

Questions from Members

Q1. Can you provide the Committee with a copy of your Section 94 contribution survey as mentioned in your submission and discussed in evidence?

As discussed in my evidence, the information regarding Section 94 contributions held by NSW Councils was done via an analysis of Councils annual reports, not via a survey.

Using this information we found that as of June 2007 the 121 Councils that provided information held \$879.9 billion in Section 94 contributions. In 2006/07 they collected \$215.4 million in contributions and earned \$59.8 million in interest on their Section 94 holdings.

Of the 152 Councils in NSW, the following 31 Councils provided no details of their Section 94 holdings on their websites at the time the research was conducted.

Albury City	Cobar	Gilgandra	Lachlan	Urana
Bland	Conargo	Goulburn	Leeton	Wagga Wagga
Botany Bay	Coonamble	Griffith	Moree Plains	Warren
Bourke	Cowra	Gundagai	Nambucca	Weddin
Carrathool	Deniliquin	Gwydir	North Sydney	Wellington
Central Darling	Forbes	Hay	Palerang	Wingecarribee
				Wollondilly

Some of these Councils are small, and so may not have Section 94 contributions. However, others are larger urban Councils and would be expected to have contributions – but they were not reported in the web-based annual reports so were not included in our analysis.

There was another group of 9 Councils (below) who reported that they had no Section 94 contributions in 2006/07 and have no contributions held over from previous years.

Balranald
Bogan
Bombala
Brewarrina
Broken Hill City
Jerildeire
Temora
Tumbarumba
Walgett

Three Councils collected contributions in 2006/07 but had spent them all by the end of the financial year to have no Section 94 holdings. These were Coolamon, Junee and Murrumbidgee.

Two Councils didn't collect any Section 94 contributions in 2006/07 but had some small holdings held from previous years. These were Cootamundra (holding \$7000) and Walcha (holding \$21,000).

The table below summarises the findings of our research. The first column contains the name of the LGA; the second is the dollar contributions collected in 2006/07; the third is the stock of contributions held as at June 2007 and the fourth column compares the dollar contributions for 2006/07 with the stock of contributions held in total and converts this into the 'number of years worth' of contributions the Council is holding in Section 94 contributions (i.e this value multiplied by the 2006/07 contributions will give the total stock of contributions as at June 2007).

The table is ranked from the Council with the largest number of "years" worth of holdings to the lowest. Any Council at Lake Macquarie or below is performing "better than state average" and any Council above is performing "below the state average". As the table shows, there are many rural Councils that appear in the "below state average" range.



LGA	Contributions in 2006/07	Total contributions as at June 2007	'number of years' of contributions held
Campbelltown	\$123,000	\$6,006,000	48.8
Uralla	\$5,000	\$178,000	35.6
Rockdale	\$408,000	\$14,066,000	34.5
Bellingen	\$78,000	\$2,647,000	33.9
Snowy River	\$41,000	\$1,241,000	30.3
Newcastle	\$426,000	\$10,391,000	24.4
Parkes	\$11,000	\$268,000	24.4
Hunters Hill	\$44,000	\$1,000,000	22.7
Lockhart	\$3,000	\$59,000	19.7
Guyra	\$9,000	\$175,000	19.4
Holroyd	\$628,000	\$11,186,000	17.8
Hornsby	\$1,171,000	\$20,233,000	17.3
Fairfield	\$1,516,000	\$24,891,000	16.4
Hawkesbury	\$320,000	\$4,806,000	15.0
Canterbury City	\$1,821,000	\$23,818,000	13.1
Sutherland	\$3,874,000	\$50,522,000	13.0
Byron	\$973,000	\$12,605,000	13.0
Dungog	\$37,000	\$461,000	12.5
Blue Mountains	\$83,000	\$1,032,000	12.4
Warringah	\$2,065,000	\$25,395,000	12.3
Shoalhaven City	\$1,337,000	\$16,316,000	12.2
Eurobodalla	\$375,000	\$4,174,000	11.1
Maitland	\$1,177,000	\$12,959,000	11.0
Liverpool	\$6,335,000	\$68,449,000	10.8
Randwick	\$948,000	\$10,178,000	10.7
Bankstown	\$1,115,000	\$10,446,000	9.4
Marrickville	\$939,000	\$8,759,000	9.3
Willoughby	\$1,675,000	\$14,917,000	8.9
Liverpool Plains	\$24,000	\$173,000	7.2
Richmond Valley	\$281,000	\$1,939,000	6.9
Greater Hume	\$83,000	\$570,000	6.9
Shellharbour City	\$2,527,000	\$17,165,000	6.8
Wollongong	\$3,092,000	\$20,825,000	6.7
Greater Queanbeyan	\$979,000	\$6,356,000	6.5
Kempsey	\$483,000	\$2,890,000	6.0
Great Lakes	\$1,123,000	\$6,708,000	6.0
Canada Bay	\$1,611,000	\$9,017,000	5.6
Greater Taree	\$1,208,000	\$6,616,000	5.5
Auburn	\$2,633,000	\$14,279,000	5.4
Bathurst	\$1,095,000	\$5,781,000	5.3
Lismore	\$1,196,000	\$5,990,000	5.0
Port Stephens	\$2,697,000	\$13,422,000	5.0
Gosford	\$3,496,000	\$17,339,000	5.0
Cabonne	\$105,000	\$516,000	4.9
Strathfield	\$1,646,000	\$7,966,000	4.8
Leichhardt	\$1,153,000	\$5,568,000	4.8
Baulkham Hills	\$8,023,000	\$38,699,000	4.8
Harden	\$82,000	\$387,000	4.7
Kogarah	\$2,642,000	\$12,254,000	4.6
Armidale Dumaresq	\$185,000	\$840,000	4.5



