



Development Servicing Plan Charges – NSW Ombudsman’s Final Report

Reference: 101; 102; 103/6
Report Author: Interim Administrator

At the meeting of Council held on 10 March 2021, the final report delivered by the NSW Ombudsman in response to their investigation of a complaint relating to developing servicing charges was tabled.

The motion passed by Council on 10 March 2021 being:

THAT Council accept recommendations 2 and 6 made by the NSW Ombudsman as outlined on page 3 of the report in Attachment 1 at this time acknowledging recommendation 5 has been satisfied having tabled the Ombudsman’s Final Report as attached in a Public Council Meeting AND THAT a report be brought back to Council following the period of public notification.

has been rescinded.

I now **recommend** that Council adopt all recommendations of the Ombudsman Final Report as follows:

1. Refund the complainant the difference between the rates listed in the initial development consent and those that they were ultimately required to pay.
2. Post a notice on its website, issue a media release and advertise in a local newspaper inviting developers to contact Council if their consents include the standard condition and were granted before 1 January 2007, so Council can:
 - Consider whether to refund any fees these developers paid over and above the fees listed in their consents.
 - If necessary, amend its records to ensure Council does not charge the relevant developers higher fees in the future.
3. Write to the developers who hold consents LUA 04/0597, LUA 04/1850 and LUA 99/1754, and advise them that any water and sewerage fees they are required to pay if they apply for a compliance certificate will be the fees listed in their consents.
4. Ensure its practice regarding closing Council meetings – and providing the required public record of why part of a meeting is closed – comply with the *Local Government Act 1993* and Office of Local Government guidelines.

AGENDA FOR THE EXTRAORDINARY MEETING OF COUNCIL

Wednesday 24 March 2021

INTERIM ADMINISTRATOR MINUTE



5. Table the final Ombudsman report on this matter in a public Council meeting.
6. Give its Audit, Risk and Improvement Advisory Committee a copy of the final Ombudsman report.
7. Provide us with updates every six months on its progress implementing the above recommendations.

Viv May PSM
Interim Administrator