



What is an Environmental Compliance Levy?



About the new environmental compliance levy

From 1 July 2019, all new Development Applications will be subject to an environmental compliance levy.

How much will it cost?

An environmental compliance levy of 0.25% of the Capital Investment Value (CIV) of a proposed development will be charged on each Development Application with a minimum levy of \$150 plus GST and a maximum levy of \$3000 plus GST.

What is the compliance levy and why is it being charged?

Since the introduction of private certification by the State Government there has been an increasing trend for private certifiers to focus on their role as a certifier of buildings and less on the broader site supervisory role that Local Government historically fulfilled.

The Kiama Municipal Council area has also had a steady increase in development with this trend set to continue placing greater demands on Council to ensure compliance with legislation and an expectation in the community that Council officers are available to take effective action when identifying unauthorised works and uses.

A new environmental compliance levy has been introduced to ensure Council can effectively undertake the following duties:

- Refocus staff resources which will lead to increased efficiency and response rates with the investigation of unauthorised works and uses.
- Increased community education and engagement will all stakeholders on development compliance matters.
- Pro-active management of development under construction including the ability to deal with the increasing amount of development.
- A greater focus on enforcement of environmental matters associated with development.
- Investigate incidences of unauthorised works and uses within a timely manner.

How is this fee charged?

The fee will be charged at the time of lodgement of a Development Application.

The compliance levy is consistent with the provisions of Section 608 of the Local Government Act 1993 and provisions falling within Clause 246A(2) of the Environmental Planning and Assessment Regulations 2010.

Can the levy be conditioned rather than being paid upon lodgement?

Clause 80A of the Environmental Planning and Assessment Act 1979, which controls the imposition of conditions on a development consent does not permit a condition to be imposed on a Development Application consent for the payment of an environmental compliance levy. Therefore, the environmental compliance levy is required to be paid upon lodgement of the Development Application.

Can the environmental compliance levy be refunded if a Development Application is withdrawn?

Yes, 100% of the compliance levy will be refunded upon written request, if your Development Application is withdrawn.

Can the compliance levy be refunded if a Development Application is refused?

Yes, 100% of the compliance levy will be refunded upon written request, if your Development Application is refused.

Need help?

If you have any questions, Council's Development Assessment staff are available for brief consultations and to provide general advice at Council's Customer Service counter between 8.45am and 11am Monday to Friday.

Appointments may be made outside these hours, subject to availability. Council staff can only provide general advice and cannot help in the preparation of your application or the supporting documents.

Disclaimer

This fact sheet outlines what the environmental compliance levy is. If you wish to find out more about the NSW planning system visit:

<https://www.planningportal.nsw.gov.au> or call or email to make an appointment with Council to discuss.

This document is subject to change without notice.