) This Direction is given to all councils.
- (2) This Direction also applies to a Sydney planning panel and joint regional planning panel when exercising consent authority functions of one or more councils.

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

Insert "Sydney planning panel or" before "joint regional planning panel" in clause 3 (2).

[2] Clause 5

Insert the following paragraphs after “In this Direction:” in clause 5 (1) and re-number other paragraphs appropriately:

- (a) **2017 Amendment Direction** means the *Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2017*, and
- (b) **condition** means a condition under section 94 (1) or (3) of the *Environmental Planning and Assessment Act 1979*, and
- (d) **IPART** means the Independent Pricing and Regulatory Tribunal established by the *Independent Pricing and Regulatory Tribunal Act 1992*, and

[3] Clause 5

Insert after clause 5 (2) (and re-number subclause (3) as subclause (4)):

- (3) A reference in this Direction to an IPART reviewed contributions plan is a reference to a contributions plan that satisfies all of the following:
 - (a) IPART has reviewed the contributions plan (or a draft of the plan) in accordance with assessment criteria set out in any applicable practice note, including whether the facilities to which the contributions plan relates are on any essential works list set out in the practice note,
 - (b) IPART has published a report of its review on its website and forwarded it to the Minister for Planning,
 - (c) following the forwarding of the report to the Minister, the Minister (or a nominee of the Minister) has advised the relevant council as to any amendments required to the contributions plan,
 - (d) the Minister’s (or nominee’s) advice to the council has been published on the website of the Department of Planning and Environment,
 - (e) the relevant council has approved the plan, and has made any amendments to the plan, in accordance with the written advice of the Minister or the Minister’s nominee.

An applicable practice note, referred to in paragraph (a), is the *Revised Local Development Contributions Practice Note: For the assessment of Local Contributions Plans by IPART*, issued by the Department of Planning and Environment, February 2014, as amended or replaced from time to time.

[4] Clause 6

Omit “under section 94 (1) or (3) of the *Environmental Planning and Assessment Act 1979*” from clause 6 wherever occurring.

[5] Clause 6 (5)

Insert after clause 6 (4):

- (5) This clause does not apply to the imposition (after the 2017 direction takes effect) of a condition in accordance with an IPART reviewed contributions plan.

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

Insert after clause 6:

6A Raising cap on contributions in specified precincts after 2017 amendment direction

- (1) This clause applies (instead of clause 6) to a development consent to the extent that the consent relates to land to which any of the specified contributions plans apply when the 2017 amendment direction takes effect and authorises one or more dwellings on the land or subdivision of the land into residential lots.
- (2) A council or planning panel must not grant development consent that is subject to a condition requiring the payment of a monetary contribution that exceeds the amount specified in the table below for the relevant period (being the period in which the development consent is granted).

	Relevant period	Maximum amount of contribution
1	Date on which 2017 amendment direction takes effect to 31 December 2017	\$30,000 for each dwelling or each residential lot
2	1 January 2018 to 30 June 2018	\$35,000 for each dwelling or each residential lot
3	1 July 2018 to 30 June 2019	\$40,000 for each dwelling or each residential lot
4	1 July 2019 to 30 June 2020	\$45,000 for each dwelling or each residential lot
5	On and from 1 July 2020	An amount determined in accordance with the applicable contributions plan, if the contributions plan is a specified contributions plan as in force at the date on which the 2017 amendment direction takes effect or an IPART reviewed contributions plan

(3) In this clause, *specified contributions plan* means any of the following:

The Hills Shire

- Contributions Plan No.13 – North Kellyville Precinct
- The Hills Section 94 Contributions Plan (CP) No.15 – Box Hill Precinct
- Contributions Plan No.12 – Balmoral Road Release Area
- The Hills Section 94 Contributions Plan (CP) No.16 – Box Hill North Precinct

Blacktown

- Section 94 Contributions Plan No.20 – Riverstone & Alex Avenue Precincts
- Section 94 Contributions Plan No.24 – Schofields Precinct
- Section 94 Contributions Plan No.22 – Area 20 Precinct
- Section 94 Contributions Plan No.21 – Marsden Park

Wollongong

- draft West Dapto Section 94 Development Contributions Plan 2017

(4) For the purposes of this clause, the draft West Dapto Section 94 Contributions Plan 2017 as attached to the minutes of the meeting of Wollongong City Council of 3 April 2017 is taken to be the plan that applies to the relevant land when the 2017 amendment direction takes effect.

