

17.2 Report on section 7.11 and 7.12 - developer contributions

Responsible Director: Corporate and Commercial

Report

At the Ordinary Council meeting in May 2025, Councillor Warren submitted a question with notice in reference to Council seeking an urgent engagement of specialist staff to update the now expired section 7.11 fees and charges. Subsequently, the Mayor requested a review.

In the Media Release published on 28 May 2025, Mayor Cameron McDonald states:

“Regarding recent discussion in the community about Section 7.11 and Section 7.12 contributions, I have tasked the CEO with providing a review of the process that has led to the policy adopted by Council. All non-confidential information in that report will be provided to the community.”

This report provides Councillors and the community with the results of the review undertaken by the Governance Team.

At the time of writing this report, Council has a section 7.12 Contributions Plan and a Planning Agreement Policy which governs how Council contributes towards the provision of local infrastructure.

Review methodology

As part of undertaking this review the following methodology was used.

1. Reviewed current legislation
2. Reviewed previous council meeting agendas, minutes and resolutions
3. Consulted with the Development team, and particularly the Strategic Planning Coordinator.

Background**Section 7.12 Contribution Plan**

The current section 7.12 Contribution Plan was originally adopted by Council on 16 February 2010, with an effective date of 24 February 2010.

Noting that all sections of the [Environmental Planning and Assessment Act 1979](#) (the EP&A) were renumbered on 1 March 2018.

- Section 94 became section 7.11
- Section 94A became section 7.12

The following table outlines the current Contributions Plan and current Planning Agreement Policy, when they first were adopted and the date of the latest review.

Policy/Plan	Date adopted / reviewed	Link (if available)
Section 7.12 Contributions Plan – <i>initial</i>	Adopted 16 February 2010 Effective 24 February 2010	Not available online

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Policy/Plan	Date adopted / reviewed	Link (if available)
Section 7.12 Contributions Plan – <i>first review</i>	Endorsed for Public Exhibition 15 March 2022 Adopted 28 June 2022	Information available in the attached Review Report on page 4
Section 7.12 Contributions Plan – <i>second review</i>	Endorsed for Public Exhibition 21 May 2024 Adopted 21 June 2024	Information available in the attached Review Report on page 5 - 6
Planning Agreement Policy – <i>initial</i>	Adopted 16 February 2010 Effective 24 February 2010	Not available online
Planning Agreement Policy – <i>review</i>	Endorsed for Public Exhibition 28 June 2024 Adopted 21 May 2024 Effective 28 June 2024	Information available in the attached Review Report on page 7

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Further details are available in the review report including links to copies of the agenda, minutes and adoption following public exhibition.

Repealed section 7.11 Contribution Plan

On 21 November 2023 at the Ordinary Council meeting, the endorsed resolution was to repeal the three adopted section 7.11 Contributions Plans and levy all future applications under the current adopted section 7.12 Contribution Plan.

The reason for this was that the legislation prohibits the levying of both section 7.11 and section 7.12 and it is resource intensive to ascertain which contributions have or have not previously been paid on a site. The multiple contribution plans and different levying methods increase the complexity in implementing the plans and in some instances causes confusion for customers and applicants.

The attached review report outlines the history of repealed section 7.11 (94) plans.

Other relevant historical information

ARIC and Internal Auditor report

Included in this review were reports from the Audit, Risk and Improvement Committee (ARIC), the Internal Auditor and within the Forsyth report. This internal audit commenced in February 2022, with nine recommendations for improvement reported to ARIC. Following this, an internal working group was established to discuss roles and responsibilities in relation to the developer contribution process and the team worked through the recommendations and continued to meet regularly.

In February 2024, the internal audit report commented that all recommendations had been implemented, including an online register being publicly available on Council's website.

Further details are available in the review report.

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Challenges raised to Council

At the 10 December 2024 Ordinary Council meeting, staff advised the elected body that section 7.11 contributions from the period of July 2022 and June 2023 that were levied on Development Applications (DAs) and Complying Development Certificates (CDCs) were calculated incorrectly that resulted in an overcharge. The contribution amounts were recalculated and Council adopted to refund the overcharged portion.

Further details are available in the attached review report as well as [publicly available on Council's website](#).

Findings of the review

Since 2022 it is evident that Council staff have undertaken regular reviews of the Plan and Policy to ensure that they remain current. These reviews have been reported to the elected body regularly.

Publicly available on Council's website are two registers:

1. Council's Development [Register](#)
2. Council's Planning Agreement [Register](#)

The review undertaken by the Governance Team was for the purpose of reporting to Council and has provided recommendations through the Director to the Development Contributions Team in relation to the current Development Contributions Register (the Register) that is publicly available on Council's website.

It is be noted that the review determined that there was no wrongdoing by staff and no incorrect information given to Councillors. The Chief Executive Officers (CEO's) response from the May Council meeting remains accurate.

Communication/Community Engagement

Information is publicly available.

Risk implication

This report contains information for Councillors so that they are fully informed about developer contributions and eliminates any confusion about the history and background of the process.

Enclosures

- 1 Review Report - Section 7.11 and 7.12 - Developer Contributions July 2025 

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