

# Public Consultation Draft: December 2018

## Environmental Planning and Assessment (Special Infrastructure Contribution – Hunter Region) Direction 2018

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, in pursuance of section 7.24 of the *Environmental Planning and Assessment Act 1979*, give the following Direction.

Minister for Planning

Dated:

### 1 Name of Direction

This Direction is the *Environmental Planning and Assessment (Special Infrastructure Contribution – Hunter Region) Direction 2018*.

### 2 When Direction takes effect

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

### 3 Councils and other planning bodies to whom Direction is given

- (1) This Direction is given to consent authorities in relation to development within Hunter Region Special Contributions Area.
- (2) To avoid doubt, this Direction also applies to:
  - (a) any local planning panel when exercising, on behalf of a council constituted for a local government area within Hunter Region Special Contributions Area, the functions of the council as a consent authority, and
  - (b) any officer or employee of such a council to whom the council delegates its functions as a consent authority.

**Note.** The consent authorities to whom the direction is given include the councils for the following local government areas and regional planning panels for a part of the State that includes any such local government area: City of Cessnock, Dungog, City of Lake Macquarie, City of Maitland, Mid-Coast, Muswellbrook, City of Newcastle, Port Stephens, Singleton, Upper Hunter Shire. The Independent Planning Commission is also subject to the direction when determining development applications in the Hunter Region.

#### **4 Condition for special infrastructure contribution must be imposed on grant of development application**

A consent authority must impose the following condition on the grant of consent to a development application to carry out development on greenfield residential land or greenfield industrial land (or both) within Hunter Region Special Contributions Area for which a special infrastructure contribution is required to be made under the *Environmental Planning and Assessment (Special Infrastructure Contribution – Hunter Region) Determination 2018*:

*A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Hunter Region) Determination 2018 (as in force when this development consent takes effect).*

*A person may not apply for a subdivision certificate or construction certificate (as the case may require, having regard to the Determination) in relation to development the subject of this development consent unless the person provides, with the application, written evidence from the Department of Planning and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.*

#### **More information**

Please contact the Department of Planning and Environment regarding arrangements for the making of a special infrastructure contribution (by email to [SIContributions@planning.nsw.gov.au](mailto:SIContributions@planning.nsw.gov.au)).

#### **5 Pending development applications**

This Direction extends to development applications made, but not finally determined, before this Direction takes effect.

#### **6 Definitions**

(1) In this Direction:

***greenfield industrial land*** and ***greenfield residential land*** have the same meanings as they have in the *Environmental Planning and Assessment (Special Infrastructure Contribution – Hunter Region) Determination 2018*.

***Hunter Region Special Contributions Area*** means the special contributions area of that name, as described in Schedule 4 to the *Environmental Planning and Assessment Act 1979*.

**Note.** Hunter Region Special Contributions Area comprises the following local government areas: City of Cessnock, Dungog, City of Lake Macquarie, City of Maitland, Mid-Coast, Muswellbrook, City of Newcastle, Port Stephens, Singleton, Upper Hunter Shire.

(2) Words or expressions in this Direction have the same meanings as they have in the *Environmental Planning and Assessment Act 1979*.

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