

PUBLIC EXHIBITION

(SUPPORTING DOCUMENT)

Expires: Tuesday, 28 February 2023

Draft Liverpool Plains Section 7.12 Contributions Plan 2022

CONTENTS

Section		Page No.
1.0	Background	2
2.0	Details of Draft Plan	2
3.0	Exhibition Process	3
4.0	Exhibition Notice	4
5.0	Submission Details	4
<i>Appendix</i>		
I	Council Report – Ordinary Meeting of 12 November 2014	5
II	Relevant Legislation	6
Separate Attachment	<i>Draft Liverpool Plains Section 7.12 Contributions Plan 2022</i>	

1.0 BACKGROUND

The **Draft Liverpool Plains Section 7.12 Contributions Plan 2022 (Draft Plan)** has been prepared to replace the existing Liverpool Plains Section 7.12 Contributions Plan 2019 (**Existing Plan**).

Section 7.12 of the *Environmental Planning & Assessment Act 1979* provides for Councils to prepared levy type Contribution Plans. Under such a plan Councils can impose a condition in a development consent that requires the payment of contributions towards facilities and services based on a percentage of the development cost. Such plans do not require Councils to establish a nexus between a development and the services provided.

Council resolved at its Ordinary Meeting of 14 December 2022 to exhibit the **Draft Plan**.

The **Draft Plan** is the subject of this exhibition and is available for public comment in accordance with the public exhibition notice in **Section 4**.

A copy of the **Draft Plan** is provided as a **separate attachment**.

2.0 DETAILS OF DRAFT PLAN

The **Draft Plan** is essentially the same as the **Existing Plan** in that, the contribution is based on the same percentage of the development cost.

The **Draft Plan** differ from the **Existing Plan** in the following ways:

- It has been modified such that it complies with and is consistent with the 2021 legislative changes.
- It has a revised schedule of works that contributions monies can be expended on.

3.0 EXHIBITION PROCESS

The *Environmental Planning & Assessment Act 1979* requires that draft contributions plans be placed on public exhibition. The process of public exhibition to adoption is as follows:

- 1 A draft contributions plan is prepared.
- 2 Council endorses the draft plan for exhibition.
- 3 Draft plan is placed on public exhibition for a minimum of 28 days.
- 4 Written submissions can be made to Council by any member of the public making up until the expiry of the exhibition period providing comments on, or requesting changes to, any aspect of the Draft Plan.
- 5 Submissions received during the exhibition period are reviewed after the exhibition period has closed and are reported to Council.
- 6 Council considers submissions and resolves to adopt the draft plan with such amendments that it considers are warranted or decides not to proceed with the draft plan.
- 7 Public notice is given where Council adopts the draft plan.

These steps are defined, mandated and guided by the various relevant provisions of the EP&A Act and the Regulations, the extracts of which are provided for information in ***Appendix II***.

4.0 EXHIBITION NOTICE

Public Exhibition
Draft Liverpool Plains
Section 7.12 Contributions Plan 2022

Council invites the public to inspect the Draft Plan and supporting document and make submissions up until the 28 February 2023.

Submissions can be lodged in person at the Council chambers, by post or by email, the details of which are contained in the supporting document.

The Draft Plan will replace the existing S7.12 Plan. It will include minor changes to reflect changes in the legislation and provide a revised schedule of works on which contributions monies can be expended.

The Draft Plan will be referred to Council after the exhibition period for adoption either as exhibited or subject to changes resulting from the public submissions.

Note: Placed on Council website under Public Notices Tuesday 10 January 2023

5.0 SUBMISSION DETAILS

Submission to the exhibition must be made in writing and can be lodged:

- Over the Counter:: Council Chambers
60 Station Street, Quirindi
- By mail to " PO BOX 152 Quirindi
- By Email to: council@liverpoolplains.nsw.gov.au

APPENDIX I - COUNCIL REPORT – Ordinary Meeting of 14 December 2022

Ordinary Council Meeting Agenda

14 December 2022

7.19 DRAFT LIVERPOOL PLAINS SEC 7.12 CONTRIBUTION PLAN

IP&R Linkage: **Goal:** 1 Our infrastructure is well planned and maintained and will meet our needs and into the future

Strategy: 1 Develop long-term strategies to plan and maintain current and future infrastructure and finances required.

