



New South Wales

Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.
This Bill is cognate with the *Appropriation Bill 2021*.

Overview of Bill

The object of this Bill is to amend the *Environmental Planning and Assessment Act 1979* and other instruments as follows—

- (a) to enable a contributions plan to identify land in a land value contributions area for the purpose of requiring a land value contribution for the land,
- (b) to establish a regional infrastructure contributions scheme,
- (c) to make further provision for existing local infrastructure contributions,
- (d) to make other consequential amendments.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 **Amendment of Environmental Planning and Assessment Act 1979 No 203**

Local infrastructure contributions, including land value contributions

Schedule 1[8] inserts definitions of terms used in the *Environmental Planning and Assessment Act 1979 (the Act)*, Division 7.1, including *land value contribution*.

Schedule 1[19] substitutes sections 7.11–7.13.

Proposed section 7.11 enables a consent authority to impose a *local infrastructure condition* on a development consent to require a land value contribution in addition to a contribution for public amenities or public services.

Proposed section 7.12 provides for the imposition of a *local levy condition* on a development consent to require the payment of a monetary levy determined in accordance with the regulations. Proposed section 7.13 makes it clear that a local infrastructure condition and a local levy condition must be authorised by, and determined in accordance with, a contributions plan and imposed in accordance with the regulations and relevant Ministerial directions.

Schedule 1[22] inserts proposed section 7.16A and Subdivision 3A.

Subdivision 3A requires a land value contribution be satisfied by an owner of land in a land value contributions area if the land is sold before the contribution has been satisfied.

A vendor or purchaser in the sale of land may apply to the relevant council for a land value contribution certificate, which specifies the contribution, if any, that is required for the land.

An instrument that effects the transfer of the land must be endorsed to indicate that the land value contribution, if required, has been made before the instrument is registered.

Schedule 1[23] makes provision for Ministerial directions, including the matters that must be considered when preparing a contributions plan and the circumstances in which a draft contributions plan must accompany a planning proposal. **Schedule 1[24]** enables the Minister for Planning and Public Spaces (the *Minister*) to extend a direction relating to the time at which monetary contributions or levies must be paid to existing development consents in certain circumstances.

Schedule 1[25] makes provision for the preparation and approval of contributions plans by councils and for the making, amendment or repeal of contributions plans by the Minister.

Schedule 1[10]–[12], [15], [20], [21], [26], [28], [31] and [32] make consequential amendments.

Regional infrastructure contributions

Schedule 1[27] substitutes Division 7.1, Subdivisions 4 and 5 to establish a regional infrastructure contributions scheme.

A State environmental planning policy (*SEPP*) may require a regional infrastructure contribution to provide for regional infrastructure. *Regional infrastructure* includes public amenities or public services, affordable housing, transport infrastructure, regional or State roads and measures to conserve or enhance the natural environment.

The SEPP must specify the level and nature of the regional infrastructure contribution, the components of the contribution, including transport project components or strategic biodiversity components, and other matters set out in proposed section 7.25. Before recommending the making of the SEPP, the Minister must obtain the concurrence of the Treasurer.

If a SEPP requires a regional infrastructure contribution in relation to development, a consent authority or certifier must impose a condition on a development consent or a complying development certificate, respectively, for the development to require the contribution.

Proposed sections 7.30–7.31C make provision for the payments relating to regional infrastructure into and out of funds administered by the Planning Secretary and the Secretary of the Treasury.

Schedule 1[30] enables the regulations to make provision about fees and charges associated with the administration of the Act and instruments made under the Act.

Schedule 1[34] inserts savings and transitional provisions generally and in relation to the continuation of special infrastructure contributions under the substituted provisions of the Act. **Schedule 1[5]–[7], [9], [13], [14] and [29]** make consequential amendments.

Community participation requirements for planning agreements

Schedule 1[33] specifies the minimum public exhibition period for proposed planning agreements in the Act, Schedule 1.

Schedule 1[1]–[3] and [16]–[18] make consequential amendments.

Review of local strategic planning statement

Schedule 1[4] requires a council to review a local strategic planning statement at least every 5 years, instead of every 7 years.

Schedule 2 Other amendments

Schedule 2 makes consequential amendments to the *Conveyancing (Sale of Land) Regulation 2017* and the *Valuation of Land Act 1916*.