

SHOROC BOARD MEETING AGENDA

19 March, 2008 at 3pm (following the Special General Meeting at 2.30pm)

Pittwater Council, Vuko Place, Warriewood

AGENDA

- Item 1 Welcome and Apologies
- Item 2 Minutes of previous meeting 12 December, 2008
- Item 3 Matters arising
 - 3.1 Northern Beaches Youth Orchestra
 - 3.2 SHOROC Incorporation – Special General Meeting
 - 3.3 Affordable Housing
- Item 4 SHOROC Administrative Matters
 - 4.1 Meeting dates for 2008
 - 4.2 SHOROC Incorporation and Constitution
- Item 5 Update on SHOROC projects
 - 5.1 Regional Transport and Landuse Strategy
 - 5.2 Regional Employment Study
 - 5.3 Regional State of the Environment Report
 - 5.4 Procurement
 - 5.5 Sportsground Management
 - 5.6 Workforce Planning/Human Resources Management
- Item 6 Matters of interest
 - 6.1 Meeting with the Director General of Planning and Presidents of LGSA and ROCs
 - 6.2 Health Planning – Northern Beaches Facility
- Item 7 Matters submitted by member Councils
No items have been submitted.
- Item 8 Strategic Plan for SHOROC
- Item 8 General Business
- Item 9 Confirm Time and Date of Next Meeting

Monday May 12, 2008 10am-12noon

Recommendation:

**That the time and date of the next two Board meetings be:
Monday 12 May, 2008 at 10am-12noon and
Tuesday 19 August, 2008 at 10am-12noon.**

Item 4.2 SHOROC Incorporation and Constitution

At its meeting 12 December, 2008 SHOROC Board considered a report on the Annual General Meeting and Financial Report.

The Board resolution included:

"4. That the Executive Director work with GMAC to develop proposals for further amendment of the SHOROC constitution."

In the business paper for the February GMAC meeting there was a report that included a table that compared the legislation, model rules and SHOROC Constitution for the purpose of informing discussion. Changes to the Constitution will be considered at future GMAC meetings.

At its meeting 12 December, 2008 SHOROC Board also noted that auditor commented in his management letter to SHOROC Board that SHOROC did not meet the membership requirements of the *Associations Incorporation Act* in that SHOROC only had four members and the Act requires minimum of 5 members. This is a significant matter as section 54 of the Act provides that the Director General may cancel the incorporation of an association if the Director General is satisfied that the association was incorporated under the Act by mistake. In this circumstance the mistake would be that SHOROC was incorporated although it did not meet the minimum membership number requirement.

SHOROC Board resolved:

"That SHOROC seek further advice (including legal advice if necessary) as to the validity of SHOROC incorporation." and " That if it is found necessary to change the constitution to ensure that SHOROC is validly incorporated, that a Special General Meeting be held in February on a date to be determined by the President."

At the February meeting GMAC resolved:

"That a rule change be prepared and notified that proposes that the membership of SHOROC be the General Managers and Mayors of each member Council and that this be considered at a Special General Meeting to be held on 19 March, 2008.

That appropriate legal advice be obtained on the preparation of the proposed amendment and that reasonable legal costs be met by SHOROC".

Preparation of an amendment to the Constitution to address the issue of the legality of SHOROC incorporation have been given priority for review by the Executive Director. Following the December Board meeting, the Executive Director had further discussion with the Fair Trading Office who recommended that SHOROC obtain its

own legal advice on changing its rules in relation to membership. The Executive Director consulted Ian Ellis-Jones who provided legal advice on options and drafted proposed amendments.

His advice identified that there were three options:

1. Find an additional Council to be a member.
2. Make various and several Mayors and General Managers of participating Councils members.
3. Have a hybrid system in which members comprise not only participating Councils but the various and several Mayors and General Managers of those Councils as well.

This third option has been selected by the Executive Director for the purpose of drafting proposed amendments that have recently been forwarded to Mayors and General Managers for consideration for a special resolution to amend the constitution at a Special General Meeting to be held on 19 March 2008 at 2.30pm.

The third option was selected for the following reasons:

- The first option is not possible as there is no suitable, additional council available to become a member.
- The third option requires fewer drafting changes to the existing constitution;
- The third option recognises and gives pre-eminence to the fact that participating Councils largely comprise the membership and that the organisation exists for the betterment of the Councils and their respective constituencies;
- A regional organisation of Councils should be that – an organisation of Councils;
- The Act provides that the functions of a Council may be exercised by a council or jointly by a council and another council or councils (section 355(d)).
- The option does not disturb the present administrative and decision-making arrangements of SHOROC.

The proposed amendments:

- give effect to the third option that is, a membership that comprises organisations (Councils) and natural persons (Mayors and General Managers);
- propose that only natural persons be entitled to vote at General Meetings and thus makes Mayors and General Managers member delegates of their respective Councils; and
- deal with consequential changes that are necessary.

The requisite 21 days notice of the Special General Meeting has been given to Councils and an agenda that sets out proposed business for that meeting including proposed constitutional amendments for consideration. No other business is permitted at a Special General Meeting.

If the Special General Meeting adopts the proposed changes by special resolution, then the Public Officer is required to notify the Fair Trading office within a month of the change on the prescribed form which is submitted together with the prescribed

fee (\$38). The rule changes take effect once the changes have been notified to and accepted by the Fair Trading Office.