Author: Elizabeth Cumming, Town Planner

Authoriser: Joanne Sangster, General Manager

File Number: G2022/0441

Annexures: A. LPSC 7.12 Developer Contributions - December 2022 [↓](#)

RECOMMENDATION

That Council:

1. Accept the draft amendments to the *Liverpool Plains Section 7.12 Contribution Plan 2019*
 2. Place the Draft *Liverpool Plains Section 7.12 Contribution Plan 2022* as amended on public exhibition.
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APPENDIX III - RELEVANT LEGISLATION

Environmental Planning and Assessment Act 1979 No 203

7.18 Contributions plans—making

(cf previous s 94EA)

- (1) A council, or two or more councils, may, subject to and in accordance with the regulations, prepare and approve a contributions plan for the purpose of imposing conditions under this Division (other than Subdivision 4).
- (2) If a contributions plan authorises the imposition of conditions under section 7.12, the plan is to specify the type or area of development in respect of which a condition under section 7.12 may be imposed and is to preclude the imposition of a condition under section 7.11 in respect of that type or area of development.
- (2A) A contributions plan does not authorise the imposition of a condition under section 7.11 on a grant of development consent if the public amenities or public services to which that condition relates are, in whole or in part, infrastructure provided, or to be provided, in relation to the development out of contributions collected under Subdivision 4.
- (3) The regulations may make provision for or with respect to the preparation and approval of contributions plans, including the format, structure and subject-matter of plans.
- (4) A council is, as soon as practicable after approving a contributions plan, to provide the Minister with a copy of the plan.

Environmental Planning and Assessment Regulation 2021

213 Public exhibition of draft contributions plans

- (1) After preparing a draft contributions plan, the council must publish the following on its website—
 - (a) the draft contributions plan and any supporting documents,
 - (b) the period during which submissions about the draft plan may be made to the council.
- (2) This section does not apply to a draft contributions plan if—
 - (a) the plan is a subsequent contributions plan that amends a contributions plan, and
 - (b) the Minister has given written notice to the council that this section does not apply.

214 Approval of contributions plans

- (1) After considering any submissions about the draft contributions plan that have been duly made, the council may—
 - (a) approve the plan in the form in which it was publicly exhibited, or
 - (b) approve the plan with any alterations the council considers appropriate, or
 - (c) decide not to proceed with the plan.
- (2) The council must publish notice of its decision on its website within 28 days after the decision is made.
- (3) Notice of a decision not to proceed with a contributions plan must contain the council's reasons for the decision.
- (4) A contributions plan comes into effect on—
 - (a) the day on which notice of the council's decision to approve the plan is published on the council's website, or
 - (b) a later day specified in the notice.

215 Amendment or repeal of contributions plan

- (1) A council may amend a contributions plan by a subsequent contributions plan.
- (2) A council may repeal a contributions plan—
 - (a) by a subsequent contributions plan, or
 - (b) by publishing notice of a decision to repeal the plan on its website.
- (3) At least 14 days before repealing a contributions plan under subsection (2)(b), the council must publish notice of its intention to repeal the plan, and the reasons for the repeal, on its website.
- (4) The repeal of a contributions plan under subsection (2)(b) takes effect on the day on which the notice under subsection (2)(b) is published on the council's website.
- (5) A council may make the following kinds of amendments to a contributions plan without preparing a new contributions plan—
 - (a) minor typographical corrections,
 - (b) changes to the rates of development contributions set out in the plan to reflect quarterly or annual variations to—
 - (i) readily accessible index figures adopted by the plan, such as the Consumer Price Index, or
 - (ii) index figures prepared by or on behalf of the council from time to time that are adopted by the plan,
 - (c) the omission of details of works that have been completed.