

Planning and Environment (Development Contributions) Bill

EXPLANATORY MEMORANDUM

Clause 1 explains the purpose of the Bill.

Clause 2 provides for commencement.

Clause 3 inserts a new Part 3B into the **Planning and Environment Act 1987** which provide for development contributions, as follows:

Section 46H provides for definitions used in the Bill.

Section 46I provides for a planning scheme to contain one or more development contributions plans for the purpose of levying contributions for works, services or facilities.

Section 46J defines what a development contribution plan can provide for.

Section 46K sets out the required contents of a development contributions plan including demonstrating that the infrastructure is needed and specifying the method of determining the levy amounts.

Section 46L sets out the limits for community infrastructure levy.

Section 46M enables the Minister to issue written directions regarding the preparation and content of development contribution plans and sets out examples of directions which may be given.

Section 46N provides for collection of a development infrastructure levy.

Section 46O provides for collection of a community infrastructure levy.

Section 46P enables the council to secure the levy payments or accept land or in kind contribution instead of monetary payment.

Section 46Q requires the councils to keep proper accounts of any amount of levy paid to it and provides for redirection or refunding or recovery of contributions.

Clause 4 repeals section 62 (2) (h) of the **Planning and Environment Act 1987** and insert a new section 62 (5) and (6). Sub-section (5) enables the responsible authority to include conditions on permits to obtain development contributions for works related directly on or to the land and to share the costs. Sub-section (6) prohibits a permit condition requiring a levy for services or facilities except in accordance with an approved development contribution plan, or under a section 173 agreement.

Clause 5 provides for a consequential change to the **Building Act 1993** requiring that a building surveyor not issue a building permit unless the levy has been paid or an appropriate agreement to pay has been entered into.

