

**LAND DEVELOPMENT CONTRIBUTION  
MANAGEMENT ACT.**

**New South Wales**



ANNO UNDEVICESIMO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 22, 1970.**

An Act to make provision relating to the levy, assessment and collection of a contribution in relation to the development of certain land within the Sydney region; to amend the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith. [Assented to, 8th April, 1970.]

**BE**

*Land Development Contribution Management.*

**B**E it enacted by the Queen's Most Excellent Majesty, by No. 22, 1970 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:—

**PART I.****PRELIMINARY.**

**1.** (1) This Act may be cited as the "Land Development Contribution Management Act, 1970". Short title  
and com-  
mencement.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**2.** This Act is divided as follows :—

Division  
of Act.

**PART I.—PRELIMINARY—ss. 1–5.**

**PART II.—LAND DEVELOPMENT CONTRIBUTION—ss. 6–11.**

**PART III.—ASSESSMENT OF CONTRIBUTION—ss. 12–21.**

**PART IV.—OBJECTIONS AND APPEALS—ss. 22–24.**

**PART V.—COLLECTION AND RECOVERY OF CONTRIBUTION—ss. 25–38.**

**PART VI.—VALUATION OF LANDS—ss. 39–53.**

**PART VII.—FINANCE—ss. 54, 55.**

**PART VIII.—EVIDENCE—ss. 56–58.**

**PART IX.—GENERAL—ss. 59–78.**

**PART X.—AMENDMENT OF THE LOCAL GOVERNMENT ACT, 1919, AND OF THE STAMP DUTIES ACT, 1920—ss. 79, 80.**

**SCHEDULES.**

*Land Development Contribution Management.*

No. 22, 1970 **3.** (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

Interpre-  
tation.

“agent” includes every person who in the State, for or on behalf of any person out of the State (in this definition termed “the principal”) has the control or disposal of any land belonging to the principal or the control, receipt or disposal of any rents, issues or proceeds derived from any such land;

“Appeals Board” means the Appeals Board constituted under section fifty-nine of this Act;

“assessment” means an assessment of contribution under Part III of this Act;

“Authority” means The State Planning Authority of New South Wales constituted by and under the State Planning Authority Act, 1963;

“base date” means the first day of August, one thousand nine hundred and sixty-nine;

“contribution” means development contribution calculated at the rates fixed by the Contribution Act on the leviable increase in the price of land or on the leviable increase in the value of land;

“Contribution Act” means the Land Development Contribution Act, 1970;

“contributor” means a person who may be assessed for contribution in accordance with this Act;

“council” has the meaning ascribed thereto in section four of the Local Government Act, 1919;

“county council” means a county council constituted under the Local Government Act, 1919;

“Crown lands” means—

(a) lands vested in Her Majesty and subject to the provisions of the Crown Lands Acts, as defined in subsection one of section five of the Crown Lands Consolidation Act, 1913; and

(b) lands the subject of any tenure granted under the Crown Lands Acts, as so defined;

“declared

*Land Development Contribution Management.*

- “declared land” means any land to which an order under No. 22, 1970 section eleven of this Act applies;
- “development” has the meaning ascribed thereto in subsection one of section 342T of the Local Government Act, 1919;
- “Fund” means the Land Development Contribution Fund established under Part VII of this Act;
- “interim development order” has the meaning ascribed thereto in subsection one of section 342T of the Local Government Act, 1919;
- “land” includes land the owner of which is the Crown or a body corporate that is constituted by or under any Act and is deemed by that or any other Act to be a statutory body representing the Crown or to represent the Crown;
- “Land and Valuation Court” means the Land and Valuation Court constituted by the Land and Valuation Court Act, 1921;
- “local government area” has the meaning ascribed thereto in section four of the Local Government Act, 1919;
- “mortgage” includes any charge whatever upon land or any interest therein, however created, for the securing of money;
- “owner” means a person who has an estate or interest in land;
- “planning scheme” means a scheme prescribed under Part XIII A of the Local Government Act, 1919, and includes the County of Cumberland Planning Scheme;
- “public place” has the meaning ascribed thereto in section four of the Local Government Act, 1919;
- “public reserve” has the meaning ascribed thereto in section four of the Local Government Act, 1919;
- “public road” has the meaning ascribed thereto in section four of the Local Government Act, 1919;
- “regulations” means regulations made under this Act;

“subdivision”

*Land Development Contribution Management.*

No. 22, 1970

“subdivision” has the meaning ascribed thereto in section four of the Local Government Act, 1919;

“the non-urban Sydney region” means the land within the local government areas specified in the Second Schedule to this Act that is shown edged red and tinted brown on the plans specified in the Third Schedule to this Act and filed in the office of the Authority;

“the Sydney region” means the local government areas specified in the First Schedule to this Act;

“trustee” includes, in addition to every person appointed or constituted trustee by act of parties, by order or declaration of a court or by operation of law—

(a) an executor or administrator, guardian, committee, receiver or liquidator; and

(b) every person having or taking upon himself the administration or control of land affected by any express or implied trust or acting in any fiduciary capacity, or having the possession, control or management of land of a person under legal or other disability;

“valuation”, in relation to land, means a determination of the value of the land made in accordance with the provisions of this Act;

“valuer-general” means the valuer-general appointed under the Valuation of Land Act, 1916.

(2) The powers, authorities, duties and functions conferred and imposed upon a council under this Act apply in respect of each local government area to the council of the area.

References  
in this  
Act to  
base date  
valuation.

4. (1) For the purposes of assessing any contribution, a reference in this Act to a base date valuation in respect of any land is a reference—

(a) except as provided by paragraph (b) of this subsection, to the valuation of that land as at the base date; or

(b)

*Land Development Contribution Management.*

---

- (b) where that valuation has been altered in accordance with section forty-seven or forty-nine of this Act, to that valuation as so altered, No. 22, 1970

increased in either case by an amount equal to the appropriate percentage of that valuation, or of that valuation as so altered, calculated in respect of each complete year or part thereof within the period commencing on the base date and ending on the date on which that land became liable for that contribution.

(2) For the purposes of subsection one of this section the appropriate percentage is—

- (a) except as provided in paragraph (b) of this subsection, two per centum per annum; or
- (b) in respect of any part of the period referred to in subsection one of this section that is within a quinquennial period commencing on the first day of August in the year one thousand nine hundred and seventy-four or in any fifth year thereafter, such other percentage per annum as may be prescribed in respect of that quinquennial period.

(3) A regulation prescribing another percentage for the purposes of subsection two of this section shall not be made except on the recommendation of the Treasurer.

**5. A reference in this Act—**

- (a) to the grant of a development consent is a reference—
- (i) to the passing of a resolution whereby an approval, consent or permission to carry out development is granted by a council under Part XIIA of the Local Government Act, 1919, under a planning scheme or under an interim development order;

References  
in this  
Act to  
develop-  
ment  
consents.

(ii)

*Land Development Contribution Management.*

No. 22, 1970

(ii) to the making of a decision under that Part, under a planning scheme or under an interim development order, by the Minister or the Authority, as a result of which a person is entitled to carry out development; and

(iii) to the delivering of a decision of the Land and Valuation Court or a court of petty sessions on an appeal under subsection two of section 342N of that Act, as a result of which a person is entitled to carry out development,

but where an approval, consent or permission referred to in subparagraph (i), or a decision referred to in subparagraph (ii), of this paragraph is subject to appeal the consent shall be deemed not to have been granted and the decision shall be deemed not to have been made until—

(iv) the expiration of one month after the grant of the development consent as referred to in subparagraph (i) (ii) or (iii) of this paragraph; or

(v) where an appeal has been lodged, it has been finally determined or withdrawn,

whichever is the later; and

(b) to a development consent is a reference to any such resolution or decision.

## PART II.

## LAND DEVELOPMENT CONTRIBUTION.

Contributions to be levied and paid in respect of declared land.

6. Contributions shall be levied and paid in respect of declared land.

7.

*Land Development Contribution Management.*

7. (1) Declared land becomes liable for contribution, No. 22, 1970 calculated on the leviable increase in the price of the land, on every date on which it is disposed of on or after the date of publication in the Gazette of an order—

Time when  
declared  
land be-  
comes  
liable for  
contribu-  
tion.

- (a) under section eleven of this Act; and
- (b) applying to the land,

and where an interim development order or planning scheme applying to the land has not been subsequently published in the Gazette.

(2) Declared land becomes liable for contribution, calculated on the leviable increase in the value of the land, on the date on which it is first disposed of or a development consent relating to the land is first granted (whichever first happens) on or after the date on which an interim development order or planning scheme applying to the land is published in the Gazette, being the interim development order or planning scheme that is first so published after the date on which an order—

- (a) under section eleven of this Act; and
- (b) applying to the land,

is so published.

(3) For the purposes of this Act, land is disposed of—

- (a) where a contract or agreement for the sale or other divesting, whether by way of exchange or otherwise, of an estate in fee simple in the land is entered into by the vendor or party divesting himself of the land;
- (b) where a contract or agreement for the giving of a direction relating to the land and referred to in the provisions of subsection five of section seventeen of the Real Property Act, 1900, is entered into by the applicant referred to in that subsection;

(c)



*Land Development Contribution Management.*

---

No. 22, 1970

- (c) where the land is not Crown lands and a memorandum of transfer transferring an estate in fee simple in the land or an instrument conveying an estate in fee simple in the land is executed by the transferor or conveyor otherwise than pursuant to a contract or agreement referred to in paragraph (a) of this subsection, whether entered into before or after the commencement of this Act;
- (d) where a direction relating to the land and referred to in the provisions of subsection five of section seventeen of the Real Property Act, 1900, is given by the applicant referred to in that subsection otherwise than pursuant to a contract or agreement referred to in paragraph (b) of this subsection, whether entered into before or after the commencement of this Act;
- (e) where an instrument of transfer or conveyance (not being a Crown grant) of an estate or interest in Crown lands (being an estate or interest under a prescribed tenure or under one of a class of tenures prescribed for the purposes of paragraph (b) of subsection five of this section) is executed by the transferor or conveyor otherwise than pursuant to a contract or agreement referred to in paragraph (a) of this subsection, whether entered into before or after the commencement of this Act; or
- (f) where an estate in fee simple in the land is divested, otherwise than in a manner referred to in paragraph (a), (b), (c), (d) or (e) of this subsection, from any person under the provisions of any Act, or Act of the Commonwealth, providing for the compulsory acquisition of land,

but is not disposed of—

- (g) where such a contract, agreement, direction, memorandum of transfer, instrument of transfer or conveyance is entered into, given or executed by  
the

*Land Development Contribution Management.*

the Authority in favour of the Crown, a council or body corporate constituted by or under any Act and the land is to be used for a public road or public reserve or for a public purpose (whether of the same or a different kind) approved by the Minister;

No. 22, 1970

- (h) where such a contract, agreement, direction, memorandum of transfer, instrument of transfer or conveyance is entered into, given or executed by the Crown, a council or such a body corporate in favour of the Authority and the land was acquired by the Crown, that council or body corporate pursuant to a contract, agreement, direction, memorandum of transfer, instrument of transfer or conveyance referred to in paragraph (g) of this subsection;
- (i) where a transfer or instrument of conveyance is entered into in relation to Crown lands by way of mortgage or sub-mortgage or by way of release of mortgage or sub-mortgage of those lands;
- (j) where it is the subject of a transmission to a person in his capacity as an executor of the will or administrator or trustee of the estate of a deceased person;
- (k) where it is the subject of a transfer, conveyance or transmission in specie to a devisee of the land under a will or to a person entitled on the intestacy of a deceased person;
- (l) where it is the subject of any instrument whereby it is vested in trustees in the place of other trustees;
- (m) where it becomes vested in a person in his capacity as the official receiver or a trustee in bankruptcy;
- (n) where it becomes vested in a person in his capacity as the liquidator of a company;
- (o) where a contract, agreement, a memorandum of transfer or instrument of conveyance is entered into or executed as a consequence of levying execution on the land;
- (p)

