

Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Direction 2020

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Public Spaces, in pursuance of section 7.24 of the *Environmental Planning and Assessment Act 1979*, give the following Direction.



Minister for Planning and Public Spaces

Dated: 25/06/2020

1 Name of Direction

This Direction is the *Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) 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 consent authorities in relation to development within the Western Sydney Growth Areas Special Contributions Area.
- (2) To avoid doubt, this Direction also applies to:
 - (a) any local planning panel when exercising, on behalf of a council constituted for a local government area within (or partly within) the Western Sydney Growth Areas Special Contributions Area, the functions of the council as a consent authority, and
 - (b) any officer or employee of such a council to whom the council delegates its functions as a consent authority.

4 Condition that must be imposed

A consent authority must impose the following condition on the grant of development consent to any development within the Western Sydney Growth Areas Special Contributions Area for which a special infrastructure contribution is required to be made under the *Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011*:

A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

More information

A request for assessment by the Department of Planning, Industry and Environment of the amount of the special infrastructure contribution that is required under this condition can be made through the NSW planning portal (<https://www.planningportal.nsw.gov.au/special-infrastructure-contributions-online-service>). Please refer enquiries to SIContributions@planning.nsw.gov.au

5 Pending development applications

This Direction extends to development applications made to a consent authority, but not finally determined, before this Direction takes effect.

6 Revocation of existing directions

- (1) The direction under section 7.24 that was published in the Gazette on 21 January 2011 (the *Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Direction 2011*) and in force immediately before this Direction takes effect in relation to development on land within the Western Sydney Growth Areas Special Contributions Area is revoked.
- (2) The revocation of the direction does not affect:
 - (a) the operation of any condition of a development consent imposed in accordance with the terms of the direction, and
 - (b) anything done in accordance with such a condition or a determination under section 7.23 of the *Environmental Planning and Assessment Act 1979* to which the condition refers, and
 - (c) the operation of section 7.24 (3) of the *Environmental Planning and Assessment Act 1979* if the consent authority has failed to impose a condition on the grant of development consent in accordance with the terms of the direction.
- (3) Section 7.24 of the *Environmental Planning and Assessment Act 1979* continues to apply with respect to a condition of a development consent that is imposed in accordance with the terms of the direction revoked by this clause.

7 Definitions

In this Direction:

Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 means the Determination of that name as in force for the time being, including as amended by the *Environmental Planning and Assessment (Special Infrastructure Contribution - Western Sydney Growth Areas) Amendment Determination 2011* and the *Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Amendment Determination 2020*.

Western Sydney Growth Areas Special Contributions Area means the land described in Schedule 4 to the *Environmental Planning and Assessment Act 1979* as the land shown edged heavy black on the map marked “Western Sydney Growth Areas – Special Contributions Area” deposited in the head office of the Department.