Note. The plans listed above as in force at the date the 2017 amendment direction took effect can be viewed on the website of the Department of Planning and Environment. The 2017 amendment direction took effect on its date of publication in the Government Gazette.

The specified contributions plans were reviewed by IPART before the 2017 amendment took effect.

6B Raising cap in Rockdale Urban Renewal Area after 2017 amendment direction

(1) This clause applies (instead of clause 6) to a development consent to the extent that the consent relates to land to which the draft *Rockdale Contributions Plan 2016 – Urban Renewal Area* (as submitted to IPART for review) applies and authorises one or more dwellings on the land or subdivision of the land into residential lots.

Note. The *Rockdale Contributions Plan 2016 – Urban Renewal Area* (as submitted to IPART for review in 2016) can be viewed on the website of the Department of Planning and Environment.

(2) A council or planning panel must not grant development consent that is subject to a condition requiring the payment of a monetary contribution that exceeds the amount specified in the table below for the relevant period (being the period in which the development consent is granted).

	Relevant period	Maximum amount of contribution
1	Date on which the 2017 amendment direction takes effect to 31 December 2017	\$20,000 for each dwelling or each residential lot
2	1 January 2018 to 30 June 2018	\$25,000 for each dwelling or each residential lot
3	1 July 2018 to 30 June 2019	\$30,000 for each dwelling or each residential lot
4	1 July 2019 to 30 June 2020	\$35,000 for each dwelling or each residential lot
5	On and from 1 July 2020	An amount determined in accordance with the applicable contributions plan, if the contributions plan is an IPART reviewed contributions plan

6C Raising cap in Camden and Liverpool contributions areas after 2017 amendment direction

- (1) This clause applies (instead of clause 6) to a development consent to the extent that the consent relates to land to which a Camden/Liverpool contributions plan applies when the 2017 amendment direction takes effect and authorises one or more dwellings on the land or subdivision of the land into residential lots.
- (2) A council or planning panel must not grant development consent that is subject to a condition requiring the payment of a monetary contribution that exceeds the amount specified in the table below for the relevant period (being the period in which the development consent is granted).

	Relevant period	Maximum amount of contribution
1	Date on which the 2017 amendment direction takes effect to 31 December 2017	\$30,000 for each dwelling or each residential lot
2	1 January 2018 to 30 June 2018	\$35,000 for each dwelling or each residential lot if the applicable Camden/Liverpool contributions plan is an IPART reviewed contributions plan (when consent is granted) and \$30,000 for each dwelling or each residential lot in any other case
3	1 July 2018 to 30 June 2019	\$40,000 for each dwelling or each residential lot if the applicable Camden/Liverpool contributions plan is an IPART reviewed contributions plan (when consent is granted) and \$30,000 for each dwelling or each residential lot in any other case
4	1 July 2019 to 30 June 2020	\$45,000 for each dwelling or each residential lot if the applicable Camden/Liverpool contributions plan is an IPART reviewed contributions plan (when consent is granted) and \$30,000 for each dwelling

		or each residential lot in any other case
5	On and from 1 July 2020	An amount determined in accordance with the applicable Camden/Liverpool contributions plan if the applicable Camden/Liverpool contributions plan is an IPART reviewed plan or another IPART reviewed contributions plan (when consent is granted), and \$30,000 for each dwelling or each residential lot in any other case

- (3) In this clause, *Camden/Liverpool contributions plan* means any of the following:

Liverpool

- Liverpool Contributions Plan 2008 (Edmondson Park)
- Liverpool Contributions Plan 2014 Austral and Leppington North Precincts
- Liverpool Contributions Plan 2014 – East Leppington Precinct

Camden

- Oran Park and Turner Road Precincts Section 94 Contributions Plan
- Camden Growth Areas Contributions Plan
- Catherine Fields (Part) Precinct Section 94 Contributions Plan

[7] Clause 9

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

- (c) *Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2017.*

[8] Schedule 2

Omit items 13 and 15 and re-number the other items appropriately.

[9] Schedule 2

Omit item 15 (as re-numbered) and insert instead:

- (15) Land within the following growth centres precincts shown on the North West Growth Centre Precinct Boundary Map or the South West Growth Centre Precinct Boundary Map (other than land identified in Schedule 1), adopted by the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (as in force when the 2017 amendment direction takes effect):

- West Schofields
- Vineyard
- Riverstone East
- Lowes Creek

- Marylands
 - Riverstone West
 - Marsden Park North
 - Shanes Park
 - Rossmore
 - Bringelly
 - Catherine Fields
 - Catherine Fields North
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