*Land Development Contribution Management.*

No. 22, 1970

- (p) where it is disposed of, as referred to in paragraph (a), (b), (c), (d) or (e) of this subsection, as property of the Commonwealth; or
- (q) where it is disposed of, as referred to in paragraph (a), (b), (c), (d), (e) or (f) of this subsection, in such cases or circumstances as may be prescribed.
- (4) For the purposes of this Act, the date on which land is disposed of is—
- (a) where the land is disposed of—
- (i) as referred to in paragraph (a) or (b) of subsection three of this section—the date of the contract or agreement; or
- (ii) as referred to in paragraph (c), (d) or (e) of that subsection—the date of the memorandum of transfer, instrument of transfer or conveyance or direction,
- or where the contract, agreement, memorandum of transfer, instrument of transfer or conveyance or direction is undated, the date on which the contract or agreement is executed by the vendor or person disposing of the land, the memorandum of transfer or instrument of transfer is executed by the transferor, the instrument of conveyance is executed by the conveyor or the direction is executed by the person giving it, as the case may be; or
- (b) where land is disposed of as referred to in paragraph (f) of subsection three of this section—the date on which the land is divested from the person referred to in that paragraph.
- (5) A reference in subsection three of this section to an estate in fee simple in land includes a reference to—
- (a) an estate or interest in the land that may be converted by the holder thereof into an estate in fee simple in the land under section one hundred and thirty-four of the Conveyancing Act, 1919; and
- (b)

*Land Development Contribution Management.*

- (b) where the land is Crown lands, an estate or interest No. 22, 1970 in the land under a prescribed tenure or one of a prescribed class of tenures.

(6) The reference in subsection two of this section to a development consent does not include a reference to a development consent for the carrying out of development for a charitable purpose or for any purpose ancillary to that purpose or, without limiting the generality of the foregoing, for the purpose of any works of electricity supply to be carried out or conducted by the Electricity Commission of New South Wales, a county council or a council, any works of water supply or of sewerage or drainage to be carried out or conducted by the Metropolitan Water Sewerage and Drainage Board, a county council or a council, any works for or in connection with public roads to be carried out or conducted by the Commissioner for Main Roads or a council, or for the purpose of a public place, a public reserve, a public cemetery or crematorium, a public hospital, a public railway, a public school, a technical college, a university constituted under any Act or a college of any such university, a college of advanced education within the meaning of the Higher Education Act, 1969, or for any other public purpose (whether of a like or different nature) that is approved by the Authority, for the purposes of this section, with the consent of the Treasurer.

8. (1) Notwithstanding any other provision of this Act, Certain land not liable. where a parcel of land—

- (a) was, at the base date, owned by a natural person;
- (b) was the only parcel of land owned by that person at that date;
- (c) had, at that date, erected thereon a single dwelling-house, and was, at that date, being used for residential purposes; and

(d)

*Land Development Contribution Management.*

No. 22, 1970

(d) had, at that date, an area not exceeding nine thousand square feet,  
that parcel of land is not liable for contribution.

(2) In this section—

“parcel of land” means a lot in a lawful division of land or, where, at the base date, a single dwelling-house was erected on land in two or more such lots, the land comprised in those lots;

“single dwelling-house” means one dwelling used or adapted for use solely for habitation by not more than one family.

Leviable  
increase  
in the  
price of  
land.

9. (1) For the purposes of this Act, the leviable increase in the price of any land is—

- (a) where the consideration applicable upon the land being disposed of exceeds the base date valuation of that land—the amount ascertained by subtracting from that consideration that base date valuation; and
- (b) where that consideration does not exceed that base date valuation—nil.

(2) For the purposes of subsection one of this section, the consideration applicable upon any land being disposed of is—

- (a) where the land is disposed of for a consideration that consists of an amount of money only, and—
  - (i) the land is disposed of, as referred to in paragraph (a) of subsection three of section seven of this Act—the sum of the consideration expressed in the contract or agreement for the sale or other divesting of the land and, where the contract or agreement was entered into as a consequence of the exercise of an option to purchase or acquire the land, any amount paid in respect of that option;

(ii)

*Land Development Contribution Management.*

- 
- (ii) the land is disposed of as referred to in paragraph (b) of subsection three of section seven of this Act—the sum of the consideration expressed in the contract or agreement for the giving of the direction relating to the land and, where the contract or agreement was entered into as a consequence of the exercise of an option for the giving of the direction, any amount paid in respect of that option; No. 22, 1970  
—
- (iii) the land is disposed of, as referred to in paragraph (c) of subsection three of section seven of this Act—the sum of the consideration expressed in the memorandum of transfer or conveyance and, where the memorandum of transfer or conveyance was executed as a consequence of the exercise of an option to purchase, or for the transfer or conveyance of, the land, any amount paid in respect of that option; or
- (iv) the land is disposed of, as referred to in paragraph (e) of subsection three of section seven of this Act—the sum of the consideration expressed in the instrument of transfer or conveyance and, where any such instrument was executed as a consequence of the exercise of an option for the transfer or conveyance of the estate or interest in the land, any amount paid in respect of that option; or
- (b) where the land is disposed of—
- (i) as referred to in paragraph (a), (b), (c) or (e) of subsection three of section seven of this Act and the consideration applicable is not ascertainable under paragraph (a) of this subsection; or

(ii)

*Land Development Contribution Management.*

No. 22, 1970

(ii) as referred to in paragraph (d) or (f) of that subsection,

the amount determined by the valuer-general as being the value, as at the date of the disposition, of the land.

(3) Where a valuation of any land disposed of as referred to in paragraph (a), (b), (c) or (e) of subsection three of section seven of this Act for a consideration that consists of an amount of money only is made in accordance with section forty-two of this Act that valuation shall be, for the purposes of subsection one of this section, the consideration applicable upon the land being so disposed of.

Leviable  
increase  
in the  
value of  
land.

**10.** (1) For the purposes of this Act, the leviable increase in the value of any land is—

- (a) where the final valuation of that land exceeds the base date valuation of that land—the amount ascertained by deducting from that final valuation that base date valuation; and
- (b) where that final valuation does not exceed that base date valuation—nil.

(2) The reference in subsection one of this section to the final valuation of any land is a reference—

- (a) except as provided in paragraph (b) of this subsection, to the valuation of that land as at the date (in this section referred to as the “final date”) upon which an interim development order or planning scheme is published in the Gazette, being the interim development order or planning scheme that is first so published after the date on which an order—

- (i) under section eleven of this Act; and
- (ii) applying to the land,  
is so published; or

(b)

*Land Development Contribution Management.*

---

- (b) where that valuation has been altered in accordance with section forty-seven or forty-nine of this Act, to that valuation as so altered,

increased in either case by an amount equal to the appropriate percentage of that valuation, or of that valuation as so altered, calculated in respect of each complete year or part thereof within the period commencing on the final date and ending on the date on which the land became liable for contribution calculated on the leviable increase in the value of the land.

(3) For the purposes of subsection two of this section the appropriate percentage is—

- (a) except as provided in paragraph (b) of this subsection, two per centum per annum; or
- (b) in respect of any part of the period referred to in subsection two of this section that is within a quinquennial period referred to in paragraph (b) of subsection two of section four of this Act, the percentage prescribed for the purposes of that paragraph in respect of that quinquennial period.

(4) A regulation prescribing another percentage for the purposes of subsection three of this section shall not be made except on the recommendation of the Treasurer.

**11.** (1) The Minister may, by order published in the Gazette, declare that any land, specified or described in the order, that is within the non-urban Sydney region is land liable for contribution under this Act.

(2) For the purposes of this Act, an order shall be deemed to have been published in the Gazette on the date of commencement of this Act declaring that the land within the local government areas specified in the Fourth Schedule to this Act and shown tinted light green on the plans specified in the Fifth Schedule to this Act and filed in the office of the Authority is land liable for contribution under this Act.

---

PART



No. 22, 1970

## PART III.

## ASSESSMENT OF CONTRIBUTION.

Person  
liable to  
pay con-  
tribution.

**12.** The person liable to be assessed for contribution in respect of any land is, where the land becomes liable for contribution as a consequence of—

- (a) its being disposed of as referred to in paragraph (a) of subsection three of section seven of this Act—the vendor or party referred to in that paragraph;
- (b) its being disposed of as referred to in paragraph (b) of that subsection—the applicant referred to in that paragraph;
- (c) its being disposed of as referred to in paragraph (c) of that subsection—the transferor or conveyor referred to in that paragraph;
- (d) its being disposed of as referred to in paragraph (d) of that subsection—the applicant referred to in that paragraph;
- (e) its being disposed of as referred to in paragraph (e) of that subsection—the transferor or conveyor referred to in that paragraph;
- (f) its being disposed of as referred to in paragraph (f) of that subsection—the person referred to in that paragraph; and
- (g) the granting of a development consent—the applicant for that consent.

Assessment  
of contribu-  
tion when  
land be-  
comes liable  
for con-  
tribution.

**13.** (1) Where land becomes liable for contribution, otherwise than as a consequence of the granting of a development consent, the contributor shall, within a period of fourteen days thereafter or within such further period as the Authority allows before or after the expiration of that period, give notice to the Authority, on a form provided by the Authority, that the land has become so liable and shall, on that form, furnish the information stated on that form to be required.

(2)

*Land Development Contribution Management.*

(2) Where, after the final date referred to in subsection two of section ten of this Act and applicable to the land, a development consent granted as referred to in subparagraph (i) or (iii) of paragraph (a) of section five of this Act is granted in respect of any declared land, the council in whose area the land is situated shall, within the prescribed time, give to the Authority—

- (a) notice in writing that the consent has been granted;
- (b) a copy of the application made to the council for the development consent and of any plans that accompanied that application; and
- (c) in the case of a development consent granted as referred to in subparagraph (i) of paragraph (a) of section five of this Act, notice in writing of any notice for the rescission, and of any rescission, of the resolution granting the development consent.

(3) Where, after the final date referred to in subsection two of section ten of this Act and applicable to the land, the Minister makes a decision referred to in subparagraph (ii) of paragraph (a) of section five of this Act, in respect of any declared land, the Minister shall cause a copy of the decision to be given to the Authority.

(4) As soon as practicable—

- (a) after the receipt of a notice referred to in subsection one or two of this section;
- (b) after the receipt of a copy of a decision referred to in subsection three of this section; or
- (c) after the Authority makes a decision referred to in subparagraph (ii) of paragraph (a) of section five of this Act in respect of any declared land,

the

*Land Development Contribution Management.*

---

No. 22, 1970 the Authority shall assess the contribution, if any, payable and shall serve notice of the assessment—

- (d) where the notice received by the Authority was given to it under subsection one of this section—on the contributor, as shown in that notice, liable to be assessed for the contribution;
- (e) where the notice received by the Authority was given to it under subsection two of this section—on the contributor, as shown in the copy of the application referred to in that subsection; or
- (f) where a decision referred to in paragraph (b) or (c) of this subsection has been made—on the contributor who made the application in respect of which the Minister's or the Authority's decision was made.