Recommendation:

That the Board receive and note the report on SHOROC Incorporation and Constitution.

Item 5 UPDATE ON SHOROC PROJECTS

Item 5.1 Regional Transport Strategy

The final report for this project has not been completed because it has been awaiting the final report on the Employment Strategy so that the Transport Strategy can take account of proposals and directions of the Employment Strategy.

At the March GMAC meeting, the General Managers also requested that in finalising the study, that the consultants be asked to make appropriate comment on the transport of freight in and through the region. This is particularly pertinent in view of the fact that the RTA has recently commissioned consultants to undertake an assessment of Mona Vale Road as an urban freight corridor.

As the Employment Strategy final report has been completed, the final report on the Transport Strategy is expected shortly.

It should be noted that the Transport Strategy does not propose specific transport solutions for the SHOROC region. The consultants produced two reports:

1. The first report established the transport task by identifying and documenting existing transport usage and potential future demand;
2. The second followed a workshop with Councillors and staff. It clarified values to guide a future vision of the area and set a policy framework and assessment criteria to assist SHOROC and its member Councils to consider and evaluate future transport options (including reviewing existing SHOROC transport proposals and a wish list that was developed by Councils in a workshop in February 2007).

Item 5.2 Regional Employment Strategy

A draft report was received from the consultants, HillPDA in early December, 2007. It has been circulated to relevant staff (including staff at the Department of Planning) and general managers for review. A meeting was held on 6 February, 2008 to discuss the report.

There were a number of key matters raised at the meeting, some of which have now been addressed. These are summarised below:

- There was discussion about whether the SHOROC region will be able to maintain the high level of containment currently being experienced. If not this

will require more people travelling into the region and have implications for the transport strategy.

- The discussion suggested that there may need to be a stage 2 study with more detailed statistical analysis to determine the link between containment of employment, job growth, demographic change and housing affordability. HillPDA have now produced a scope of work document in conjunction with Pittwater Council staff. That document was tabled by the General Manager of Pittwater at the GMAC meeting on 5 March, 2008. Following a request from GMAC, the scope of work document has now been circulated to all staff from member Councils and from the Department of Planning who have been on the steering group for the Employment Strategy for consideration and further discussion at a meeting to be held after Easter. That discussion will focus on the need for the study, its scope and cost.
- At the February meeting the question of whether the Department of Planning was likely to provide further funding for a stage 2 study was raised. The Department did not give any undertaking that they could fund a further study, but acknowledged that the study could be valuable.
- There was some further discussion about whether SHOROC will be able to meet the targets set by the subregional strategies from the Department of Planning. In the draft there was a difference between the data from Transport Data Centre (TDC) included in the report and the data from HillPDA that needed to be clarified. In the final report it has been clarified that there was a difference in assumptions between the two approaches in that they each used a different statistical base - 2001 census v 2006 census.
- During the discussion, there seemed to be some agreement that it was now likely that the target could be met. This position is now clarified in the final report.
- There was discussion about the high amount of additional retail floor space that would be necessary to meet future needs. It was recognised that some of the retail demand generated by population and spending patterns in the SHOROC region will not be met within the SHOROC region and may be met outside the SHOROC area eg Chatswood.
- There may need to be more information to justify Dee Why as a major centre rather than Brookvale.

At the meeting on 5 March, 2008 GMAC requested that the both the Transport and Employment studies be finalised as soon as possible and forwarded to member Councils for their consideration and comment.

A final report on the Employment Strategy has been received on 11 March and is receiving final scrutiny by the Executive Director before it is issued to Councils. The Executive Director has also spoken with Halcrow in relation to finalising the Transport Strategy.

Recommendation:

That the final reports on the Employment Strategy and Transport Strategy be forwarded to member Councils for their consideration and comment.

That the final reports not be adopted as the policy position of SHOROC but that the reports and comments from individual Councils inform the process of preparation of a regional strategy plan for SHOROC and discussion with other levels of government and be used as reference documents by member Councils for their own local planning.

Item 5.3 Regional State of the Environment Report

The Regional State of the Environment report was prepared by a working group of Council staff, and was oversighted by Stephen Clements from Manly Council. The report was ready in time for submission to the Department of Local Government at the same time as the annual reports of Councils ie by 30 November 2007. At its December 2007 meeting the SHOROC Board resolved to commend the staff on the work that they had done in preparing a regional report. This has been done.

The March GMAC meeting considered a report from members of the SoE working group. The General Managers resolved that Council officers prepare a further regional State of the Environment Plan for 2007/2008 and that coordination of its production remain with Manly Council.

Item 5.4 Procurement

A meeting was held on 14th February.

An update on tenders recently awarded and tenders being investigated by Hunter Councils was presented by a representative from Hunter Councils. There was a discussion regarding requirements of road materials contract.

Warringah Council will be issuing a plant hire tender on behalf of SHOROC. Documentation will be provided to all Councils.

Warringah Council is now fully operational in its use of Tenderlink, an online tender access system. There was a demonstration on accessing Tenderlink from Warringah Council site. Other Councils will also soon be fully operational in operational in linking their sites to Tenderlink.

