

Public Forum Question and Response

Subject: Review of S94 Funds

Question From: Vincent De Luca

Meeting Date: 24 February 2004

Question:

a) I refer to my statement and questions at the first meeting of Council under the Administrator (19/8/03) and in particular my statement regarding the need for greater flexibility in the application of section 94 funds. Particularly, whether a submission could be made by Council to the State Government's review of section 94 funds that the policy should be broadened to facilitate spending on community services such as child care, youth suicide prevention, drug and alcohol counselling, aged services and the purchasing of land considered to be of environmental significance.

Answer: The Manager Strategic Land Use Planning advised the terms of reference of the taskforce were narrow and put Councils in a position of having to defend Section 94 in terms of the need to retain it as a funding source. Council raised the issue of greater flexibility in terms of internal borrowings within the fund, maintenance of assets, problems with indexation in regards to property values and rate pegging. The submission concentrated on the provision of infrastructure and on-going maintenance rather than service provision. The purchasing of land considered to be of environmental significance may occur if already identified as a project to be funded and backed by a solid planning argument in terms of need and nexus. The task force report was not yet available.

Question:

b) Could Council please update our community on its submission to the review and explain the State Government's proposal to allow 'developer agreements' and what these funds in such agreements can be spent on?

Answer: The Manager Strategic Land Use Planning advised the amending legislation to incorporate Section 93 Developer Agreements into the Environmental Planning and Assessment Act has been withdrawn from the present session of Parliament. DIPNR officers advised that the Section 94 Task Force report due in late February was the reason for the withdrawal and that it is highly likely both the draft Section 93 (Developer Agreements) and revised Section 94 provisions will be read in Parliament later in 2004.