

Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021

Bill Guide

| Recc. | Proposed amendment | Act section | Bill ref. |
|-------|---|---------------------------------------|-----------------|
| 4.1 | <p>Aligning contributions plans with rezoning</p> <ul style="list-style-type: none"> A direction-making power will allow the Minister to specify when a contributions plan must accompany a planning proposal. This will align the exhibition of draft contributions plans with the exhibition of planning proposals. It does not affect planning proposal assessment timeframes. | 7.17(1)(e) | [23] |
| 4.2 | <p>Introduce a land value contribution mechanism to improve efficiency and certainty for funding land acquisition</p> <ul style="list-style-type: none"> A new framework will allow councils to require all landowners in an identified precinct in an approved contributions plan to contribute towards land required for public purposes. The contribution will be based on a percentage of land area or value and is imposed when land is rezoned. It will be payable when the land is sold or developed. Landowners will be notified of the land value contribution being imposed within a precinct as part of the public exhibition of draft contributions plans and planning proposals. | 7.16B-F | [22] |
| 4.9 | <p>Encourage councils to forward fund infrastructure through borrowing and pooling funds</p> <ul style="list-style-type: none"> Councils will be able to pool contributions without the need for a Ministerial Direction or contributions plan to allow it. Regulations extend recoupment to include interest costs associated with forward-funding infrastructure. | 7.3(2) 7.11(2) | [10] [19] |
| 4.10 | <p>Defer payment of contributions to occupation certificate stage</p> <ul style="list-style-type: none"> Directions to set the timing of contributions payments will be extended beyond the COVID-19 pandemic period. | 7.17(1A) and (1B) | [24] |
| 4.11 | <p>Increase maximum section 7.12 fixed development consent levies</p> <ul style="list-style-type: none"> Maximum rates and a broader calculation methodology can be set by regulation. | 7.12(5)(a) | [19] |
| 4.12 | <p>Planning agreements consistent with principles-based approach</p> <ul style="list-style-type: none"> Planning authorities will be required to publicly exhibit rather than notify draft agreements, and to invite and consider submissions. The requirement for hard copies of planning agreements will be removed given planning agreement information will be available online. | Schedule 1, clause 6A 7.5, 7.10 | [33] [16-17] |

| Recc. | Proposed amendment | Act section | Bill ref. |
|-------|--|---|-------------------------|
| 5.1 | <p>Adopt regional infrastructure contributions</p> <ul style="list-style-type: none"> Regional infrastructure contributions will replace current special infrastructure contributions. Regional infrastructure contributions will be imposed via State environmental planning policy to bring together requirements currently spread across regulations, determinations and directions. The contributions may be applied to a region or parts of a region, with funds collected in the region to be spent on infrastructure within the region. A new fund will be established for management of regional contributions, administered by the Secretary of the Treasury. Payment out of the Fund requires approval of the Treasurer and consultation with the Minister for Planning and Public Spaces. Transitional arrangements will preserve existing determinations including the Western Sydney Aerotropolis and other determinations made before 1 July 2022. | <p>7.22-7.30</p> <p>7.23(3)</p> <p>7.25(1)(c)</p> <p>7.31</p> <p>Schedule 4</p> | <p>[27]</p> <p>[34]</p> |
| 5.3 | <p>Adopt transport contributions</p> <ul style="list-style-type: none"> A transport project component of the regional infrastructure contribution will be able to be levied in areas benefitting from investment in transport infrastructure. The transport component will be imposed in service catchments within the region (and not the entire region). The funds collected must be spent on the identified transport project and kept separately within the regional infrastructure contributions fund. | <p>7.25(1)(f)(i)</p> <p>7.31(2)</p> | <p>[27]</p> |
| 5.4 | <p>Adopt strategic biodiversity contributions</p> <ul style="list-style-type: none"> A strategic biodiversity component of the regional infrastructure contribution will be able to be levied in areas with biodiversity certification under the <i>Biodiversity Conservation Act 2016</i>. The strategic biodiversity component will be imposed in biodiversity certified areas within a region (and not the entire region). Funds collected from the strategic biodiversity component will be paid to a new fund administered by the Planning Secretary and must be spent in line with the certification. | <p>7.24, 7.25(1)(f)(ii)</p> <p>7.30</p> | <p>[27]</p> |
| 6.1 | <p>Use digital tools to make contributions simpler and more transparent</p> <ul style="list-style-type: none"> Form and content of plans can be set by regulations, building on existing ePlanning provisions. | <p>7.18(2)</p> | <p>[25]</p> |
| 6.5 | <p>Better synchronise State and local strategic planning frameworks</p> <ul style="list-style-type: none"> Review timeframes for local strategic planning statements will be changed from seven to five years to align with review requirements for State infrastructure strategies and regional plans. | <p>3.9</p> | <p>[4]</p> |