The request from the SHOROC Board for the group to consider Greenpower and the request from Mosman Council regarding Green Tendering will be discussed at the next meeting of the group which will be held on 10 April, 2008.

Item 5.5 Sportsground Management

A working group is being coordinated by Warringah Council to develop sports user agreements, service standards, costs of current levels of maintenance to assist in

determining to what the target of 15 per cent cost recovery will apply, to review the Implementation Plan and Allocation Guidelines and to develop charges and implementation proposals for schools. The group will meet shortly.

Item 5.6 Workforce Planning / Human Resources Management

Collaboration on Human Resources Management

There have been two meetings of Human Resources Managers from SHOROC and NSROC Councils to consider opportunities for collaboration, on 18 January, 2008 and 3 March, 2008. The group are researching successful examples of collaboration elsewhere.

Following presentations from representatives from TAFE and Macquarie University at the 3 March meeting the group has formed a small working group to investigate work based training options to take advantage of a TAFE funding offer and are liaising with Macquarie University to consider a joint research project.

A small subgroup is also investigating preparation of a brief for an organisation climate survey that can be conducted in a number of Councils by a single provider using common questions. Such a survey would provide feedback to management about their own organisation as well as provide comparison between Councils. At present most Councils conduct separate surveys but as they use different providers and questions, Councils have no basis for comparison.

LGMA Management Challenge

SHOROC has entered two teams with a mix of staff from member Council in the LGMA Management Challenge. This is a competition held annually by the LGMA to develop skills and knowledge of managers and aspiring managers in local government.

The NSW competition will now be held at the Joan Sutherland Performing Arts Centre at Penrith from 8am – 5pm on 2 April, 2008.

Leadership Breakfasts

Leadership breakfasts are an initiative of the Human Resources Managers. A number of staff from each council attend and have an opportunity to network and learn from one another as well as from a carefully chosen guest speaker who addresses the group on an aspect of leadership.

The first breakfast was organised by Pittwater Council and was held on 29 February at Mona Vale Golf Course. It was attended by 43 staff and was a successful opportunity for learning and networking. A further breakfast has been scheduled for 30 April by Mosman Council.

Recommendation:

That the Board receive and note reports on SHOROC projects.

ITEM 6 MATTERS OF INTEREST

Item 6.1 Meeting with the Director General of Planning and Presidents of LGSA and ROCs

The meeting took place on 12 February, 2008 and was attended by the Executive Director and the Mayor of Pittwater, representing the SHOROC President who was unable to attend.

Matters discussed:

Metropolitan Planning

The Director General provided an update on the status of subregional strategies. 8 issued, Inner West and City of Sydney due out in 4 weeks. Gosford Wyong will be endorsed by cabinet in next couple of weeks.

An issue was raised on how the subregional strategies fitted with other state government planning documents for example draft employment land SEPP, rural lands policy etc. This matter will be the subject of discussion at the next meeting. The Department intends to produce documents that set out the relationship between various plans and policies.

Comprehensive LEPs

The Director General indicated that Canada Bay comprehensive LEP is ready for gazettal – recommended that Councils look at this one if they are developing their plans. 5 others have been certified for public exhibition. Additional standard clauses have been developed and will be forwarded to Councils.

The Director General indicated that about 53% of LEPs received are still for spot rezonings, 14% for policy changes, 15% are plans for precincts and 10% are comprehensive LEPs. Of 426 on hand, 348 are recommended to proceed and 78 not to proceed. He asked that Councils look closely at the need for spot rezonings and look at whether the number can be reduced eg holding on to some so that several are combined into one etc. He indicated that 4 additional lawyers have been engaged by the Department to work with Parliamentary Counsel to progress LEPs.

The matter of whether Councils are entitled to attend and present to the LEP review panel was raised as it was reported that some Councils have been declined their request to attend. The Director General indicated that he would like to know of any instance where a request has been declined. He indicated that the panels have been told not to allow developers to come and address panels but not Councils.

The Director General also indicated that the Department would be happy to discuss with Councils any concerns that they had about the timing of exhibition of LEPs that may be affected by the election timeframe and whether the LEP, especially the comprehensive LEP would be best exhibited while the current council is in or after the election. Requests for extensions of time in this regard would be considered.

Concern was raised about local government representation on LEP review panels. It was agreed that there may be a need to appoint additional local government representatives to spread the workload.

Planning reform

The Director General indicated that about 500 submissions had been received and that these are being analysed. From initial review it appears that changes in plan making are generally supported, that there are complex issues around the role of private certifiers. The Director General commented that the quality of many submissions was very good and that they are being closely analysed. When asked if the submission are likely to be made public, he commented that this was unlikely but that there may be a summary. Delegates asked that this be a credible summary. It was also suggested the Department look at the report of the Royal Commission into the building industry in considering private certifiers.

Draft legislation is expected in early March.

The Director General indicated that a number of codes are to be developed. A group will commence work on the complying development code the following week and he expected at least one code to be out by 1 July. He was unable to indicate how many codes would be developed or clarify what their legal status will be.

Developer contributions

North Sydney council indicated that cuts to section 94 would result in a 20% increase in rates in their area. The general question of the resource and costs of planning reform changes to Councils was also raised.

