

Environmental Planning and Assessment (Local Infrastructure Contributions – Planning Proposals) Direction 2022

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Public Spaces, in pursuance of section 9.1(1) and 9.1(2) of the Environmental Planning and Assessment Act 1979, give the following direction.

Minister for Planning and Public Spaces

Dated:

1 Name of Direction

This Direction is the *Environmental Planning and Assessment (Local Infrastructure Contributions – Planning Proposals) Direction 2022*.

2 Objectives

The objectives of this Direction are:

- (a) to encourage the preparation and exhibition of draft contribution plans at the same time as planning proposals where a new or amended contributions plan is required to accommodate the increased demand for public amenities and public services,
- (b) to facilitate the provision of appropriate public amenities and services for new development, and
- (c) to provide certainty as to the likely development costs, including local infrastructure contributions, that will arise from decisions to facilitate development through changes to planning controls.

3 Where this Direction applies

This Direction applies to all relevant planning proposal authorities.

4 When this direction applies

This Direction applies when a planning proposal authority prepares a planning proposal that will, in the opinion of the planning proposal authority, permit development to be carried out (whether with or without consent) that will, or is likely to, require the provision of, or increase the demand for, public amenities or public services in the relevant local government area.

5 What a planning proposal authority must do if this direction applies

- (1) The planning proposal authority must consider:

- (a) whether any contributions plan (either for the purposes of section 7.11 or section 7.12 of the Act) in force in the relevant local government area will adequately address the need for, or any increase in demand for, public amenities or public services that will, or is likely to, result from development that the planning proposal, if implemented, will permit to be carried out, and
- (b) if it is of the opinion that any such contributions plan will not adequately address that need or increase in demand, whether local infrastructure contributions are necessary to meet (partly or wholly) the cost of providing the public amenities or public services concerned, including where the council has already incurred that cost.

The planning proposal, when forwarded to the Minister under section 3.34 of the Act, is to be supported by evidence that the planning proposal authority has considered these matters.

- (2) If the planning proposal authority, after considering the above matters, is of the opinion that local infrastructure contributions are necessary, the planning proposal authority is to endeavour to ensure that a draft contributions plan (whether a new plan or an amendment to a plan) is prepared in sufficient time to enable the plan to be exhibited at the same time as the planning proposal, or as soon as possible after the planning proposal is placed on exhibition, if the Minister determines that the planning proposal should proceed.
- (3) In considering the matters set out in subclause (1), factors that the planning proposal authority may have regard to include the following:
 - (a) whether a planning agreement has been entered to, or is proposed to be entered into, that makes adequate provision for public amenities or public services that development permitted by the planning proposal will require,
 - (b) other arrangements are in place to ensure that adequate public amenities or public services will be available to meet any need or increased demand for any such amenities or services,
 - (c) although the intensification of development that the planning proposal may allow is likely to result in some increase in demand for public amenities or public services, that increase is likely to be minor and can be met by existing amenities and services.
- (4) In this clause:

local infrastructure contributions has the same meaning as it has in Division 7.1 of the Act.
the Act means the *Environmental Planning and Assessment Act 1979*.

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