(5) An assessment may be made by the Authority whenever land becomes liable for contribution whether or not any notice or other document required by this section to be given to the Authority has been given, and the Authority may serve notice of the assessment on every person who, in its opinion, is liable to be assessed for contribution in accordance with section twelve of this Act.

(6) An assessment may be made by the Authority on the basis of any information in its possession.

(7) The provisions of subsections two and three of this section do not apply to or in respect of any declared land in respect of which the Authority has notified the council or the Minister that no further contribution is payable.

Contribution to be reduced by amount of previous contribution.

14. (1) In assessing the contribution in respect of any land there shall be deducted from the contribution that would but for this subsection be payable any contribution previously assessed in respect of that land.

(2)

*Land Development Contribution Management.*

---

(2) A reference in subsection one of this section to No. 22, 1970 any contribution previously assessed in respect of any land—

(a) includes a reference—

- (i) to an amount that bears to any contribution previously assessed in respect of that land, or any part of that land, and any other land the same proportion as the base date valuation of that land or part bears to the base date valuation of that land, or that part, and that other land;
- (ii) to any contribution previously assessed in respect of any part of that land; and
- (iii) to so much of any contribution previously assessed in respect of that land as has been waived under section thirty-four, or written-off under section thirty-five, of this Act; but

(b) does not—

- (i) include a reference to so much of any contribution as has been refunded or waived in accordance with section sixteen of this Act;
- (ii) include a reference to so much of any contribution as the Authority has, in accordance with section fifteen or sixty-one of this Act, determined shall not be payable; or
- (iii) as on and from the date on which any amount of contribution becomes liable to be refunded as a consequence of the determination of an objection to or appeal against an assessment or a valuation or an amendment of an assessment include a reference to that amount.

(3) Where the deduction to be made under this section exceeds the contribution from which the deduction is required to be made, the Authority shall not be liable to refund the excess.

**15.**

*Land Development Contribution Management.*

No. 22, 1970

Postpone-  
ment of  
whole or  
part of con-  
tribution  
where minor  
development  
approved.

**15. (1) Where—**

- (a) land becomes liable for contribution as a consequence of the granting of a development consent, as referred to in subsection two of section seven of this Act; and
- (b) an application for a determination to be made under this section is made to the Authority by the person liable to pay that contribution,

the Authority may—

- (c) if it is satisfied that the development to which the consent relates is of such a nature and is proposed to be carried out in such circumstances or affects such a small portion of the land that it would not be reasonable to require payment of that contribution in full or in part, determine that no part of that contribution or that only such part of that contribution as it considers reasonable shall be payable; or
- (d) if it is not so satisfied, determine that the whole of that contribution shall be payable,

and any such determination shall, subject to subsection two of this section, have effect accordingly.

(2) Any applicant for a determination under subsection one of this section who is dissatisfied with the determination made by the Authority on the application may, within the prescribed time, appeal to the Appeals Board against the determination and the decision of that Board on the application shall be final and conclusive and shall have effect as if it were the determination of the Authority.

(3) Where a determination, other than a determination that the whole of the contribution shall be payable, is made under subsection one or two of this section relating to the contribution in respect of any land—

- (a) the land shall be or become liable for any contribution that would have been or become payable had the development consent referred to in paragraph (a) of subsection one of this section not been granted; and
- (b)

*Land Development Contribution Management.*

(b) the Authority shall—

No. 22, 1970

- (i) include in the notice of assessment of the contribution a statement specifying the particulars of the determination; and
- (ii) serve a copy of that assessment on the council in whose area the land is situated.

16. (1) Where—

- (a) land has become liable for contribution; and
- (b) the disposition or development consent as a consequence of which the land became liable for that contribution has been rescinded, cancelled, annulled or revoked,

Refund or waiver of contribution where disposition, etc., rescinded, etc.

the contributor is entitled—

- (c) where the contribution has been paid in whole, to a refund of the amount of the contribution paid;
- (d) where the contribution is wholly unpaid, to a waiver of the amount of contribution unpaid; or
- (e) where the contribution has been partly paid, to a refund of the amount of contribution paid and to a waiver of the amount of contribution unpaid.

(2) A person is not entitled to a refund of contribution or a waiver of contribution under subsection one of this section—

- (a) unless he makes application therefor in writing and, where a form of application is prescribed, on the prescribed form;
- (b) unless, where a refund is applied for by reason of a disposition of land being rescinded, cancelled, annulled or revoked, the application is made within twelve months after—

- (i) the date on which the contribution was paid;
- or

(ii)

*Land Development Contribution Management.*

No. 22, 1970

- (ii) the date on which the disposition was rescinded, cancelled, annulled or revoked, whichever is the later;
- (c) unless, where a waiver is applied for by reason of a disposition of land being rescinded, cancelled, annulled or revoked, the application is made within twelve months after the date on which the disposition was rescinded, cancelled, annulled or revoked;
- (d) unless, where the refund or waiver is applied for by reason of a development consent being revoked, the application is made, within twelve months after the date of revocation and unless any instrument evidencing the development consent is, where the Authority so requires, surrendered to the Authority;
- (e) unless the Authority has no notice of—
- (i) any disposition for the purposes of section seven of this Act having been made; or
- (ii) any development consent having been granted,
- after the date on which the disposition or development consent referred to in paragraph (b) of subsection one of this section was made or granted; and
- (f) unless he furnishes to the Authority such evidence as it may require.
- (3) For the purposes of subsections one and two of this section, a development consent is revoked—
- (a) if it is rescinded or revoked in any manner authorised by law;
- (b) if it expires by effluxion of time; or
- (c)

*Land Development Contribution Management.*

(c) if—

No. 22, 1970

- (i) the person to whom the development consent was granted applies to the Authority for the development consent to be revoked; and
- (ii) the Authority grants a certificate certifying that the surrender of the development consent has been accepted.

(4) Where the Authority grants a certificate referred to in subparagraph (ii) of paragraph (c) of subsection three of this section, it shall where the development consent is a development consent granted as referred to—

- (a) in subparagraph (i) of paragraph (a) of section five of this Act—notify, in writing, the council by which the development consent was granted that the surrender of the development consent has been accepted;
- (b) in subparagraph (ii) of that paragraph—cause an appropriate notation to be made in the Authority's records and notify, in writing, the council in whose local government area the land to which the development consent relates is situated that the development consent has been revoked; and
- (c) in subparagraph (iii) of that paragraph—cause a copy of the certificate to be filed in the office of the court by which the development consent was granted.

(5) A council to whom a notification referred to in paragraph (a) or (b) of subsection four of this section is given shall, within seven days after receipt of the notification, notify, in writing, the Authority that it has received the notification.

(6)



*Land Development Contribution Management.*

No. 22, 1970

(6) The provisions of subsection one of this section apply in a case where a disposition of land is rescinded, cancelled, annulled or revoked as to part only of the land and in that case the amount of contribution to be refunded or waived shall be as determined by the Authority.

(7) Where a contribution in respect of any land is refunded or waived, or the Authority has refrained from assessing any contribution assessable, in respect of any land, in accordance with this section, the land shall be or become liable for any contribution that would have been or become payable had the disposition or development consent, as a consequence of which the land became liable for the contribution that has been refunded, not been made or granted.

(8) Notwithstanding any other provision of this section the Authority may, of its own motion, waive any contribution assessed, or refrain from assessing any contribution assessable, as a consequence of the granting of a development consent if that development consent has been revoked as referred to in paragraph (a) or (b) of subsection three of this section and the development referred to in the development consent has not been commenced or carried out.

Liability  
of council  
to pay  
contribution  
where land  
sold for  
overdue  
rates.

**17.** (1) Where land is, in accordance with the Local Government Act, 1919, sold for overdue rates, the liability of the council selling the land to pay contribution payable as a consequence of that sale shall, notwithstanding any other provision of this Act, not exceed the amount payable as contribution under subsection one of section six hundred and six of that Act.

(2) Where the amount of the contribution payable by a council by reason of the operation of subsection one of this

*Land Development Contribution Management.*

this section is less than the amount of the contribution that would but for that subsection have been payable in respect of the land sold by the council—

- (a) the council shall, within seven days after the sale of the land, give notice in writing to the Authority specifying—
- (i) the purchase money payable in respect of the sale; and
  - (ii) the payments required to be made from the purchase money under section six hundred and six of the Local Government Act, 1919; and
- (b) the land shall be or become liable for any contribution that would have been or become payable had the land not been sold by the council.

(3) A reference in this section to land being sold includes a reference to land being made the subject of a contract or agreement for sale.

**18.** (1) Where declared land has not become liable for contribution under subsection two of section seven of this Act, the Authority shall, if requested by the owner of the land to do so after the final date referred to in subsection two of section ten of this Act and applicable to the land make an assessment of the contribution, if any, payable in respect of that land as if it had become so liable on the date on which the Authority received the request.

Right to pay contribution in advance.

(2) Any contribution assessed under subsection one of this section may be paid by any person at any time after the final date referred to in that subsection.

(3) The provisions of Part V of this Act do not apply to any contribution assessed under this section.

(4) The provisions of sections nineteen and twenty of this Act apply to a person at whose request contribution has been assessed under this section in the same way as they apply to a contributor.

**19.**

*Land Development Contribution Management.*

No. 22, 1970  
 Amendment  
 of assess-  
 ments.

**19.** (1) Subject to this section, the Authority may of its own motion or upon an application in writing made by a contributor, amend any assessment by making such alterations therein or additions thereto, or such further alterations therein or additions thereto, as it thinks necessary to ensure that a complete and accurate assessment is made.

(2) An amendment may be made under subsection one of this section—

(a) where—

(i) an application by a contributor under this section is made within three years after the service of notice of the assessment or any amendment thereof and the contributor has supplied to the Authority within that period or such further period as the Authority allows (whether before or after the expiration of that period) all information required by the Authority for the purpose of deciding the application; or

(ii) the Authority is of the opinion that a contributor has attempted to evade the payment of contribution by failing to furnish the Authority with complete and accurate information,

at any time; or

(b) in any other case—within three years after the service of notice of the assessment or of any amendment thereof.

(3) Where—

(a) an amendment of an assessment has been made in accordance with this section; and

(b) a period of more than three years has elapsed since the service of notice of the original assessment,

any further amendment of the assessment shall, subject to this section, be limited to the matter, the subject of the prior amendment, notice of which was served within the preceding three years.

(4)

*Land Development Contribution Management.*

(4) Where the amendment of an assessment under **No. 22, 1970** this section has the effect that contribution is payable or that an additional amount of contribution is payable—

- (a) the contributor shall be liable to pay the contribution he ought to have paid if the assessment had been originally made as amended, reduced by any contribution he has paid; and
- (b) the amendment shall, unless it was made with the consent of the contributor, be subject to objection and appeal in accordance with Part IV of this Act.

(5) Where an amendment of an assessment has the effect of reducing the amount of contribution payable, the Authority shall refund any contribution overpaid.

**20.** As soon as possible after an assessment or an amendment of an assessment is made, the Authority shall cause notice in writing of the assessment or amended assessment to be served on the contributor liable to pay the contribution assessed.

Notice of assessment.  
cf. Act No. 26, 1956, s. 19.

**21.** The validity of an assessment or notice of an assessment is not affected by reason only that a provision of this Act has not been complied with.

Validity of assessment.  
cf. Act No. 26, 1956, s. 17.

---

PART IV.

OBJECTIONS AND APPEALS.

**22.** (1) Any person who is assessed for the payment of contribution and who is dissatisfied with the assessment or with any amendment of the assessment, may, within the period referred to in section twenty-five of this Act or within such further period as the Authority allows (whether before or after the expiration of that period) serve on the Authority an objection, in writing, against the assessment or amendment, stating fully and in detail the grounds on which he relies.