Parramatta	\$5,353,000	\$24,299,000	4.5
Tamworth	\$640,000	\$2,902,000	4.5
Lake Macquarie	\$8,434,000	\$33,640,000	4.0
Ballina	\$1,026,000	\$3,900,000	3.8
Inverell	\$208,000	\$790,000	3.8
Ryde	\$4,814,000	\$17,537,000	3.6
Wentworth	\$165,000	\$599,000	3.6
Kiama	\$676,000	\$2,341,000	3.5
Blacktown	\$17,827	\$61,195	3.4
Upper Lachlan	\$201,000	\$686,000	3.4
Narromine	\$4,000	\$13,000	3.3
Corowa	\$13,000	\$42,000	3.2
Hurstville	\$2,467,000	\$7,862,000	3.2
Coffs Harbour	\$2,463,000	\$7,617,000	3.1
Warrumbungle	\$59,000	\$179,000	3.0
Tumut	\$73,000	\$217,000	3.0
Young	\$12,000	\$35,000	2.9
Kyogle	\$147,000	\$422,000	2.9
Tweed	\$10,475,000	\$29,710,000	2.8
Woollahra	\$1,426,000	\$4,035,000	2.8
Singleton	\$905,000	\$2,525,000	2.8
Wyong	\$13,566,000	\$36,251,000	2.7
Bega Valley	\$762,000	\$1,987,000	2.6
Gunnedah	\$93,000	\$233,000	2.5
Muswellbrook	\$779,000	\$1,853,000	2.4
Ku-ring-gai	\$17,512,000	\$40,056,000	2.3
Lane Cove	\$902,000	\$2,021,000	2.2
Clarence Valley	\$2,436,000	\$5,449,000	2.2
Blayney	\$43,000	\$91,000	2.1
Waverley	\$882,000	\$1,803,000	2.0
Manly	\$1,234,000	\$2,483,000	2.0
Sydney City	\$16,240,000	\$31,289,000	1.9
Cessnock	\$995,000	\$1,892,000	1.9
Lithgow	\$311,000	\$591,000	1.9
Ashfield	\$277,000	\$521,000	1.9
Narrabri	\$64,000	\$114,000	1.8
Glenn Innes	\$108,000	\$179,000	1.7
Upper Hunter	\$219,000	\$349,000	1.6
Port Macquarie - Hastings	\$4,034,000	\$6,111,000	1.5
Penrith	\$13,986,000	\$20,113,000	1.4
Yass	\$1,012,000	\$1,422,000	1.4
Tenterfield	\$103,000	\$141,000	1.4
Wakool	\$76,000	\$98,000	1.3
Orange	\$4,858,000	\$6,201,000	1.3
Oberon	\$105,000	\$129,000	1.2
Camden	\$13,856,000	\$15,979,000	1.2
Dubbo	\$1,736,000	\$1,921,000	1.1
Berrigan	\$79,000	\$82,000	1.0
Narrandera	\$3,000	\$3,000	1.0
Burwood	\$92,000	\$61,000	Less than 1 year
Boorowa	\$11,000	\$7,000	Less than 1 year