The Director General indicated that the issues related to section 94 were understood and that discussion between the Department and LGSA on this matter had been useful. He understood that there were issues about how the money will be held in trust and whether it will be returned to the area from where it was collected, how funds would be applied in greenfield and brownfield sites, how the rate was to be set and how fixed the list of facilities will be. He indicated that there would be some form of communication which could be a planning circular or even changes to the legislation, which would then be included with wider planning reforms. He indicated that March – June was likely timeframe for information. He indicated that David Richmond has a role in relation to developer contributions.

The issue of transitional arrangements was raised by local government particularly where projects have been commenced and funded by borrowings that it was envisaged that future contributions would repay. The Director General indicated that transitional arrangements will be considered.

General Business

Clr David James informed the Director General that SHOROC had resolved to do something about affordable housing and social housing. The Director General indicated that SHOROC's approach should be in the context of the State's affordable housing framework. He also indicated that the Department of Planning

are dealing with the matter of affordable housing at COAG level. The NSW working group is coordinated by Graham Head.

Clr James also asked what was being done to deal with the issue of secondary dwellings. The Director General indicated that this was being looked at.

Recommendation:

That the report on the meeting between the Director General Planning and LGSA and ROC Presidents be received and noted.

Item 6.2 Health Planning - Northern Beaches Facility

SHOROC has received a request that Matthew Daly, CEO, Northern Sydney and Central Coast Area Health Service and Tracey Adamson, Area Director Population Health, Planning and Performance have an opportunity to meet with the Board to introduce themselves, to provide an update on how plans for the Northern Beaches Facility are moving forward and to provide an opportunity for Councils to ask questions about the Facility and health planning for the area.

It was initially hoped that this could have been at the Board meeting, however the timing did not suit. Area Health has been provided with times and dates of SHOROC Board and GMAC meetings as options. They have indicated that if an announcement is made, it may be in SHOROC's interest to have a meeting with them prior to then. The Executive Director is liaising with Area Health regarding a date and time, recognising that it may not be possible to get a time which suits all.

ITEM 7 MATTERS SUBMITTED BY COUNCILS

No items have been submitted.

ITEM 8 STRATEGIC PLAN FOR SHOROC

There has been discussion at GMAC on the need for a Strategic Plan for SHOROC and what such a plan may consider. There is a recognition that each member Council has prepared its own strategic plan and thus there is no need to duplicate what has been done in these plans or to undertake the level of community consultation that has been undertaken by member Councils.

However there are matters which apply beyond the boundaries of a single Council, there are matters that require a consistent or collaborative approach and there are issues that need to be resolved between member Council so that the peninsula can effectively negotiate with other levels of government and other sectors from a common position. These matters require a shared vision for the future of the peninsula and a process for resolution of issues.

At the February GMAC meeting there was a presentation by Leta Webb, Executive Director on proposed process for developing a strategic plan for the SHOROC region.

That presentation identified benefits of a developing a strategy for the region being that such a strategy provides:

- a framework for future development and management of the subregion;
- a broader context in which local planning and resource decisions can be considered;
- an opportunity to address issues that extend beyond the boundaries of a single council area (eg coastal management, adaptation to greenhouse impacts, location of employment generating uses);
- an intermediate step between State government plans (including State Plan, Metropolitan Strategy and subregional strategies, State infrastructure plan etc) and local planning .
- an opportunity to pull together elements of all plans that apply to the area into a single coherent document and to address gaps;
- a means by which to identify opportunities for developing regional infrastructure that can be provided on a cooperative basis;
- It provides a framework for priority setting and an input into local preparation of integrated plans and management plans;
- It provides a framework for discussion with other levels of government, the private sector and service providers;
- It provides a framework in which SHOROC can determine its future priorities.

The presentation proposed an approach that would be consistent with the philosophy that the autonomy of Councils should be respected and thus make use of findings from consultations conducted by Councils with their communities (rather than conduct consultation with the communities directly) and build on plans that have been developed by Councils in consultation with their communities by addressing matters that are of regional significance emerging from those plans and consultations. The regional strategy should also consolidate existing plans and strategies that apply to the area from other agencies to form a comprehensive strategy where gaps, inconsistencies and conflicts are identified and addressed.

The proposal is that the strategy plan:

- Acknowledges and builds on existing plans, policies and programs – including existing, recent strategic plans of member Councils and State government plans and policies that affect the region
- Makes use of existing work – consultations, studies
- Fosters collaboration / cooperation between councils and their staff
- Works in partnership with state agencies and other relevant organisations
- Synthesises existing documents that apply to region (collates and validates)
- Identifies and addresses gaps, inconsistencies and conflicts
- Identifies and responds to issues of regional scale and represents an agreed position on matters of regional significance eg transport.

The presentation proposed a plan that would have two main components:

- A spatial plan that establishes the relations and connection between places and activities – this would include landuse, transport, employment, centres,

location of regional facilities etc. This will consider existing state plans, Councils plans and studies, SHOROC transport and employment studies and regional issues, including biodiversity corridors, transport plans. It is proposed that this be coordinated by SHOROC staff and consultants in consultation with staff, Councillors State agencies and other stakeholders.

