Environmental Planning and Assessment (Local Infrastructure Contributions – Port of Newcastle) Direction 2014

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:

1 Name of Direction

This Direction is the Environmental Planning and Assessment (Local Infrastructure Contributions – Port of Newcastle) Direction 2014.

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 authority to which Direction is given

This Direction is given to the following consent authority:

(a) Newcastle 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 area:

(a) Port of Newcastle 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 area:

(a) Port of Newcastle 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 of Newcastle Lease Area means the area shown edged in red and identified as “Port of Newcastle Lease Area” on the State Environmental Planning Policy (Three Ports) 2013 Lease Area Map,

(b) State Environmental Planning Policy (Three Ports) 2013 Lease Area Map has the same meaning as in State Environmental Planning Policy (Three Ports) 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.

-----------------------------------------------------------------------------------