Appeal.  
cf. Act No. 26, 1956, s. 35.

(2)

*Land Development Contribution Management.*

No. 22, 1970

- (2) Notwithstanding subsection one of this section—
- (a) no objection shall be made to the Authority under this Part in respect of so much of any assessment as relates to the valuation of land described or referred to therein, if that valuation is the valuation of the land under this Act; and
- (b) no objection may be made to the Authority in respect of an assessment if particulars of that assessment have been included in a certificate under section fifty-six of this Act.
- (3) The Authority shall consider the objection as soon as possible and may disallow it or allow it, either wholly or in part.
- (4) The Authority shall give to the objector written notice of its decision on the objection.
- (5) An objector who is dissatisfied with the decision of the Authority may, within twenty-eight days after service of notice of that decision, or within such further time as the Authority allows (whether before or after the expiration of that period), request, in writing, the Authority to treat his objection as an appeal and to forward it, as an appeal, to the Land and Valuation Court, and the Authority shall, within twenty-eight days of the receipt by it of the request, forward the objection accordingly.
- (6) The Land and Valuation Court shall have jurisdiction to hear and determine appeals forwarded to it under subsection five of this section and the provisions of the Land and Valuation Court Act, 1921, apply as if that Court had jurisdiction to hear and determine those appeals under that Act.

Pending  
appeal  
not to  
affect  
assessment.  
cf. Act No.  
26, 1956,  
s. 36.

**23.** (1) The fact that an objection or appeal, in accordance with section twenty-two, or under Part VI, of this Act, is pending, does not interfere with or affect the assessment objected to or appealed from and, subject to this Act, the contribution may be levied and recovered on the assessment as if no objection or appeal were pending.

(2)

*Land Development Contribution Management.*

---

(2) If the assessment is altered on objection or appeal, a due adjustment shall be made and amounts of contribution paid in excess shall be refunded by the Authority and amounts short-paid shall be recoverable as arrears by the Authority from the contributor. No. 22, 1970

**24.** (1) An objector shall be limited on the hearing of the appeal to the grounds stated in his objection. Appeals to Land and Valuation Court.

(2) If the assessment has been reduced by the Authority after considering the objection, the reduced assessment shall be deemed to be the assessment appealed from. cf. Act No. 26, 1956, s. 37.

(3) On the hearing of the appeal, the Land and Valuation Court may make such order as it thinks fit and may reduce, increase or otherwise vary the assessment.

(4) 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.

---

**PART V.**

**COLLECTION AND RECOVERY OF CONTRIBUTION.**

**25.** (1) Contribution shown in a notice of assessment shall be due and payable to the Authority by the contributor specified in that notice at the expiration of a period of twenty-eight days after service of that notice. Date of payment of contribution. cf. Act No. 26, 1956, s. 39.

(2) Where an assessment is amended in accordance with this Act and additional contribution is thereby payable by the contributor, the additional contribution shall be due and payable to the Authority at the expiration of a period of twenty-eight days after the service of the notice of the amendment of the assessment.

**26.** If contribution or additional contribution on an amended assessment is not paid before the expiration of the time prescribed by section twenty-five of this Act, or such further time as is allowed by the Authority under section twenty-seven of this Act, additional contribution at a rate Additional contribution in case of default. cf. Act No. 26, 1956, s. 40.

equal

*Land Development Contribution Management.*

**No. 22, 1970** equal to ten per centum per annum of the amount unpaid shall be payable by the contributor to the Authority by way of penalty in respect of the period commencing from the expiration of the time so prescribed or allowed and ending on the date of payment.

**Extension of time and payment by instalments.**  
cf. Act No. 26, 1956, s. 41.

- 27.** The Authority may, in such cases as it thinks fit—
- (a) extend the time for payment of contribution;
  - (b) permit the payment of contribution to be made by such instalments and within such time as it considers the circumstances warrant;
  - (c) where it exercises its powers under paragraph (a) or (b) of this section, require the contributor to provide security for the contribution payable by him; or
  - (d) remit the whole or any part of the additional contribution imposed under section twenty-six of this Act.

**Recovery of contribution.**  
cf. Act No. 26, 1956, s. 42.

**28.** (1) Contribution shall be deemed, when it becomes due and payable, to be a debt due to Her Majesty and shall be collected and received by the Authority in accordance with this Act.

(2) Contribution that is unpaid may be recovered as a debt in any court of competent jurisdiction in the name of the Authority or in the name of an officer or servant of the Authority authorised in writing by the Authority to take proceedings for the recovery of, and to recover, contribution.

**Substituted service.**  
cf. Act No. 26, 1956, s. 43.

**29.** (1) If in any proceedings against a contributor for the recovery of contribution the defendant—

- (a) is absent from Australia and has not, to the knowledge of the Authority, after reasonable enquiry in that behalf, any attorney or agent in Australia in whom service of process can be effected; or
- (b) cannot, after reasonable enquiry, be found,

service

*Land Development Contribution Management.*

service of any process in the proceedings may, without leave of the court, be effected on him by posting it, or an office copy thereof, addressed to him, at his last known place of business or abode in Australia, or by fixing it on a conspicuous part of the land in respect of which the contribution is payable. No. 22, 1970

(2) Service of process in accordance with subsection one of this section shall be deemed to have been effected at the time it would, in the ordinary course of post, be delivered or when it is fixed on a conspicuous part of the land in respect of which the contribution is payable, as the case may be.

**30.** The following provisions apply in any case where a contributor, who was a natural person and has died, escaped, whether intentionally or not, full contribution in his lifetime by reason of his not having complied with any of the provisions of this Act—

Provisions where contribution not paid in contributor's lifetime.

cf. Act No. 26, 1956, s. 44.

- (a) the Authority shall have the same powers and remedies against the executors or administrators of the contributor in respect of the estate of the contributor as it would have had against the contributor in his lifetime;
- (b) the executors or administrators shall furnish such information as the Authority requires for the purpose of a full assessment;
- (c) the amount payable shall (where the contributor's default was intentional) be such amount not exceeding twice the amount of the difference between the contribution so assessed and the amount actually paid by the contributor as the Authority determines, and shall be a first charge on all the contributor's estate in the hands of his executors or administrators; and

(d)



*Land Development Contribution Management.*

No. 22, 1970

- (d) no lapse of time shall prevent the operation of this section, and the Authority may take all such proceedings and exercise all such powers and remedies for the purpose of giving effect to this section and recovering the amount payable as in the case of other assessments and contribution.

Action to recover contribution may be taken at any time.  
cf. Act No. 26, 1956, s. 45.

**31.** Any action or remedy for recovery of contribution may be taken at any time, any law to the contrary notwithstanding.

Default.  
cf. Act No. 26, 1956, s. 46.

**32.** (1) Where a contributor makes default in payment of contribution, then, without in any way releasing him from his liability (except to the extent of any payments deemed to be made on his behalf as referred to in paragraph (b) of this subsection), the following provisions shall apply as long as the default continues—

- (a) if the contribution is payable in respect of land subject to any lease or occupied by any person, then the lessee or occupier shall be responsible for the payment of the contribution and it may be recovered from him as if he were the defaulting contributor; and
- (b) all payments made under this section by a lessee or occupier shall be deemed to be made on behalf of the defaulting contributor.

(2) The responsibility of the lessee or occupier under this section is limited to any rent or payments due by him to the contributor at the time of demand made or action brought by or on behalf of the Authority or accruing due from time to time thereafter.

(3) Any payment to the Authority under this section shall be a valid discharge to the lessee or occupier for rent or payments due by the lessee or occupier to the contributor as against all other persons whomsoever.

**33.**

*Land Development Contribution Management.*

**33.** Where two or more persons are liable for the same contribution payable in respect of any land, they shall each be liable for the whole of that contribution, but any one of them who has paid the contribution—

No. 22, 1970  
Contribution  
between  
contributors  
jointly  
liable.

(a) may recover from any other person jointly liable with him an amount which bears to the amount of contribution so paid the same proportion as the value of the estate or interest in the land of such other person bears to the sum of the values of the estates or interests in the land of all persons liable for that contribution; and

cf. Act No.  
26, 1956,  
s. 49.

(b) may—

(i) sue for that firstmentioned amount in any court of competent jurisdiction as money paid to the use of that other person at his request; or

(ii) may retain or deduct that firstmentioned amount out of any moneys in his hands belonging or payable to that other person.

**34.** (1) Where it is shown to the satisfaction of the Appeals Board that—

Waiver of  
contribution  
in cases of  
hardship.

(a) a natural person liable to pay contribution has suffered such a loss, or is in such circumstances, that the exaction of the full amount of contribution would entail serious hardship; or

cf. Act No.  
26, 1956,  
s. 50.

(b) owing to the death of a person, who, had he lived, would have been a contributor, the dependants of that person are in such circumstances that the exaction of the full amount of contribution would entail serious hardship,

the Appeals Board may waive the payment of the contribution either wholly or in part.

(2) The Authority shall make such alteration in the amount of contribution payable, and shall make such refund of contribution already paid as is necessary to give effect to a decision of the Appeals Board.

**35.**

*Land Development Contribution Management.*

**No. 22, 1970** **35.** (1) Where it is shown to the satisfaction of the Appeals Board that every reasonable effort has been made to recover any amount payable as contribution or that it is impracticable without undue expense to recover any such amount, it may direct that amount to be written off.

Writing off contribution  
cf. Act No. 26, 1956, s. 51.

(2) The contributor shall not be released from his liability in consequence of any action taken by the Appeals Board under this section, and the Authority may at any future time take such action to recover from that contributor the amount of contribution written off as it considers the circumstances warrant.

**36.** The Secretary of the Authority may exercise all the powers of the Appeals Board under sections thirty-four and thirty-five of this Act in any case where the amount of contribution involved does not exceed forty dollars.

Appeals Board's powers may be exercised by the Secretary of the Authority in certain cases.  
cf. Act No. 26, 1956, s. 52.

**37.** For the purposes of—

(a) sections thirty-four and thirty-five of this Act, contribution includes any costs incurred in attempting to recover contribution; and

(b) sections twenty-seven, twenty-eight, twenty-nine, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six and thirty-eight, of this Act, contribution includes additional contribution whether by way of penalty or otherwise.

Definition of contribution for certain purposes.  
cf. Act No. 26, 1956, s. 53.

**38.** (1) Contribution payable in respect of any land shall until it is paid be a first charge on that land in priority over all other encumbrances whatever, and notwithstanding any disposition of the land but subject to subsection two of this

Contribution to be a first charge on land.  
cf. Act No. 26, 1956, s. 47.

section

*Land Development Contribution Management.*

---

section it shall continue to be liable in the hands of any purchaser or other holder for any contribution charged on it so long as the contribution remains unpaid. **No. 22, 1970**

(2) Where any land (in this subsection referred to as a "portion") is disposed of and that land formed part of land (in this subsection referred to as the "whole parcel") which immediately before the disposition was subject to a charge for an amount (in this subsection referred to as the "total charge") under this section—

- (a) the portion shall be subject to a charge (as referred to in subsection one of this section) for such amount as bears to the total charge the same proportion as the base date valuation of that portion bears to the base date valuation of the whole parcel; and
- (b) the residue of the whole parcel shall be subject to a charge (as referred to in subsection one of this section) for an amount equal to the difference between the total charge and the charge to which the portion is subject by virtue of paragraph (a) of this subsection, in addition to any other charge to which the portion or residue of the whole parcel may become liable.