- A strategic directions and priorities plan that would establish issues that need to be addressed at a regional level to meet the future needs of residents, visitors and businesses and set out actions. This will pick up issues that affect the whole region eg demographic change, adaptation to climate change, regional community service development, economic development, tourism. This will be progressed by staff working groups in consultation with Councillors and other stakeholders.

The plans would pick up on matters identified by individual councils in their plans and consultations and would then feed back into strategic plans by each Council through an iterative process (including LEPs, deliverable and management plans of member Councils) and into strategic and annual business plans for SHOROC and provide a framework for negotiation with other levels of government and other bodies.

A process objective is to effectively engage Council staff and elected officials so as to secure commitment and to also resolve conflicts and develop compromises so that the documents represent a negotiated outcome that all Councils will then support in negotiation with other levels of government and for securing funding where appropriate.

At the GMAC meeting on 5 March, 2008 General Managers requested that a meeting be held with staff responsible for strategic planning from each Council to develop a timeframe and also consider how to best approach engagement, given that there will be Council elections in early September and new Councillors who will need to be engaged in the process. This request recognised that work can commence and progress to a point in advance of those elections.

The GMAC meeting also proposed that the strategic plan preparation take place over two financial years and that costs be met in the first year by equal contributions from member Councils and in the second year proportionate to population.

Recommendation:

That SHOROC Board resolves that SHOROC prepare a strategic plan for the SHOROC region.

SHOROC INC BOARD MEETING

MINUTES

**19 March, 2008 at 3pm (following the Special General Meeting at 2.30pm)
Pittwater Council, Vuko Place, Warriewood**

Board Members Present

Cr Dr Peter Macdonald	President and Mayor of Manly
Henry Wong	General Manager Manly Council
Dr Denise Wilton	Mayor of Mosman
Viv May	General Manager Mosman Council
Cr David James	Mayor Pittwater
Mark Ferguson	General Manager Pittwater Council
Mr Rik Hart	General Manager Warringah Council

In attendance:

Amanda Spalding	Executive Director Strategic Projects, Manly Council
Leta Webb	Executive Director SHOROC
Andrea Dawson	Administrative Officer SHOROC

Apologies:

Mr Dick Persson AM, Administrator, Warringah Council

Item 1 Welcome and Apologies

The Chair welcomed everyone and introduced Amanda Spalding.
Apologies were noted from Dick Persson.

The Board Resolved:

To accept the apologies from Dick Persson.

Proposed Mark Ferguson/Seconded Henry Wong

Item 2 Minutes of previous meeting held 12 December 2007

The Board Resolved:

To adopt the Minutes of the previous meeting held 12 December 2007 noting amendments from Pittwater Council as follows:

- **Item 7.1 on page 22 should read <\$900 in the heading.**
- **Item 7.2 Social Housing. Additional wording to be incorporated into Recommendation 1. Add at end of last sentence "also noting the new Federal Government's foreshadowed new funding initiatives to provide further assistance to this area of need."**

Proposed David James/Seconded Rik Hart

Item 3 MATTERS ARISING FROM MINUTES

Item 3.1 Northern Beaches Youth Orchestra

A draft constitution for a proposed incorporated association has been prepared and considered by all parties but is yet to be finalised. A Memorandum of Understanding has been prepared and was signed by Louise Brown on behalf of Northern Beaches Orchestra and the General Managers of Manly, Pittwater and Warringah Councils on 5 March 2008. It has been agreed that Manly Council will handle Council contributions to the project.

A conductor has been engaged. Auditions for the orchestra were held on the weekend 1-2 March.

The Board Resolved:

To note the report on the Northern Beaches Youth Orchestra.

Proposed Mark Ferguson/Seconded Rik Hart

Item 3.2 SHOROC Incorporation - Special General Meeting

Notice and Agenda for a Special General Meeting together with proposed amendments to the constitution have been issued for a meeting on 19 March, 2008 at 2.30pm (see also Item 4.2 below). The amendments propose to alter the membership of SHOROC to include in addition to participating Councils, their Mayors and General Managers, as member delegates with an entitlement to vote.

The Board Resolved:

To note the report on the SHOROC Incorporation - Special General Meeting.

Proposed Mark Ferguson/Seconded Rik Hart

Item 3.3 Affordable Housing.

At the December meeting the Board resolved to create a single working group to collaborate with local community groups and key State government bodies to identify the needs and explore options for social and affordable housing. Each member Council has been asked to nominate representatives for the working group. A date for the first meeting will be set shortly.

The Board Noted:

- (i) That a meeting has been arranged for 3rd April at Pittwater Council to be attended by staff and representatives from both the DoP and the Centre for Affordable Housing.
- (ii) That ways of working regionally will be explored to increase the likelihood of obtaining funding from either State or Federal Government.

The Board Resolved:

To note the report on Affordable Housing.

Proposed David James/Seconded Henry Wong

ITEM 4 SHOROC ADMINISTRATIVE MATTERS

Item 4.1 Meeting Dates

As members of the Board will be aware, Dick Persson, Administrator Warringah Council has been appointed as Administrator for Hastings Council. His commitments at Hastings prevent him from being able to attend Board meetings on a Wednesday. While it has not been possible to change the date of the March meeting, time and date changes are proposed for Board meetings in May and August.

