

**LAND DEVELOPMENT CONTRIBUTION  
MANAGEMENT (AMENDMENT) ACT.**

**New South Wales**



ANNO VICESIMO SECUNDO

**ELIZABETHÆ II REGINÆ**

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**Act No. 75, 1973.**

An Act relating to liability for contribution under the Land Development Contribution Management Act, 1970; for this and other purposes to amend that Act and the Local Government Act, 1919; to validate certain matters; and for purposes connected therewith. [Assented to, 20th December, 1973.]

BE

*Land Development Contribution Management (Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by No. 75, 1973  
and with the advice and consent of the Legislative  
Council and Legislative Assembly of New South Wales in  
Parliament assembled, and by the authority of the same, as  
follows:—

1. This Act may be cited as the "Land Development Short title.  
Contribution Management (Amendment) Act, 1973".

2. The Land Development Contribution Management Reference to  
Act, 1970, is, in this Act, referred to as the Principal Act.

3. The Principal Act is amended—

Amendment  
of Act No.  
22, 1970.

- (a) by omitting from section 2 the matter "24" and Sec. 2.  
by inserting instead the matter "24A"; (Division  
of Act.)
- (b) by inserting in the definition of "declared land" Sec. 3.  
in section 3 (1) after the word "applies" the words (Inter-  
pretation.)  
", being an order published in the Gazette on or  
before 7th February, 1973";
- (c) by inserting next after section 7 (6) the following Sec. 7.  
new subsections:— (Time when  
declared  
land  
becomes  
liable for  
con-  
tribution.)
- (7) A reference in subsection (1) or (2) to  
a disposition of land does not, where the date on  
which the land is disposed of is 8th February,  
1973, or any subsequent day, include a reference  
to that disposition.
- (8) A reference in subsection (2) to a develop-  
ment consent does not include a reference to a  
development consent granted on or after 8th  
February, 1973.

(d)

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New sec. 7A.

Certain  
dispositions  
to cease  
to attract  
liability.

- (d) by inserting next after section 7 the following new section :—

7A. (1) Where land has become liable for contribution as a consequence of a disposition, the Authority may declare that the disposition is a disposition to which this section applies.

(2) Subsections (1) and (2) of section 7 shall cease to apply in respect of land that has become liable to contribution as a consequence of a disposition declared to be a disposition to which this section applies, and that land shall be deemed never to have become so liable as a consequence of that disposition.

(3) The Authority shall not make a declaration under this section in relation to any disposition unless the Authority, having regard to all the circumstances of the case, is satisfied that it is just and equitable to do so.

Sec. 16.  
(Refund or  
waiver of  
contribution  
where dis-  
position,  
etc., res-  
cinded,  
etc.)

- (e) (i) by omitting from section 16 (2) (e) the words “granted; and” and by inserting instead the words “granted and before 8th February, 1973;”;

- (ii) by inserting next after section 16 (2) (e) the following new paragraph :—

(ei) unless, where the disposition or development consent referred to in paragraph (b) of subsection (1) was rescinded, cancelled, annulled or revoked on or after 8th February, 1973, the Authority decides that it is, having regard to all the circumstances of the case, satisfied that the disposition or consent was not rescinded, cancelled, annulled or revoked for the purpose of avoiding or evading liability for contribution or for purposes including that purpose; and

(iii)

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- (iii) by inserting next after section 16 (3) the following new subsection :— No. 75, 1973

(3A) Where the revocation of a development consent was or is applied for under paragraph (c) of subsection (3) on or after 8th February, 1973, the Authority shall not grant a certificate under that paragraph in relation to the consent unless it decides that it is, having regard to all the circumstances of the case, satisfied that the application was not made for the purpose of avoiding or evading liability for contribution or for purposes including that purpose.

- (iv) by inserting in section 16 (4) (c) after the word "granted" the words "or, where it was granted by the Local Government Appeals Tribunal, in the office of the Tribunal";

- (f) by inserting next after section 18 (4) the following new subsection :— Sec. 18.

(5) Any contribution paid under this section in respect of land that had not become liable for contribution under subsection (2) of section 7 on or before 7th February, 1973, shall, upon application made to the Authority, be refunded without interest, subject to the Authority being furnished with such securities, releases and indemnities as it may require.

(Right to pay contribution in advance.)

- (g) by inserting next after section 24 the following new section :— New sec. 24A.

24A. (1) In this section—

"application" means an application made on or after 8th February, 1973—

Objections and appeals as to certain applications under s. 16.

- (a) under paragraph (a) of subsection (2) of section 16 for the refund or waiver of contribution, where the

disposition

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disposition or development consent as a consequence of which land became liable for that contribution was rescinded, cancelled, annulled or revoked (as referred to in that section) on or after that date; or

- (b) under paragraph (c) of subsection (3) of section 16 for the revocation of a development consent;

“the prescribed period”—

- (a) in relation to an application made before the commencement of the Land Development Contribution Management (Amendment) Act, 1973—means the period of sixty days after that commencement; or
- (b) in relation to an application made after that commencement—means the period of sixty days after the making of the application.