(3) A certificate under section fifty-six of this Act is, for the purpose of determining the amount of a charge on any declared land as at any date, conclusive evidence in favour of any person referred to in subsection three of that section that as at the date specified in the certificate there was no charge on the land other than a charge arising out of any matter specified in the certificate.

---

**PART**

## PART VI.

## VALUATION OF LANDS.

Valuations. **39.** (1) For the purposes of this Act, value in relation to land means the amount, as determined by the valuer-general, that the fee simple of the land (including any improvements thereon or appertaining thereto) unencumbered by any mortgage and not subject to any lease but subject to any reservations, restrictions, covenants, easements or rights in the nature of easements that affect the land at the date as at which the determination is made, might be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require.

(2) A reference in subsection one of this section to reservations, restrictions, covenants, easements or rights in the nature of easements that affect land does not include a reference to any reservation, restriction, covenant or easement or any such right imposed or created after the base date unless—

- (a) it was imposed or created pursuant to the provisions of an Act;
- (b) it is an easement or restriction of the nature referred to in paragraph (a) of subsection one of section 88A of the Conveyancing Act, 1919;
- (c) it is a covenant in favour of the Crown or of any public or local authority constituted by or under an Act; or
- (d) it is one of a class or description of reservations, restrictions, covenants, easements or rights in the nature of easements prescribed for the purposes of this section.

Valuer-general to make base date valuations.

**40.** (1) A valuation, as at the base date, may be made by the valuer-general at any time in respect of any land within the non-urban Sydney region and shall, as soon as practicable, be made by the valuer-general in respect of all declared land.

(2)

*Land Development Contribution Management.*

(2) For the purposes of this Part, the valuer-general, No. 22, 1970 an official valuer, or an officer appointed under the Valuation of Land Act, 1916, or the Land and Valuation Court in determining what improvements were on or appertained to land at the base date may, without limiting the evidence that he or it may take into account, take into account such evidence by way of aerial photographs, which he or it is satisfied were made within a reasonable period after the base date, as he or it thinks fit.

**41.** A person who is the owner of land within the non-urban Sydney region may apply, on a form provided by the valuer-general for the purpose, for a base date valuation in respect of the land and the valuer-general shall, on payment of the prescribed fee, furnish that person with that valuation. Interested persons may obtain base date valuation.

**42.** (1) As soon as practicable after he has received a request therefor from the Authority, the valuer-general shall— Valuations at other dates.

- (a) in respect of any land disposed of as referred to in paragraph (a), (b), (c), (d), (e) or (f) of subsection three of section seven of this Act, make a valuation of that land as at the date specified in the request as being the date on which the land was so disposed of; and
- (b) in respect of any land that has become liable for contribution calculated on the leviable increase in the value of the land, make a valuation of that land as at the date specified in the request as being the final date referred to in subsection two of section ten of this Act and applicable to that land.

(2) The valuer-general shall, in making a valuation of the land referred to in a request made under subsection one of this section, disregard such of the relevant matters specified in subsection three of this section and relating to that land—

- (a) as his records disclose occurred in relation to the land after the base date and were carried out, erected, or made by or on behalf of any owner of the land and at his expense; and

(b)

*Land Development Contribution Management.*

No. 22, 1970

(b) as would, but for this subsection, have resulted in an increase in the valuation.

(3) The relevant matters for the purposes of subsection two of this section are—

- (a) reclamation by draining or filling and the construction of any retaining walls or other works appurtenant to the reclamation;
- (b) the excavation, grading, levelling or draining of the land;
- (c) any easement for the benefit of the land;
- (d) roading, kerbing, guttering, footpaths and other subdivisional works;
- (e) works of water supply or sewerage; and
- (f) any building, structures, works or other improvements on or appertaining to the land, whether of the same or of a different kind.

(4) Where land is disposed of as referred to in paragraph (a), (b), (c), (d), (e) or (f) of subsection three of section seven of this Act, the Authority shall, if the contributor so requests, request the valuer-general to make a valuation of the land under paragraph (a) of subsection one of this section.

Apportionment and amalgamation of valuations.

**43.** (1) Where—

- (a) a valuation, as at the base date, of any land (in this subsection referred to as a “portion”) is required for the purposes of this Act; and
- (b) a valuation, as at that date, has been made of land (in this subsection referred to as the “whole parcel”) of which that portion forms part,

the valuer-general shall, notwithstanding any other provision of this Act, make the required valuation of that portion by assigning to it a value equal to an amount that bears to the base date valuation of the whole parcel the same proportion

**as**

*Land Development Contribution Management.*

as the valuation, as at the base date, of that portion (regarded as being part of the whole parcel) bears to the base date valuation of the whole parcel. No. 22, 1970

## (2) Where—

- (a) a valuation, as at the base date, of any land (in this subsection referred as to an “amalgamated parcel”) is required for the purposes of this Act; and
- (b) a valuation, as at that date, has been made of parcels of land that comprise the whole of the amalgamated parcel,

the valuer-general shall, notwithstanding any other provision of this Act, make the required valuation of the amalgamated parcel by assigning to it a value equal to the sum of the valuations of the parcels referred to in paragraph (b) of this subsection.

(3) Where any parcel of land referred to in paragraph (b) of subsection two of this section is part of land in respect of which a valuation, as at the base date, has been made, the valuer-general may, for the purpose of making a valuation of the amalgamated parcel as referred to in paragraph (a) of that subsection, make a valuation of that part in accordance with subsection one of this section.

## (4) Where—

- (a) a valuation of any land (in this subsection referred to as a “portion”), as at the final date referred to in subsection two of section ten of this Act and applicable to that land, is required for the purposes of this Act; and
- (b) a valuation, as at that date, has been made of land (in this subsection referred to as the “whole parcel”) of which that portion forms part,

the valuer-general shall, notwithstanding any other provision of this Act, make the required valuation of that portion by assigning to it a value equal to an amount that bears to the valuation referred to in paragraph (b) of this subsection the same



*Land Development Contribution Management.*

No. 22, 1970 same proportion as the valuation, as at that final date, of that portion (regarded as being part of the whole parcel) bears to the valuation so referred to.

(5) Notwithstanding any other provision of this Part, no objection or appeal, on the ground that the value assigned is too high or too low, shall be allowed against a valuation purporting to have been made in accordance with subsection one, two or four of this section except on the ground that the value assigned is too high or too low by reason that the valuer-general, in making the valuation, has not complied with the provisions of such of those subsections as is applicable to the making of the valuation.

Notice of valuation.

**44.** (1) The valuer-general shall give notice in writing of each valuation to the Authority and, if he is aware of the name and address of the owner of the land to which the valuation relates, to that owner.

(2) A notice of valuation given in accordance with subsection one of this section shall include a statement to the effect that the Authority or owner of the land may lodge with the valuer-general written objection to the valuation within a period of twenty-eight days after service of the notice or within such further period as the valuer-general allows, whether before or after the expiration of that period.

Absence of notice does not invalidate valuation.

**45.** A valuation is not invalid by reason only of the failure of the valuer-general to give notice of the valuation.

Objections to valuations.

**46.** (1) Where a valuation of land has been made, the Authority or the owner of the land may lodge with the valuer-general written objection to the valuation, in or to the effect of the form of objection provided by the valuer-general, within a period of twenty-eight days after service of the notice of valuation or within such further period as the valuer-general allows whether before or after the expiration of that period.

(2)

*Land Development Contribution Management.*

---

(2) Where the Authority lodges an objection in accordance with subsection one of this section, it shall give notice in writing of the objection to all contributors liable in respect of the land or, where liability for contribution has not arisen, to the owner of the land the subject of the valuation, if the Authority is aware of the name and address of those contributors or of that owner. No. 22, 1970

(3) The only grounds on which objection to valuation may be made are—

- (a) that the values assigned are too high or too low;
- (b) that the description of the land the subject of the valuation is not correctly stated; and
- (c) that, in the case of a valuation made in compliance with a request made under subsection one of section forty-two of this Act, any relevant matters that the valuer-general would have been required to disregard had his records disclosed their occurrence have not been disregarded in making the valuation.

(4) Notwithstanding subsection one of this section no objection may be made to a valuation if particulars of an assessment based on that valuation have been included in a certificate under section fifty-six of this Act.

**47.** (1) On objection being made to a valuation, the valuer-general may— Procedure  
on  
objection.

- (a) alter the valuation and alter the record of the valuation accordingly; or
- (b) disallow the objection.

(2) The valuer-general shall give notice in writing of his determination made in accordance with subsection one of this section to the objector and, if the objector is not the Authority, to the Authority.

(3)

*Land Development Contribution Management.*

No. 22, 1970

(3) Where the Authority receives notice in accordance with subsection two of this section as an objector, it shall give notice in writing of the valuer-general's determination to the contributors liable in respect of the land to which the valuation objected to applies or, where liability for contribution has not arisen, to the owner of the land to which the valuation objected to applies, if the Authority is aware of the name and address of those contributors or of that owner.

Appeals to  
Land and  
Valuation  
Court.

**48. (1) Where—**

- (a) any person is dissatisfied with a determination made by the valuer-general upon his objection to a valuation;
- (b) any person entitled to object to a valuation is dissatisfied with a determination made by the valuer-general upon the Authority's objection to that valuation; or
- (c) the Authority is dissatisfied with a determination made by the valuer-general upon an objection to a valuation,

he or it may, within a period of twenty-eight days after the giving of a notice to that person or the Authority under subsection two or three of section forty-seven of this Act, whichever is applicable, appeal to the Land and Valuation Court against the determination in the manner prescribed by rules of court.

(2) Notice of appeal shall be given by the appellant to the valuer-general upon the lodging of the appeal in the court.

Hearing by  
Land and  
Valuation  
Court.

**49. (1)** The Land and Valuation Court shall have jurisdiction to hear and determine all appeals brought before it under section forty-eight of this Act and the provisions of the  
Land

*Land Development Contribution Management.*

---

**Land and Valuation Court Act, 1921, apply as if that Court had jurisdiction to hear and determine those appeals under that Act.** No. 22, 1970

(2) Any such appeal shall proceed as a new matter and be by way of rehearing.

(3) If, on appeal, the Land and Valuation Court decides that any valuation objected to or any valuation as altered on objection is erroneous, it shall order the valuation to be altered accordingly.

(4) An appeal under section forty-eight of this Act and an appeal under Part IV of this Act may be heard and determined together.

**50.** (1) The judge of the Land and Valuation Court shall record all decisions given by that court on appeals under this Part and shall initial the record. Consequential procedure.

(2) The registrar of the Land and Valuation Court shall furnish to the valuer-general a certified copy of that record, and the valuer-general shall, where necessary, amend any valuation to the extent necessary to give effect to any decision so recorded.

**51.** (1) The valuer-general shall keep a record of valuations under this Part in such form as he determines and shall include therein such particulars as he considers appropriate. Record of valuations.

(2) The record kept for the purposes of subsection one of this section may, without limiting the generality of that subsection, be kept by making use of a computer so that a visual record of valuations is produced by operating the computer.

**52.**

*Land Development Contribution Management.*

No. 22, 1970  
Amend-  
ments.

**52.** The valuer-general may alter or cause to be altered the record of valuations referred to in section fifty-one of this Act whenever any sufficient cause renders alteration necessary.

Valuer-  
general may  
enter and  
inspect land  
and require  
information.

**53.** (1) The valuer-general or an official valuer, or officer, appointed under the Valuation of Land Act, 1916, or the judge of the Land and Valuation Court may at all reasonable times enter, for the purposes of this Part, any land.