The proposed dates are: Monday 12 May, 2008, 10am-12noon
Tuesday 19 August, 2008, 10am -12noon

Due to the urgency of the need to amend the SHOROC constitution to ensure membership requirements comply with the *Associations Incorporation Act* and the requirement that 21 Days written notice be given of the meeting and business of such a meeting (including proposed wording of amendments to the Constitution to be considered at the meeting), the Special General Meeting on 19 March, 2008 at 2.30pm has not been rescheduled.

The Board Resolved:

That the time and date of the next two Board meetings be:

Monday 12 May, 2008 at 10am-12noon at Mosman

Tuesday 19 August, 2008 at 10am-12noon at Warringah.

Proposed Mark Ferguson/Seconded Rik Hart

Item 4.2 SHOROC Incorporation and Constitution

At its meeting 12 December, 2008 SHOROC Board considered a report on the Annual General Meeting and Financial Report.

The Board resolution included:

"4. That the Executive Director work with GMAC to develop proposals for further amendment of the SHOROC constitution."

In the business paper for the February GMAC meeting there was a report that included a table that compared the legislation, model rules and SHOROC Constitution for the purpose of informing discussion. Changes to the Constitution will be considered at future GMAC meetings.

At its meeting 12 December, 2008 SHOROC Board also noted that auditor commented in his management letter to SHOROC Board that SHOROC did not meet the membership requirements of the *Associations Incorporation Act* in that SHOROC only had four members and the Act requires minimum of 5 members. This is a significant matter as section 54 of the Act provides that the Director General may cancel the incorporation of an association if the Director General is satisfied that the association was incorporated under the Act by mistake. In this circumstance the mistake would be that SHOROC was incorporated although it did not meet the minimum membership number requirement.

SHOROC Board resolved:

"That SHOROC seek further advice (including legal advice if necessary) as to the validity of SHOROC incorporation." and " That if it is found necessary to change the constitution to ensure that SHOROC is validly incorporated, that a Special General Meeting be held in February on a date to be determined by the President."

At the February meeting GMAC resolved:

"That a rule change be prepared and notified that proposes that the membership of SHOROC be the General Managers and Mayors of each member Council and that this be considered at a Special General Meeting to be held on 19 March, 2008.

That appropriate legal advice be obtained on the preparation of the proposed amendment and that reasonable legal costs be met by SHOROC".

Preparation of an amendment to the Constitution to address the issue of the legality of SHOROC incorporation have been given priority for review by the Executive Director. Following the December Board meeting, the Executive Director had further discussion with the Fair Trading Office who recommended that SHOROC obtain its own legal advice on changing its rules in relation to membership. The Executive Director consulted Ian Ellis-Jones who provided legal advice on options and drafted proposed amendments.

His advice identified that there were three options:

4. Find an additional Council to be a member.
5. Make various and several Mayors and General Managers of participating Councils members.

6. Have a hybrid system in which members comprise not only participating Councils but the various and several Mayors and General Managers of those Councils as well.

This third option has been selected by the Executive Director for the purpose of drafting proposed amendments that have recently been forwarded to Mayors and General Managers for consideration for a special resolution to amend the constitution at a Special General Meeting to be held on 19 March 2008 at 2.30pm.

The third option was selected for the following reasons:

- The first option is not possible as there is no suitable, additional council available to become a member.
- The third option requires fewer drafting changes to the existing constitution;
- The third option recognises and gives pre-eminence to the fact that participating Councils largely comprise the membership and that the organisation exists for the betterment of the Councils and their respective constituencies;
- A regional organisation of Councils should be that – an organisation of Councils;
- The Act provides that the functions of a Council may be exercised by a council or jointly by a council and another council or councils (section 355(d)).
- The option does not disturb the present administrative and decision-making arrangements of SHOROC.

The proposed amendments:

- give effect to the third option that is, a membership that comprises organisations (Councils) and natural persons (Mayors and General Managers);
- propose that only natural persons be entitled to vote at General Meetings and thus makes Mayors and General Managers member delegates of their respective Councils; and
- deal with consequential changes that are necessary.

The requisite 21 days notice of the Special General Meeting has been given to Councils and an agenda that sets out proposed business for that meeting including proposed constitutional amendments for consideration. No other business is permitted at a Special General Meeting.

If the Special General Meeting adopts the proposed changes by special resolution, then the Public Officer is required to notify the Fair Trading office within a month of the change on the prescribed form which is submitted together with the prescribed fee (\$38). The rule changes take effect once the changes have been notified to and accepted by the Fair Trading Office.

The Board Resolved:

To receive and note the report on SHOROC Incorporation and Constitution.

Proposed Viv May/Seconded Henry Wong

Item 5

UPDATE ON SHOROC PROJECTS

Item 5.1 Regional Transport Strategy

The final report for this project has not been completed because it has been awaiting the final report on the Employment Strategy so that the Transport Strategy can take account of proposals and directions of the Employment Strategy.

At the March GMAC meeting, the General Managers also requested that in finalising the study, that the consultants be asked to make appropriate comment on the transport of freight in and through the region. This is particularly pertinent in view of the fact that the RTA has recently commissioned consultants to undertake an assessment of Mona Vale Road as an urban freight corridor.

As the Employment Strategy final report has been completed, the final report on the Transport Strategy is expected shortly.

