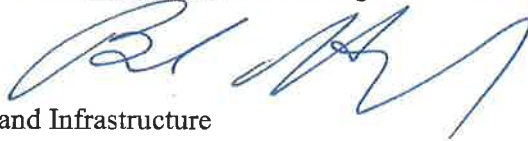


## Environmental Planning and Assessment (Local Infrastructure Contributions – Warriewood Valley) Direction 2011

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:

13 May 2011

### 1 Name of Direction

This Direction is the *Environmental Planning and Assessment (Local Infrastructure Contributions – Warriewood Valley) Direction 2011*.

### 2 When Direction takes effect

This Direction takes effect on 13 May 2011.

### 3 Consent authority to which Direction is given

- (1) This Direction is given to Pittwater Council.
- (2) This Direction also applies to Sydney East Joint Planning Panel or any other joint regional planning panel (“planning panel”) when exercising consent authority functions of Pittwater Council.

### 4 Definitions

- (1) In this Direction:
  - (a) *dwelling* means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile, and
  - (b) *residential lot* means a lot created by the subdivision of land for the purpose of a dwelling, not being a lot that, in the opinion of Pittwater Council (or planning panel), is to be further subdivided for the purpose of creating lots for the purpose of dwellings.

**Note.** See section 4B of the *Environmental Planning and Assessment Act 1979* for the meaning of “subdivision of land”.

- (2) A reference in this Direction to a development consent that authorises a dwelling is a reference to a development consent that authorises the erection of the dwelling or the use of a building or part of a building as a dwelling.

**Note.** See section 4 (2) of the *Environmental Planning and Assessment Act 1979* for interpretation of the phrase "erection of a dwelling".

(3) Notes in this Direction do not form part of this Direction.

## **5 Maximum amount of monetary contributions under s 94**

(1) This clause applies to a development consent to the extent that it authorises one or more dwellings or the subdivision of land into residential lots on land within Pittwater Local Government Area that is identified as the Warriewood Valley Urban Release Area in the *Warriewood Valley Section 94 Contributions Plan No. 15 Amendment No. 16*.

(2) Pittwater Council (or a planning panel) must not grant a development consent to which this clause applies subject to a condition under section 94 (1) or (3) of the *Environmental Planning and Assessment Act 1979* requiring the payment of a monetary contribution that:

- (a) in the case of a development consent that authorises one or more dwellings, exceeds \$62,100 for each dwelling authorised by the consent, or
- (b) in the case of a development consent that authorises subdivision into residential lots, exceeds \$62,100 for each residential lot authorised to be created by the development consent.

(3) Pittwater Council (or a planning panel) may, in a particular case, require, as a condition on the grant of development consent, the payment of a monetary contribution that exceeds the maximum amount of the contribution calculated in accordance with subclause (2), but only with both the written agreement of the applicant for the consent and the written approval of the Minister, given before the condition is imposed.

## **6 Pending development applications**

(1) This Direction extends to development applications made to Pittwater Council, but not finally determined, before this Direction takes effect.

(2) This Direction does not apply to:

- (a) any application for modification of a development consent that was granted before this Direction takes effect, and
- (b) any condition of a development consent that was granted before this Direction takes effect.

### **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.