(2) Where a person enters land in pursuance of subsection one of this section, the owner, occupier or manager thereof shall answer any questions put to him by that person for the purpose of enabling a correct valuation to be made and, when required by that person to do so, generally furnish to that person all information within his knowledge or in his possession that is necessary for that purpose.

(3) The valuer-general may, by notice in writing served on the owner of any land within the Sydney region, require that owner, within such reasonable time as may be specified in the notice, to furnish to the valuer-general such information and to produce to the valuer-general such documents relating to the land as may be required by the valuer-general for the purposes of this Part and as may be specified in the notice, whether generally or otherwise.

(4) Without limiting the generality of subsection three of this section, a notice referred to in that subsection may—

(a) require information as to any one or more of the following matters :—

(i) the area, portions, lots, deposited plans, references to title, situation, quality and use of the land the subject of the request ;

(ii) the nature of the improvements thereon ;

(iii)

*Land Development Contribution Management.*

---

- (iii) any of the matters specified in subsection No. 22, 1970 three of section forty-two of this Act;
  - (iv) any reservations, restrictions, covenants, easements or rights in the nature of easements affecting the land; or
- (b) require the production of any contract, or a copy of any contract, for the purchase of the land, any instrument incorporated or referred to in any such contract and any instrument or option relating to the purchase of the land by the owner, where the contract, copy, instrument or option is in his possession or under his control.

(5) Where an owner of land is not resident in the State, or is a corporation, the valuer-general may serve a notice referred to in subsection three of this section on the manager, secretary, agent or attorney of the owner and the person on whom the notice is served shall comply with the requirements of the notice as if he were the owner.

(6) A person shall not neglect or refuse to comply with the requirements of a notice served on him under this section.

(7) A person shall not—

- (a) in answer to any question put to him under subsection two of this section knowingly give an answer that is false or misleading in a material particular; or
- (b) furnish any information required of him under that subsection or pursuant to a notice served on him under subsection three of this section that is false or misleading in a material particular.

(8) A person shall not, after his conviction for an offence arising under this section, continue to neglect or refuse to comply with the requirement for the non-compliance with which he was convicted.

Penalty :

*Land Development Contribution Management.*

---

No. 22, 1970    **Penalty :** Two thousand dollars and the amount of any contribution, payment of which the offender has evaded or has attempted to evade.

(9) It is a sufficient defence to a prosecution for an offence arising under subsection seven of this section if the defendant proves that he believed the truth of the answer or information given by him and that it was given in good faith.

(10) A prosecution for an offence arising under this section may be commenced at any time.

---

**PART VII.**

**FINANCE.**

**The Fund**    **54.** (1) All moneys received by the Authority under this Act shall be deposited in the State Planning Authority Account in the Special Deposits Account in the Treasury referred to in subsection one of section thirty of the State Planning Authority Act, 1963, and all amounts required to meet expenditure incurred in accordance with the provisions of this Act shall be paid from that account.

(2) For the purposes of this Act, the Authority shall establish in its books of account a fund to be known as the Land Development Contribution Fund.

(3) The Fund shall consist of—

- (a) all moneys received or receivable by the Authority under this Act;
- (b) moneys provided by Parliament for the purposes of this Act and moneys advanced for the purposes of this Act out of moneys provided by Parliament for the purpose of making advances;

(c)

*Land Development Contribution Management.*

- (c) the proceeds of the disposition of any property acquired by the Authority out of moneys applied from the Fund; and
- (d) all assets acquired out of moneys applied from the Fund.

(4) The Fund may be applied to any of the following purposes :—

- (a) meeting the administrative expenses of the Authority and the valuer-general under this Act;
- (b) making such payments to such persons as the Treasurer determines, after considering a recommendation by the Authority, for the purposes of, or in connection with, the provision of—
- (i) water, sewerage and drainage services;
  - (ii) roads and bridges;
  - (iii) rail services and other transport facilities; or
  - (iv) other public services approved by the Treasurer,
- in relation to the non-urban Sydney region;
- (c) the acquisition of land for any purpose referred to in paragraph (b) of this subsection or the acquisition of land within the non-urban Sydney region for any other public purpose approved by the Treasurer where he considers that the land should be made available in the public interest for that purpose;
- (d) repaying advances paid into the Fund as referred to in paragraph (b) of subsection three of this section;
- (e) meeting any payment required to be made by the Authority under this Act; and
- (f) meeting the liabilities of the Fund.

(5) Subsection eleven of section thirty-six of the State Planning Authority Act, 1963, does not apply to or in relation to the acquisition of land by the Authority out of moneys applied from the Fund.



*Land Development Contribution Management.*

**No. 22, 1970** **55.** (1) The provisions of Division 1 of Part VII of the State Planning Authority Act, 1963, extend to the Fund in the same way as they apply to a fund referred to in that Division and as if the statement of accounts referred to in section fifty-eight of that Act were a statement of accounts in respect of the Fund.

Accounts  
and audit.

(2) The expenditure of the Fund shall be charged against income and capital as nearly as may be in accordance with commercial principles.

---

**PART VIII.**

**EVIDENCE.**

Authority  
to issue  
evidentiary  
certificates  
in respect  
of certain  
matters.

**56.** (1) Upon receipt of an application in writing made by a person in accordance with a form provided by the Authority for the purpose and upon payment of the fee therefor fixed in accordance with section forty-two of the State Planning Authority Act, 1963, the Authority shall furnish to the applicant, in relation to any land, a certificate containing information in relation to the following matters as at the date of the certificate :—

- (a) whether or not the land is within the non-urban Sydney region;
- (b) whether or not an order has been published under section eleven of this Act applying to the land and, if an order has been so published, the date thereof;
- (c) whether or not an interim development order or a planning scheme, referred to in subsection two of section ten of this Act, applies to the land;
- (d) the amount, if any, of contribution assessed in respect of the land or any part of the land or any land of which the land the subject of the certificate forms part;

(e)

*Land Development Contribution Management.*

- (e) particulars of— No. 22, 1970
- (i) any disposition of land that is a disposition for the purposes of subsection three of section seven of this Act; or
  - (ii) any development consent referred to in subsection two of that section,  
of which the Authority has notice, where any contribution payable as a consequence of that disposition or the granting of that development consent has not been assessed;
- (f) the amount, if any, of contribution paid in respect of the land or in respect of which satisfactory arrangements for payment have been made with the Authority and the particulars of its assessment;
- (g) the amount, if any, of contribution waived under section thirty-four, or written-off under section thirty-five, of this Act;
- (h) whether the land has ceased to be liable for contribution;
- (i) whether—
- (i) an objection against an assessment in respect of the land, or against a valuation upon which such an assessment has been based, has been lodged;
  - (ii) an appeal resulting from such an objection is pending;
  - (iii) an application for an amendment of any such assessment has been made; or
  - (iv) action has been commenced by the Authority to amend any such assessment, and has not been finally determined or completed; and
- (j) such other matters as may be prescribed.

(2)

*Land Development Contribution Management.*

---

No. 22, 1970

(2) A reference in paragraph (d), (e) or (f) of subsection one of this section to contribution does not include a reference to any contribution, or that part of any contribution, that is not payable by reason of a determination made under section fifteen, or under section sixty-one, or has been refunded or waived under section sixteen of this Act.

(3) A certificate issued under this section is, for the purposes of determining a person's liability for contribution, conclusive evidence—

- (a) where the applicant for the certificate is the owner of the land to which the certificate relates—in favour of that applicant and of any successor in title of the applicant who is a bona fide purchaser for value of the land; or
- (b) where the applicant is not the owner of the land to which the certificate relates—in favour of that applicant and, if he becomes the owner of the land, of any successor in title who is a bona fide purchaser for value of the land,

of the information specified in the certificate as at the date so specified.

(4) A certificate under subsection one of this section may be issued under the signature of a prescribed servant of the Authority or of a servant of the Authority who is the holder of, or person acting in, a prescribed office.

(5) Subsection three of this section does not operate—

- (a) where the certificate contains information other than information negating the matters referred to in paragraph (i) of subsection one of this section in relation to an assessment, so as to make the certificate conclusive evidence of that assessment, of the amount of that assessment or of the payment, or the making of satisfactory arrangements for the payment, of the contribution payable under that assessment;

(b)

*Land Development Contribution Management.*

- (b) in relation to any certificate that was obtained by misrepresentation or by fraudulent or improper means to which the applicant for the certificate was privy; or
- (c) in favour of an applicant for a certificate where any information specified in the certificate was to the knowledge of the applicant erroneous as at the date on which the certificate was issued.

(6) Nothing in this section requires the Authority to furnish a certificate under this section as to any contribution paid or payable in respect of any land if the Authority is of the opinion that the amount of that contribution could be altered as a consequence of any proceedings taken or that may be taken under this Act.

(7) In this section—

“contribution” includes any additional contribution payable under section twenty-six of this Act;

“purchaser” includes a mortgagee.

**57.** (1) A copy or extract of a map or plan referred to in this Act or in an order under section eleven of this Act and filed in the office of the Authority shall be admissible in evidence if it purports to be certified under the hand of the Secretary of the Authority to be a true copy or extract.

Evidence  
of maps  
or plans.

(2) A copy or extract of a map or plan certified in accordance with subsection one of this section may be on the same scale as or on a scale different from that on which the map or plan is drawn.

(3) The Secretary of the Authority shall furnish a certified copy or extract to any person applying for it upon payment of such fee as is fixed in any particular case by the Authority.

(4) Unless the court otherwise directs, it is sufficient compliance with a subpoena for the production in the court of a map or plan referred to in this Act or in an order under section eleven of this Act if a copy of the map or plan certified in accordance with subsection one of this section is produced.

**58.**

*Land Development Contribution Management.*

No. 22, 1970 **58.** (1) The production of an assessment, or of a document that purports to be a copy of an assessment or notice of an assessment and to be under the hand of the Secretary of the Authority, or of a delegate of the Authority, shall—

Evidence of assessments and valuations.  
cf. Act No. 26, 1956, s. 18.

- (a) be conclusive evidence of the making of the assessment; and
- (b) be conclusive evidence that the amount and all the particulars of the assessment are correct, except in proceedings on appeal against the assessment, when it shall be prima facie evidence only.

(2) Production of any document under the seal of the Authority or under the hand of the Secretary of the Authority, or of a delegate of the Authority, purporting to be a copy of or extract from any information furnished in accordance with section sixty-nine of this Act or an assessment or notice of an assessment, shall for all purposes be evidence of the matter therein set forth without production of the original.

(3) Where the Authority so requests, or application is made by a person who objected or was entitled to object to a valuation and is accompanied by the prescribed fee, the valuer-general shall, in such form as he may determine, furnish to the Authority or to that person a certified copy under seal of any notice of that valuation given by him under section forty-four of this Act and, where any amendment of that valuation has been made in accordance with subsection two of section fifty of this Act, endorse on that copy particulars of that amendment.

(4) Any certified copy of a notice of valuation under seal furnished under subsection three of this section shall in all proceedings and for all purposes be evidence of the matters and things stated therein and that the valuation mentioned therein has been duly made in accordance with this Act.

---

PART

*Land Development Contribution Management.*

## PART IX.

No. 22, 1970

## GENERAL.

**59.** (1) For the purposes of this Act there shall be an Appeals Board which shall consist of the Secretary of the Authority, the Auditor-General and the Under Secretary of the Treasury. Appeals Board.

(2) A member of the Appeals Board may, by writing under his hand, appoint a person to act in his place at any meeting of the Appeals Board at which he is unable to be present, and that person, when so acting, shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed by this Act upon the member by whom he was appointed.