It should be noted that the Transport Strategy does not propose specific transport solutions for the SHOROC region. The consultants produced two reports:

3. The first report established the transport task by identifying and documenting existing transport usage and potential future demand;
4. The second followed a workshop with Councillors and staff. It clarified values to guide a future vision of the area and set a policy framework and assessment criteria to assist SHOROC and its member Councils to consider and evaluate future transport options (including reviewing existing SHOROC transport proposals and a wish list that was developed by Councils in a workshop in February 2007).

Item 5.2 Regional Employment Strategy

A draft report was received from the consultants, HillPDA in early December, 2007. It has been circulated to relevant staff (including staff at the Department of Planning) and general managers for review. A meeting was held on 6 February, 2008 to discuss the report.

There were a number of key matters raised at the meeting, some of which have now been addressed. These are summarised below:

- There was discussion about whether the SHOROC region will be able to maintain the high level of containment currently being experienced. If not this will require more people travelling into the region and have implications for the transport strategy.
- The discussion suggested that there may need to be a stage 2 study with more detailed statistical analysis to determine the link between containment of employment, job growth, demographic change and housing affordability. HillPDA have now produced a scope of work document in conjunction with Pittwater Council staff. That document was tabled by the General Manager of Pittwater at the GMAC meeting on 5 March, 2008. Following a request from GMAC, the scope of work document has now been circulated to all staff from member Councils and from the Department of Planning who have been

on the steering group for the Employment Strategy for consideration and further discussion at a meeting to be held after Easter. That discussion will focus on the need for the study, its scope and cost.

- At the February meeting the question of whether the Department of Planning was likely to provide further funding for a stage 2 study was raised. The Department did not give any undertaking that they could fund a further study, but acknowledged that the study could be valuable.
- There was some further discussion about whether SHOROC will be able to meet the targets set by the subregional strategies from the Department of Planning. In the draft there was a difference between the data from Transport Data Centre (TDC) included in the report and the data from HillPDA that needed to be clarified. In the final report it has been clarified that there was a difference in assumptions between the two approaches in that they each used a different statistical base - 2001 census v 2006 census.
- During the discussion, there seemed to be some agreement that it was now likely that the target could be met. This position is now clarified in the final report.
- There was discussion about the high amount of additional retail floor space that would be necessary to meet future needs. It was recognised that some of the retail demand generated by population and spending patterns in the SHOROC region will not be met within the SHOROC region and may be met outside the SHOROC area eg Chatswood.
- There may need to be more information to justify Dee Why as a major centre rather than Brookvale.

At the meeting on 5 March, 2008 GMAC requested that the both the Transport and Employment studies be finalised as soon as possible and forwarded to member Councils for their consideration and comment.

A final report on the Employment Strategy has been received on 11 March and is receiving final scrutiny by the Executive Director before it is issued to Councils. The Executive Director has also spoken with Halcrow in relation to finalising the Transport Strategy.

Board Discussion:

Items 5.1 and 5.2 were considered together.

There was general discussion about the need for both transport and employment to be considered within the context of a broader strategic plan that covers a range of issues because of the inter-connectedness of issues such as housing affordability, location of employment generating land, location of dwellings, transport, climate change and emissions, location of facilities etc.

The Board Resolved:

- (i) To receive and note reports on the Transport Study and Employment Study.
- (ii) That the final report on the Employment Strategy as tabled at the meeting be forwarded to member Councils for their consideration and comment.
- (iii) That the final reports on Employment and Transport not be adopted as the policy position of SHOROC but that the reports and comments from individual councils inform the process of preparation of a regional strategy plan for SHOROC and discussion with other levels of government and be used as reference documents by member Councils for their own local planning.
- (iv) To reconfirm a commitment to working together in pursuit of outcomes that acknowledge each areas specific problems, particularly in relation to transport, environmental and lifestyle issues and to develop a credible strategic plan for SHOROC.

Proposed Viv May/Seconded Henry Wong

Item 5.3 Regional State of the Environment Report

The Regional State of the Environment report was prepared by a working group of Council staff, and was oversighted by Stephen Clements from Manly Council. The report was ready in time for submission to the Department of Local Government at the same time as the annual reports of Councils ie by 30 November 2007. At its December 2007 meeting the SHOROC Board resolved to commend the staff on the work that they had done in preparing a regional report. This has been done.

The March GMAC meeting considered a report from members of the SoE working group. The General Managers resolved that Council officers prepare a further regional State of the Environment Plan for 2007/2008 and that coordination of its production remain with Manly Council.

**The Board Resolved:
To receive and note the report.**

Proposed Mark Ferguson/Seconded David James

Item 5.4 Procurement

A meeting was held on 14th February.

An update on tenders recently awarded and tenders being investigated by Hunter Councils were presented by a representative from Hunter Councils.

There was a discussion regarding requirements of road materials contract.

Warringah Council will be issuing a plant hire tender on behalf of SHOROC. Documentation will be provided to all Councils.

Warringah Council is now fully operational in its use of Tenderlink, an online tender access system. There was a demonstration on accessing Tenderlink from Warringah

Council site. Other Councils will also soon be fully operational in operational in linking their sites to Tenderlink.

The request from the SHOROC Board for the group to consider Greenpower and the request from Mosman Council regarding Green Tendering will be discussed at the next meeting of the group which will be held on 10 April, 2008.

