

Indicative templates

Reporting requirements for infrastructure contributions and planning agreements under the EP&A Regulation

Background

New reporting and accounting requirements for infrastructure contributions and planning agreements were introduced into the EP&A Regulation on 12 February 2021 through the *Environmental Planning and Assessment Amendment (Development Contributions) Regulation 2021*. These changes implement recommendations outlined in the 'Review of Governance in the NSW Planning System' (Kaldas review) which called for greater transparency and accountability in the way infrastructure contributions are collected and spent.

The Regulation amendments are part of a package of improvements to the contributions system exhibited from April to June 2020. They contribute to the NSW Government's commitment to fix the uncertainty in the infrastructure contributions system to boost investment. They are consistent with recommendations in the NSW Productivity Commission's report on the review of the infrastructure contributions system in NSW to increase transparency and accountability.

Requirements for Councils

By 1 July 2022 councils will be required to publish the following information on their individual websites and on the NSW Planning Portal:

- Copies of all planning agreements (including amendments and variations to the agreements).
- Copies of the explanatory notes relating to those agreements or amendments.
- Planning agreement registers with additional information required in the amending Regulation.
- Local contributions (s7.11 and s7.12) registers with additional information required in the amending Regulation.
- Annual financial statements for planning agreements and local infrastructure contributions showing aggregate totals of money, land, and works/works-in-kind received (also referred to as 'material public benefit').
- Copies of all current contributions plans and current contribution rates under each plan.
- Annual report information related to contributions expenditure, including a detailed breakdown of contributions expenditure by project.

Online publication requirements

Councils and planning authorities are required to make reporting documents available on their websites and the Planning Portal. To allow for regular updates, Councils are able to keep up-to-date planning agreement and local contributions registers on their individual websites and include a link to these on the NSW Planning Portal.

Templates

The indicative templates presented here provide guidance to councils regarding the format and contents of each of the reporting requirements. The templates identify the relevant EP&A Regulation clauses for each of the requirements. Councils should refer to the relevant clauses for details on the specific legislative requirements.

The templates include:

- Indicative Contributions Plans Register
- Indicative Notes to Financial Statement for Contributions Plans
- Indicative Annual Report Table for Contributions Plans
- Indicative Council Planning Agreements Register
- Indicative Note to Annual Financial Statement for Council Planning Agreements

The use of these templates is not mandatory. Councils are able to meet the requirements by adapting their own processes in line with individual accounting and register software requirements. Reporting in excel format is preferable, but not mandatory.

Note to Annual Financial Statement for Contributions Plans

Existing practice			New Requirement - CI 218 (1) of EP&A Regulation *			Existing practice				
			Contributions received							
Contributions Plan	Purpose (open space, community facilities, drainage and stormwater management, roads and traffic, others)	Opening Balance at 1 July	Money	Material public benefit, other than money or land (e.g. Works in kind)	Land	Interest & investment income earned during the financial year	Amounts expended during the financial year	Internal borrowings	Held as restricted asset (closing balance at the end of financial year - i.e. 30 June)	Cumulative balance of internal borrowings (to)/from
Total										0

EP&A Regulation requirement:
 * A council must disclose the following information for each contributions plan in the notes to its annual financial report—
 (a) the opening and closing balances of money held by the council for the accounting period covered by the report,
 (a1) the value of land, and material public benefits other than land or money, contributed,
 (b) the total amounts received by way of monetary section 7.11 contributions or section 7.12 levies during that period, by reference to the various kinds of public amenities or services for which they have been received,
 (c) the total amounts spent in accordance with the contributions plan during that period, by reference to the various kinds of public amenities or services for which they have been spent,
 (d) the outstanding obligations of the council to provide public amenities or services, by reference to the various kinds of public amenities or services for which monetary section 7.11 contributions or section 7.12 levies have been received during that or any previous accounting period.

New requirement
Existing practice or requirement

Note to Annual Financial Statement for Council Planning Agreements

Existing practice	New Requirement - CI 25F(3)(d)(i)-(iii) of the EP&A Regulation *			Existing practice			
	Totals received for the financial year						
Opening balance at 1 July	Money	Material public benefit, other than money or land (e.g. Works)	Land	Interest & investment income earned during the financial year	Amounts expended during the financial year	Internal borrowings	Held as restricted asset (closing balance at the end of financial year - i.e. 30 June)

The Regulation only requires the note to the Annual Financial Report to include the total amounts received for the year . No breakdown by planning agreement is required.

EP&A Regulation requirement:

* CI 25F states that the annual financial statement must show for the financial year:
 (i) the monetary amounts received by the council under planning agreements, and
 (ii) the value of works contributed under planning agreements, including assets given in relation to the works, and
 (iii) the value of land contributed under planning agreements.

New requirement

Existing practice or requirement