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.