**60.** (1) A person shall not, after the final date referred to in subsection two of section ten of this Act, and applicable to any land, commence to carry out, on or in relation to that land, any development for which a development consent is not required under the provisions of the Local Government Act, 1919, or of any planning scheme or interim development order unless before doing so he has notified the Authority in writing of his intention to do so. Authority to be notified of development for which consent not required.

Penalty : Two thousand dollars.

(2) Subsection one of this section does not apply so as to require a person to notify the Authority of his intention to commence to carry out development where, were a development consent required to enable the development to be lawfully carried out, no contribution would be payable as a consequence of the granting of that development consent.

(3) When a council's approval (not being a development consent) is, under the provisions of any Act, ordinance or regulation, required before a person commences to carry out any development as referred to in subsection one of this

section

*Land Development Contribution Management.*

No. 22, 1970 section and is given (whether or not subject to conditions), the council shall, within fourteen days after giving the approval, notify the Authority in writing that it has done so.

(4) Where—

- (a) the Authority receives a notification referred to in subsection one of this section relating to any development or, without having received such a notification, receives a notification referred to in subsection three of this section relating to that development; or
- (b) any development, notification of which is required to be given to the Authority under subsection one of this section, is commenced without any such notification, or notification under subsection three of this section relating to the development, having been received by the Authority,

a development consent shall, for the purposes of this Act, be deemed to have been granted on the date on which the notification was received by the Authority or the development was commenced to be carried out, as the case may be, in respect of the land on which the development referred to in the notification is proposed to be carried out or on which the development was commenced to be carried out, as the case may be.

Contribution payable where illegal development carried out.

61. (1) Where a person has commenced to carry out development on any declared land and—

- (a) the carrying out of that development was prohibited by any planning scheme or interim development order; or
- (b) the carrying out of the development was permissible only with the consent of the responsible authority under any planning scheme or with the consent of any person whose consent to the carrying out of the development is required under any interim development order, and that consent was not obtained before the carrying out of the development

was

*Land Development Contribution Management.*

was commenced or was so obtained but was **No. 22, 1970**  
 revoked as referred to in subsection three of  
 section sixteen of this Act,

contribution shall be assessed—

- (c) where the development was commenced to be carried out before the final date referred to in subsection two of section ten of this Act and applicable to the land—as if that person had disposed of the land on the date on which the development was so commenced for a consideration of an amount of money equal to the value of the land as at that last-mentioned date; and
- (d) where the development was commenced to be carried out on or after that final date and the land had not become liable for contribution after that final date under subsection two of section seven of this Act—as if a development consent to the carrying out of the development had been granted to that person on the date on which the carrying out of the development was commenced.

(2) Where—

- (a) a person is liable to be assessed for contribution under this section; and
- (b) an application for a determination to be made under this subsection is made to the Authority by the person who would but for this subsection be liable to pay the contribution,

the Authority may—

- (c) if it is satisfied that the development commenced to be carried out by that person was or is of such a nature and was or is being carried out in such circumstances or affected or affects such a small portion of the land on which it was or is being carried out that it would not be reasonable to require payment of the contribution in full or in part, determine that no part of that contribution or that only such part of that contribution as it considers reasonable shall be payable; or

(d)



*Land Development Contribution Management.*

No. 22, 1970

- (d) if it is not so satisfied, determine that the whole of that contribution shall be payable.

(3) Any applicant for a determination under subsection two of this section who is dissatisfied with the determination made by the Authority on the application may, within the prescribed time, appeal to the Appeals Board against the determination and the decision of that Board on the application shall be final and conclusive and shall have effect as if it were the determination of the Authority.

(4) Where a determination, other than a determination that the whole of the contribution shall be payable, is made under subsection two or three of this section relating to the contribution in respect of any land—

- (a) the land shall be or become liable for any contribution that would have been or become payable had the carrying out of the development not been commenced; and
- (b) the Authority shall—
- (i) include in the notice of assessment of the contribution a statement specifying the particulars of the determination; and
- (ii) serve a copy of that assessment on the council in whose area the land is situated.

Injunction may be obtained by Authority to prevent development where contribution not paid.

**62.** An injunction may be obtained at the suit of the Authority to prevent the carrying out, or the continuance of the carrying out, of any development on any declared land where any contribution payable in respect of that land has not been paid or arrangements satisfactory to the Authority have not been made for the payment of that contribution.

Operation of Act in relation to the Crown and statutory bodies.

**63.** (1) The same contribution shall be paid by the Crown and by any body corporate that is constituted by or under any Act and is deemed by that or any other Act to be a statutory body representing the Crown or to represent the Crown

*Land Development Contribution Management.*

Crown as would be payable if this Act applied to and bound the Crown and any such body corporate, and the Authority may make and issue an assessment for any contribution payable under this subsection in the same way as it may make and issue assessments for contribution payable by other persons.

No. 22, 1970

(2) Where any act, matter or thing would, if this Act applied to and bound the Crown and any body corporate referred to in subsection one of this section, be required to be done or omitted to be done by the Crown or any such body corporate that act, matter or thing shall be done or be omitted to be done by the Crown or that body corporate.

(3) For the purposes of this section, development shall be deemed to have been carried out by the Crown or by any body corporate referred to in subsection one of this section if land owned by the Crown or such a body corporate is lawfully divided for the purpose of disposing of the land or any part thereof.

(4) Where any dispute arises between the Crown or any body corporate referred to in subsection one of this section and the Authority as to any contribution payable by the Crown or any such body corporate or as to the obligation of the Crown or any such body corporate to do or refrain from doing any act, matter or thing in compliance with the requirements of subsection two of this section, the dispute may be referred to the Premier for decision and his decision on the dispute shall be final and shall be given effect to.

64. (1) A person who is acting or at any time has acted in the administration of this Act shall not, either directly or indirectly, except for the purposes of the administration of this Act, make a record of or divulge or communicate to any person any information acquired by him in respect of the affairs

Secrecy.  
cf. Act No.  
26, 1956,  
s. 6.

*Land Development Contribution Management.*

No. 22, 1970            affairs of any other person disclosed or obtained under the provisions of this Act.

Penalty : Five hundred dollars or imprisonment for twelve months.

(2) A person acting in the administration of this Act shall not be required to produce in any court any notice, return, assessment or notice of assessment, or divulge or communicate to any court any matter or thing coming under his notice in the course of his duties in connection with the administration of this Act except when it is necessary to do so for the purposes of carrying into effect the provisions of this Act.

(3) Any person appointed or employed in the administration of this Act shall, if and when required by the Authority to do so, make an oath or declaration in the manner and form prescribed, to maintain secrecy in conformity with the provisions of this section.

(4) Notwithstanding anything contained in this section the Authority may divulge or communicate any information which comes to its knowledge in the performance of its powers, authorities, duties or functions under this Act to the Commissioner of Taxation, a Second Commissioner of Taxation or a Deputy Commissioner of Taxation of the Commonwealth, and the divulging or communicating of such information shall not be deemed to be a contravention of this section.

Agents and  
trustees.  
cf. Act No.  
26, 1956,  
s. 64.

**65.** With respect to every agent, and with respect also to every trustee, the following provisions shall apply :—

- (a) He shall be answerable as contributor for the doing of all such things as are required to be done by virtue of this Act in respect of the land controlled or held by him in his representative capacity and for the payment of contribution thereon.

(b)

*Land Development Contribution Management.*

---

- (b) He shall in respect of that land furnish information No. 22, 1970 and be assessed thereon but in his representative capacity only, and that information and assessment shall, except as otherwise provided by this Act, be separate and distinct from any other.
- (c) If he is the trustee of the estate of a deceased person, the information shall be the same, as far as practicable, as the deceased person, if living, would have been liable to furnish.
- (d) Where as agent or trustee he pays contribution, he is hereby authorised to recover the amount so paid from the person on whose behalf he paid it, or to deduct it from any money in his hands belonging to that person.
- (e) He is hereby authorised and required to retain from time to time, out of any money which comes to him in his representative capacity, so much as is sufficient to pay the contribution which is or will become due in respect of the land.
- (f) He is hereby made personally liable for the contribution payable in respect of the land if, while the contribution remains unpaid, without the consent in writing of the Authority he alienates, mortgages, charges, or disposes of any real or personal property, which is controlled or is held by him in his representative capacity, but he shall not otherwise be personally liable for the contribution.
- (g) If he is a trustee, he may raise whatever moneys are necessary in order to pay the contribution by mortgage or charge with or without power of sale of any real or personal property held by him as trustee, and may apply the money so raised or any other moneys in his possession as such trustee in paying the contribution.
- (h) He is hereby indemnified for all payments which he makes in pursuance of this Act, or by requirements of the Authority.

(i)

*Land Development Contribution Management.*

No. 22, 1970

- (i) For the purpose of ensuring payment of contribution, the Authority shall have the same remedies against all land or other property of any kind vested in or under the control or management or in the possession of any agent or trustee, as it would have against the land or other property of any other contributor in respect of contribution, and in as full and ample a manner.

Contracts to evade contribution void.  
cf. Act No. 26, 1956, s. 65.

**66.** Every contract, agreement or arrangement made or entered into, in writing or orally, whether before or after the commencement of this Act, is, so far as it has or purports to have the purpose or effect of in any way directly or indirectly—

- (a) altering the incidence of any contribution;
- (b) relieving any person from liability to pay any contribution or furnish information;
- (c) defeating, evading or avoiding any duty or liability imposed on any person by this Act; or
- (d) preventing the operation of this Act in any respect.

absolutely void, as against the Authority, or in regard to any proceeding under this Act, but without prejudice to such validity as it has in any other respect or for any other purpose.

Access to lands, buildings, etc.  
cf. Act No. 26, 1956, s. 67.

**67.** The Authority or any officer or servant of the Authority authorised in writing by it in that behalf shall at all reasonable times have full and free access to all lands, buildings, places, books, documents and other papers and to all registers of deeds or other documents of title for any of the purposes of this Act and may make extracts from or take copies of such books, documents, papers or registers.

**68.**

*Land Development Contribution Management.*

---

**68.** (1) Any notice or document required or authorised by this Act to be served or given shall be deemed to have been duly served or given—

No. 22, 1970  
Service of  
notices.

(a) if delivered personally to, or if left at the last known place of abode or business in or out of the State of, the person on or to whom the notice or document is to be served or given; or

cf. Act No.  
26, 1956,  
s. 76.

(b) if sent by prepaid letter post, addressed to the person on or to whom the notice or document is to be served or given to his last known place of business or abode in or out of the State.

(2) Service of a notice or document in accordance with paragraph (b) of subsection one of this section shall be deemed to have been effected at the time when it would be delivered in the ordinary course of post.

(3) The provisions of this section, of section twenty-nine, and of subsection five of section fifty-three, of this Act, so far as they relate to the service of notices or documents on companies, are in addition to and not in derogation from the provisions of section three hundred and sixty-two of the Companies Act, 1961.

**69.** (1) The Authority or any officer or servant of the Authority authorised in writing by it in that behalf may, by notice in writing, served on any person, whether a contributor or not, require that person—

Power to  
obtain  
evidence.  
cf. Act  
No. 26,  
1956, ss.  
69, 71.

(a) within such reasonable time as may be specified in the notice, to furnish to the Authority or other person making the requirement such information and to produce to the Authority or that other person such books, documents or other papers, in his possession or control, as may be required for the purpose of the administration of this Act and as may be specified in the notice, whether generally or otherwise; or

(b)

*Land Development Contribution Management.*

No. 22, 1970

(b) to attend at a time and place specified in the notice before a person appointed in writing by the Authority for the purpose and thereafter from time to time as required by that person and to give evidence concerning any declared land or assessment, and to produce all such books, documents or other papers in his possession or under his control as may be required for the purpose of the administration of this Act and as may be specified in the notice, whether generally or otherwise.

