

Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2020

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Public Spaces, in pursuance of section 7.17 of the *Environmental Planning and Assessment Act 1979*, give the following Direction.



Minister for Planning and Public Spaces

Dated: 18/06/2020

1 Name of Direction

This Direction is the *Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment Direction 2020*.

2 When Direction takes effect

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

3 Consent authorities to whom Direction is given

(1) This Direction is given to:

- (a) Blacktown City Council and The Hills Shire Council, and
- (b) any other consent authority in respect of any proposed development within (or partly within) the local government area of Blacktown or The Hills.

(2) To avoid doubt, this Direction also applies to:

- (a) any local planning panel when exercising, on behalf of a council, the functions of the council as a consent authority, and
- (b) any other officer or employee of such a council to whom the council delegates its functions as a consent authority.

4 Amendment of Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012

The *Environmental Planning and Assessment (Local Infrastructure Contributions) Direction 2012* is amended as set out in Schedule 1.

Schedule 1 Amendments

[1] Clause 6E

Insert after clause 6D:

6E Interim 6-month cap for Blacktown LGA and The Hills LGA

Grant of consent to end of 2020

- (1) This clause applies, despite any other provision of this Direction (including clause 6 (5), clause 6A and clause 6D) to a development consent that:
 - (a) relates to any land within Blacktown local government area or The Hills local government area, and
 - (b) authorises one or more dwellings on the land or subdivision of the land into residential lots.
- (2) This clause applies only to a grant of development consent on and from 1 July 2020 to 31 December 2020. On and from 1 January 2021, the provisions of this Direction that would (but for this clause) apply to the grant of development consent are revived, including in relation to consent to development applications made before 1 January 2021.
- (3) To avoid doubt, this clause does not apply to a development consent to the extent that it authorises the carrying out of development on land identified in Schedule 1.

\$50,000 cap if contribution paid before 1 July 2021

- (4) Subject to this clause, a consent authority must not grant development consent to which this clause applies that is subject to a condition requiring the payment of a monetary contribution that exceeds \$50,000 for each dwelling authorised by the consent or each residential lot authorised to be created by the development consent.
- (5) A consent authority may, in its grant of development consent that imposes a condition requiring the payment of a monetary contribution in accordance with subclause (4), provide that if the monetary contribution is not paid before 1 July 2021, a monetary contribution that exceeds \$50,000 per dwelling or per residential lot is to be paid (subject to the provisions of the applicable contributions plan and the other provisions of this Direction that would, but for this clause, apply to the development consent).
- (6) A consent authority must not impose a condition on the grant of development consent to which this clause applies that requires the payment of a monetary contribution that exceeds:
 - (a) in the case of land identified in Schedule 2 - \$30,000 per dwelling or per residential lot,
 - (b) in any other case - \$20,000 per dwelling or per residential lot,

unless the condition requiring the contribution is imposed, when consent is granted, in accordance with an IPART reviewed contributions plan or a specified contributions plan, within the meaning of clause 6A, as in force at 28 July 2017.

[2] Clause 9 (1)

Insert the following paragraph (appropriately numbered) at the end of clause 9 (1):

*Environmental Planning and Assessment (Local Infrastructure Contributions) Amendment
Direction 2020.*