(2) Where the Authority serves on an applicant a written notice notifying him that the Authority has decided that, in relation to the application, it is not satisfied as to the matters referred to in paragraph (ei) of subsection (2) of section 16, or in subsection (3A) of section 16, the applicant may serve on the Authority an objection, in writing, against the decision, stating fully and in detail the grounds on which he relies.

(3) Where before the expiration of the prescribed period after the making of an application, the Authority—

- (a) has not granted the application; or

(b)

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(b) has not served on the applicant a written notice notifying him whether or not the Authority has decided that, in relation to the application, it is satisfied as to the matters referred to in paragraph (ei) of subsection (2) of section 16, or in subsection (3A) of section 16, No. 75, 1973

the Authority shall be deemed to have decided that it is not satisfied as to those matters.

(4) The Authority shall consider the objection as soon as possible and may disallow it or allow it.

(5) The provisions of subsections (4), (5) and (6) of section 22 apply to and in respect of an objection under this section and the Authority's decision on the objection in the same way as they apply to and in respect of an objection under section 22 and the Authority's decision on such an objection.

(6) An objector shall be limited on the hearing of the appeal to the grounds stated in the objection.

(7) On the hearing of the appeal, the Land and Valuation Court may make such order as it thinks fit and may reverse the decision of the Authority.

(8) Except as provided by the Land and Valuation Court Act, 1921, any such order of the Land and Valuation Court shall be final and conclusive and binding on all parties.

(9)

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(9) The Authority shall be deemed to have decided that, in relation to an application, it is satisfied as to the matters referred to in paragraph (ei) of subsection (2) of section 16, or in subsection (3A) of section 16, if—

- (a) the Authority allows an objection under subsection (4); or
- (b) the Land and Valuation Court reverses the decision of the Authority under subsection (7),

in relation to the application.

Sec. 41.

(Interested persons may obtain base date valuation.)

- (h) (i) by omitting from section 41 the words “land within the non-urban Sydney region” and by inserting instead the words “declared land”;
- (ii) by inserting at the end of section 41 the following new subsection :—

(2) Subsection (1) does not apply in relation to land that is prescribed land within the meaning of section 56A.

New sec. 56A.

- (i) by inserting next after section 56 the following new section :—

Conclusive presumption as to prescribed land.

56A. (1) In this section, “prescribed land” means such land within the non-urban Sydney region as is specified or described in the regulations as being prescribed land for the purposes of this section.

(2) It shall be conclusively presumed that, as at the date on which any land becomes prescribed land—

- (a) so much thereof as is, or has at any time been, declared land has ceased to be liable for contribution; and

(b)

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(b) no order applying to any part of the No. 75, 1973 remainder thereof has been published under section 11.

4. The Local Government Act, 1919, is amended— Amendment  
of Act No.  
41, 1919.

(a) by inserting in section 327 (1) (d1) next before the words “the town” the words “subject to subsection (4),”; Sec. 327.  
(Conditions  
to be  
observed  
before  
opening  
new roads  
or sub-  
divisions.)

(b) by inserting in section 327 (2) (b1) next before the words “the town” the words “subject to subsection (4),”; opening  
new roads  
or sub-  
divisions.)

(c) by inserting next after section 327 (3) the following new subsection :—

(4) Paragraph (d1) of subsection (1) and paragraph (b1) of subsection (2) do not apply in relation to land that is prescribed land within the meaning of section 56A of the Land Development Contribution Management Act, 1970.

5. Regulation 3 of the Land Development Contribution Management Regulations, as inserted by a regulation made under the Principal Act and published in Gazette No. 23 of 16th February, 1973, shall be deemed to have taken effect on and from 1st July, 1970. Operation of  
Regulation  
3.

6. (1) In this section, “the relevant period” means the period commencing on 8th February, 1973, and ending on the day that precedes the date of assent to this Act. Discharge  
of liability  
arising on  
or after 8th  
February,  
1973.

(2) Where land became liable for contribution as a consequence of a disposition or development consent the date of which was during the relevant period, that liability is discharged and the land shall be deemed never to have become liable for contribution as a consequence of that disposition or consent.

(3)

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No. 75, 1973 (3) Any obligation imposed by any provision of section 13 of the Principal Act arising by reason of a disposition or development consent the date of which was during the relevant period is discharged.

(4) A reference (however expressed) in this section—

(a) to the date of a disposition of land is a reference to the date on which the land was disposed of;

(b) to the date of a development consent is a reference to the date on which the development consent was granted.

Applications under s. 16 of the Principal Act. 7. Section 16 of the Principal Act, as amended by this Act, applies to and in respect of applications made under that section and pending immediately before the commencement of this Act as well as to applications made under that section after that commencement.

Validation. 8. Any act, matter or thing that was done or omitted at any time before the date of assent to this Act and that would have been valid had this Act been in force at that time is hereby validated.