

## Environmental Planning and Assessment (Local Infrastructure Levies) Direction 2015

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: 14<sup>th</sup> April, 2016

### 1 Name of Direction

This Direction is the *Environmental Planning and Assessment (Local Infrastructure Levies) Direction 2015*.

### 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 consent authorities.
- (2) This Direction also applies to any joint regional planning panel when exercising consent authority functions of one or more councils.

### 4 Prohibition on levy where s 94 contribution required

If a development contribution under section 94 of the *Environmental Planning and Assessment Act 1979* has been required in respect of the subdivision of land (*initial subdivision*), a levy under section 94A of that Act may not be required in respect of any other development on the land, unless that other development will, or is likely to, increase the demand for public amenities or public services beyond the increase in demand attributable to the initial subdivision.

### 5 Revocation of existing Directions in respect of local infrastructure contributions

The following directions under section 94E of the *Environmental Planning and Assessment Act 1979* are revoked:

- (a) the direction that was given by the then Minister for Planning, the Honourable Frank Sartor, M.P., and dated 10 November 2006 (*2006 Direction*), in relation to levies under section 94A of the Act,
- (b) the direction given by the then Minister for Planning, the Honourable Kristina Keneally, M.P., and dated 9 September 2009, in relation to levies under section 94A, and other local infrastructure contributions under section 94, of the Act for projects carried out under the Building Education Revolution program.

**6 Savings provision**

This Direction does not affect the operation of any condition of development consent that was imposed in relation to the subdivision of land as referred to in clause 2 (e) of the 2006 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.

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