Mosman	\$1,838,000	\$1,049,000	Less than 1 year
Pittwater	\$11,901,000	\$6,781,000	Less than 1 year
Cooma-Monaro	\$503,000	\$258,000	Less than 1 year
Murray	\$280,000	\$126,000	Less than 1 year
Gloucester	\$990,000	\$331,000	Less than 1 year
Walcha	\$0	\$21,000	n/a
Cootamundra	\$0	\$7,000	n/a
Coolamon	\$9,000	\$0	No years
Junee	\$51,000	\$0	No years
Murrumbidgee	\$1,000	\$0	No years
Balranald	\$0	\$0	No years
Bogan	\$0	\$0	No years
Bombala	\$0	\$0	No years
Brewarrina	\$0	\$0	No years
Broken Hill City	\$0	\$0	No years
Jerilderie	\$0	\$0	No years
Temora	\$0	\$0	No years
Tumbarumba	\$0	\$0	No years
Walgett	\$0	\$0	No years
Totals	\$215,426,827	\$879,893,195	4.1 years

Q2. Can you provide details regarding individual councils that were used to provide details of your submission?

All Council's used in our analysis are listed in the answer to question 1, including those Councils for which we did not have information.

Q3. Your submission argued there is a risk that the planning system will become weighed down by legal action based on environmental concerns unless there is increased clarity in planning laws. Can you elaborate on the type of clarity required and how the planning framework should be updated to provide this clarity?

In our written submission we made the following comments about the interaction between planning and climate change.

“Current planning legislation requires that planners consider the social and environmental impacts of a development when granting approval. However, the current wording of the Act is broad and requires that “the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,”¹ are considered when approving plans.

The lack of clarity in the Act, together with an increased focus on climate change, has resulted in significant uncertainty for planners and developers.

In a landmark case in the Land and Environment Court in late 2006, the Court found that the NSW Minister for Planning should not have approved Centennial Coal's Anvil Hill mine project in the Hunter because it did not adequately consider the climate change impact of the additional coal that the development would result in. The Land and Environment Court did not say the project should not go ahead, just that climate change impacts had to be considered. Once this had been done by the NSW Government, the project was approved.

This example highlights the costly legal implications of having no clear direction about how planners should deal with climate change considerations. In addition, in many cases the impact of climate change is unknown and not easily measured; leaving planners and developers with considerable uncertainty and legal exposure when it comes to meeting planning regulations.”

Taking the Anvil Hill case as an example, the planning system would have functioned much better (and quicker) if the proponents of the mine had been aware from the outset of the project (a) that they had to consider the emissions potential associated with the coal extracted, and (b) that there was an agreed methodology that would allow them to have measured the emissions. However, the planning system did not provide this clarity.

Our concern is that as environmental factors become increasingly focused upon in planning decisions, the planning system needs to clearly state what environmental impacts need to be measured for projects (for example, emissions, water/energy usage, coastal impacts) and set out a standard way that these impacts are measured.

To-date the Environmental Impact Statement process and the BASIX system (for residential) have been seen as sufficient by project developers to meeting their environmental criteria. New coastal development guidelines should go some way to addressing the uncertainty around that aspect of climate change's impact. Nevertheless, the Anvil Hill case is an example where new environmental issues were incorporated into the approval consideration, but the planning system failed to provide information to the applicants at the start of the process about all the environmental factors they had to consider and how these should be measured.

¹ Environmental Planning and Assessment Act 1979 S 79C (b)

Q4. In evidence (pg 15) you undertook to provide details on the rural councils that are members of the NSW Business Chamber.

The following Councils are members of the NSW Business Chamber:

- Shellharbour City Council
- Queanbeyan City Council
- Penrith City Council
- Shoalhaven City Council
- Wagga Wagga City Council
- Parramatta City Council
- Wollongong City Council
- Newcastle City Council
- Port Stephens Council
- Griffith City Council
- Leeton Shire Council
- Wyong Shire Council
- Ballina Shire Council

