

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.