(2) A person appointed as referred to in paragraph (b) of subsection one of this section may, subject to section thirteen of the Oaths Act, 1900, require any such evidence to be given on oath, and either in writing or orally and for that purpose that person may administer an oath.

(3) A person shall not neglect or refuse to comply with the requirements of a notice served on him under this section.

(4) A person shall not—

- (a) furnish any information referred to in paragraph (a) of subsection one of this section required of him pursuant to a notice served on him under that subsection that is false or misleading in a material particular; or
- (b) give any evidence before a person appointed as referred to in paragraph (b) of that subsection that is false or misleading in a material particular.

(5) A person shall not, after his conviction for an offence arising under subsection three of this section by reason of his neglect or refusal to furnish any information referred to in paragraph (a) of subsection one of this section, continue to neglect or refuse to furnish that information.

Penalty : Two thousand dollars and the amount of any contribution, payment of which the offender has evaded or attempted to evade.

(6)

*Land Development Contribution Management.*

---

(6) It is a sufficient defence to a prosecution for an offence arising under subsection four of this section if the defendant proves that he believed the truth of the information or evidence given by him and that it was given in good faith. No. 22, 1970

(7) A prosecution for an offence arising under this section may be commenced at any time.

(8) The regulations may prescribe scales of expenses to be allowed to persons for attending and giving evidence under this section.

**70.** (1) Any contributor who refuses or neglects duly to furnish any information as and when required by or under this Act by the Authority or by a person authorised by it shall, if he has not been prosecuted for an offence arising under section sixty-nine or seventy-four of this Act by reason of his refusal or neglect to so furnish that information, be liable to pay additional contribution at the rate of ten per centum per annum upon the amount of any contribution assessable to him (such percentage to be calculated for the period commencing on the last day allowed for furnishing the information and ending on the day upon which the information is furnished or the day upon which assessment is made, whichever first happens), or the sum of four dollars, whichever is the greater. Failure to furnish information. cf. Act No. 26, 1956, s. 72.

(2) Notwithstanding subsection one of this section, the Authority may, in any particular case, for reasons which it considers sufficient, remit the additional contribution payable under that subsection, or any part thereof.

**71.** The provisions of section sixty-nine of the State Planning Authority Act, 1963, apply to powers, authorities, duties and functions of the Authority that are prescribed by regulations made under this Act for the purposes of this section in the same way as they apply to powers, authorities, duties and functions prescribed for the purposes of that Act. Delegation.

**72.**



*Land Development Contribution Management.*

**No. 22, 1970** **72.** The Authority shall furnish to the Minister annually for presentation to Parliament a report on the working of this Act.

Report to  
Parliament.  
cf. Act No.  
26, 1956,  
s. 80.

**Regulations.** **73.** (1) The Governor may make regulations for or with respect to—

- (a) the forms to be used for the purposes of this Act;
- (b) the fees to be paid in respect of any application or request made under this Act; and
- (c) prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for giving effect to this Act.

(2) Different regulations may be made according to different circumstances.

(3) The regulations may impose a penalty not exceeding four hundred dollars for any breach thereof.

**Evading contribution.** **74.** Any person who, by any wilful act, default, or neglect, or by any fraud, art, or contrivance whatever evades or attempts to evade assessment or payment of contribution, is guilty of an offence against this Act.

cf. Act No.  
26, 1956,  
s. 73.

Penalty: Two thousand dollars and the amount of contribution, payment of which the offender has evaded or attempted to evade.

**Obstruction.** **75.** A person shall not obstruct or hinder any other person acting in the exercise or discharge of any powers, authorities, duties or functions, conferred or imposed by or under this Act.

*Land Development Contribution Management.*

**76.** Payment of penalties under this Act shall not relieve any person from liability to assessment and for payment of any contribution for which he would otherwise be liable.

No. 22, 1970  
Penalties not to relieve from contribution. cf. Act No. 26, 1956, s. 74.

**77.** Any person who contravenes or fails to comply with any of the provisions of this Act or of any notice given to him under this Act is, if no other penalty is provided, guilty of an offence against this Act and liable to a penalty not exceeding four hundred dollars.

General penalty.

**78.** All proceedings for offences against this Act and the regulations shall be disposed of summarily before a court of petty sessions held before a stipendiary magistrate.

Recovery of penalties.

---

PART X.

AMENDMENT OF THE LOCAL GOVERNMENT ACT, 1919, AND OF THE STAMP DUTIES ACT, 1920.

**79.** The Local Government Act, 1919, is amended—

(a) (i) by inserting next after paragraph (d) of subsection one of section three hundred and twenty-seven the following new paragraph :—

Amendment of Act No. 41, 1919, sec. 327.

(d1) the town or shire clerk has certified to the applicant, where the land or any part of the land is declared land as defined in subsection one of section three of the Land Development Contribution Management Act, 1970, that the applicant has produced to

(Conditions to be observed before opening new roads or subdivisions.)

him

*Land Development Contribution Management.*

---

No. 22, 1970

him a certificate of The State Planning Authority of New South Wales certifying—

- (i) that any contribution payable under that Act (excluding any such contribution that is required to be deducted under section fourteen of that Act but including any such contribution payable as a consequence of the granting of the council's approval to the opening of the public road or the subdivision of the land) has been paid; or
  - (ii) that satisfactory arrangements for the payment of any such contribution have been made; and
- (ii) by omitting from paragraph (e) of the same subsection the word "certificate" and by inserting in lieu thereof the word "certificates";
- (iii) by inserting next after paragraph (b) of subsection two of the same section the following new paragraph :—
- (b1) the town or shire clerk has certified to the applicant, where the land or any part of the land is declared land as defined in subsection one of section three of the Land Development Contribution Management Act, 1970, that the applicant has produced to him a certificate of The State Planning Authority of New South Wales certifying—
    - (i) that any contribution payable under that Act (excluding any such contribution that is required

*Land Development Contribution Management.*

required to be deducted under No. 22, 1970 section fourteen of that Act but including any such contribution payable as a consequence of the granting of the council's approval to the subdivision of the land) has been paid; or

(ii) that satisfactory arrangements for the payment of any such contribution have been made; and

(iv) by omitting from paragraph (c) of the same subsection the word "certificate" and by inserting in lieu thereof the word "certificates";

(b) by inserting next before section 342AS the following <sup>New</sup> new section :— <sub>sec. 342ARA.</sub>

342ARA. Where any development, as defined in subsection one of section 342T of this Act, may, under any town and country planning scheme or interim development order, as so defined, not be carried out on any declared land, as defined in subsection one of section three of the Land Development Contribution Management Act, 1970, except with the approval, consent or permission of the responsible authority under any such planning scheme or of any person whose consent to the carrying out of the development is required under any such interim development order, application for that approval, consent or permission may be made only by the owner of that land or by some person authorised by him in writing. <sup>Application for development consent in respect of certain land.</sup>

(c) by inserting in paragraph (b) of subsection one of section six hundred and six after the words "Her Majesty" the words "(including any contribution payable under the Land Development Contribution Management Act, 1970, as a consequence of the sale)". <sup>Sec. 606. (Application of purchase money.)</sup>

*Land Development Contribution Management.*

---

**No. 22, 1970**      **80.** The Stamp Duties Act, 1920, is amended by inserting at the end of section one hundred and seven the following new subsections :—

Amendment  
of Act No.  
47, 1920.

**Sec. 107.**  
(Allowance  
to be made  
for debts.)

(6) In computing the final balance of the estate of a deceased person in whose dutiable estate is included the value or part of the value of any declared land (as defined in subsection one of section three of the Land Development Contribution Management Act, 1970) allowance shall be made—

- (a) where the whole of the value of that land is included in the dutiable estate—for the amount of any contribution that, had the land been sold on the date of death for a consideration equal to the value of that land, would have been payable under that Act; or
- (b) where only part of the value of that land is included in the dutiable estate—for an amount that bears to the amount referred to in paragraph (a) of this subsection the same proportion as that part bears to the value of that land.

(7) Where any declared land referred to in subsection six of this section forms part of the estate of a deceased person and a beneficiary in that estate dies before the completion of the administration of that estate, for the purposes of that subsection the interest of the beneficiary shall be deemed to have become on the date of death of the beneficiary an interest in possession in the property comprising the unadministered estate of that deceased person subject to outstanding charges on residue and the resultant whole or fractional part of the value of that land shall be deemed to be included in the dutiable estate of the beneficiary and an allowance shall be made in accordance with the provisions of subsection six of this section in respect thereof.

---

SCHEDULES.

*Land Development Contribution Management.*

---

**SCHEDULES.****No. 22, 1970**

---

**FIRST SCHEDULE.****Sec. 3.****Sydney region.**

Municipality of Ashfield.	<b>Municipality of Leichhardt.</b>
Municipality of Auburn.	City of Liverpool.
Municipality of Bankstown.	Municipality of Manly.
Shire of Baulkham Hills.	Municipality of Marrickville.
Municipality of Blacktown.	Municipality of Mosman.
City of Blue Mountains.	Municipality of North Sydney.
Municipality of Botany.	City of Parramatta.
Municipality of Burwood.	City of Penrith.
Municipality of Camden.	Municipality of Randwick.
City of Campbelltown.	Municipality of Rockdale.
Municipality of Canterbury.	Municipality of Ryde.
Shire of Colo.	Municipality of South Sydney.
Municipality of Concord.	Municipality of Strathfield.
Municipality of Drummoyne.	Shire of Sutherland.
Municipality of Fairfield.	City of Sydney.
Shire of Gosford.	Shire of Warringah.
Municipality of Holroyd.	Municipality of Waverley.
Shire of Hornsby.	Municipality of Willoughby.
Municipality of Hunters Hill.	Municipality of Windsor.
Municipality of Hurstville.	Shire of Wollondilly.
Municipality of Kogarah.	Municipality of Woollahra.
Municipality of Ku-ring-gai.	Shire of Wyong.
Municipality of Lane Cove.	

---

**SECOND SCHEDULE.****Sec. 3.**

Local Government Areas which include land which comprises the non-urban Sydney region.

Shire of Baulkham Hills.	Shire of Hornsby.
Municipality of Blacktown.	Municipality of Ku-ring-gai.
City of Blue Mountains.	City of Liverpool.
Municipality of Camden.	City of Penrith.
City of Campbelltown.	Shire of Sutherland.
Shire of Colo.	Shire of Warringah.
Municipality of Fairfield.	Municipality of Windsor.
Shire of Gosford.	Shire of Wollondilly.
Municipality of Holroyd.	Shire of Wyong.

---

**THIRD**

*Land Development Contribution Management.*

---

No. 22, 1970

THIRD SCHEDULE.

Sec. 3.

Plans delineating the non-urban Sydney region.  
Plans catalogued LDC 1 to LDC 93 (inclusive).

---

Sec. 11 (2).

FOURTH SCHEDULE.

Local Government Areas in which certain land is deemed to be  
declared land at the commencement of this Act.

Shire of Baulkham Hills.	City of Liverpool.
Municipality of Blacktown.	City of Penrith.
City of Campbelltown.	Shire of Sutherland.
Municipality of Fairfield.	

---

Sec. 11 (2).

FIFTH SCHEDULE.

Plans delineating land which is deemed to be declared land at the  
commencement of this Act.

Plans catalogued LDC R69/94 to LDC R69/153 (inclusive).

---

---

REAL