Board Discussion:

Some concern was expressed that tenders are being awarded to businesses that operate outside of our region whereas in the past local businesses were favoured.

Board Resolved:

To receive and note the report.

Proposed David James/Seconded Rik Hart

Item 5.5 Sportsground Management

A working group is being coordinated by Warringah Council to develop sports user agreements, service standards, costs of current levels of maintenance to assist in determining to what the target of 15 per cent cost recovery will apply, to review the Implementation Plan and Allocation Guidelines and to develop charges and implementation proposals for schools. The group will meet shortly.

Board noted:

Warringah Council are conducting a household survey to assist in determining fees and charges

Board Resolved:

To receive and note the report.

Proposed Mark Ferguson/Seconded Henry Wong

Item 5.6 Workforce Planning / Human Resources Management

Collaboration on Human Resources Management

There have been two meetings of Human Resources Managers from SHOROC and NSROC Councils to consider opportunities for collaboration, on 18 January, 2008 and 3 March, 2008. The group are researching successful examples of collaboration elsewhere.

Following presentations from representatives from TAFE and Macquarie University at the 3 March meeting the group has formed a small working group to investigate work based training options to take advantage of a TAFE funding offer and are liaising with Macquarie University to consider a joint research project.

A small subgroup is also investigating preparation of a brief for an organisation climate survey that can be conducted in a number of Councils by a single provider

using common questions. Such a survey would provide feedback to management about their own organisation as well as provide comparison between Councils. At present most Councils conduct separate surveys but as they use different providers and questions, Councils have no basis for comparison.

Board Resolved:
To receive and note the report.

Proposed David James/Seconded Mark Ferguson

LGMA Management Challenge

SHOROC has entered two teams with a mix of staff from member Council in the LGMA Management Challenge. This is a competition held annually by the LGMA to develop skills and knowledge of managers and aspiring managers in local government.

The NSW competition will now be held at the Joan Sutherland Performing Arts Centre at Penrith from 8am – 5pm on 2 April, 2008.

Leadership Breakfasts

Leadership breakfasts are an initiative of the Human Resources Managers. A number of staff from each council attend and have an opportunity to network and learn from one another as well as from a carefully chosen guest speaker who addresses the group on an aspect of leadership.

The first breakfast was organised by Pittwater Council and was held on 29 February at Mona Vale Golf Course. It was attended by 43 staff and was a successful opportunity for learning and networking. A further breakfast has been scheduled for 30 April by Mosman Council.

The Board Resolved:
To receive and note report.

Proposed Mark Ferguson/Seconded Rik Hart

ITEM 6 MATTERS OF INTEREST

Item 6.1 Meeting with the Director General of Planning and Presidents of LGSA and ROCs

The meeting took place on 12 February, 2008 and was attended by the Executive Director and the Mayor of Pittwater, representing the SHOROC President who was unable to attend.

Matters discussed:

Metropolitan Planning

The Director General provided an update on the status of subregional strategies.

8 issued, Inner West and City of Sydney due out in 4 weeks. Gosford Wyong will be endorsed by cabinet in next couple of weeks.

An issue was raised on how the subregional strategies fitted with other state government planning documents for example draft employment land SEPP, rural lands policy etc. This matter will be the subject of discussion at the next meeting. The Department intends to produce documents that set out the relationship between various plans and policies.

Comprehensive LEPs

The Director General indicated that Canada Bay comprehensive LEP is ready for gazettal – recommended that Councils look at this one if they are developing their plans. 5 others have been certified for public exhibition. Additional standard clauses have been developed and will be forwarded to Councils.

The Director General indicated that about 53% of LEPs received are still for spot rezonings, 14% for policy changes, 15% are plans for precincts and 10% are comprehensive LEPs. Of 426 on hand, 348 are recommended to proceed and 78 not to proceed. He asked that Councils look closely at the need for spot rezonings and look at whether the number can be reduced eg holding on to some so that several are combined into one etc. He indicated that 4 additional lawyers have been engaged by the Department to work with Parliamentary Counsel to progress LEPs.

The matter of whether Councils are entitled to attend and present to the LEP review panel was raised as it was reported that some Councils have been declined their request to attend. The Director General indicated that he would like to know of any instance where a request has been declined. He indicated that the panels have been told not to allow developers to come and address panels but not Councils.

The Director General also indicated that the Department would be happy to discuss with Councils any concerns that they had about the timing of exhibition of LEPs that may be affected by the election timeframe and whether the LEP, especially the comprehensive LEP would be best exhibited while the current council is in or after the election. Requests for extensions of time in this regard would be considered.

Concern was raised about local government representation on LEP review panels. It was agreed that there may be a need to appoint additional local government representatives to spread the workload.

Planning reform

The Director General indicated that about 500 submissions had been received and that these are being analysed. From initial review it appears that changes in plan making are generally supported, that there are complex issues around the role of private certifiers. The Director General commented that the quality of many submissions was very good and that they are being closely analysed. When asked if the submissions are likely to be made public, he commented that this was unlikely but that there may be a summary. Delegates asked that this be a credible summary. It was also suggested the Department look at the report of the Royal Commission into the building industry in considering private certifiers.

Draft legislation is expected in early March.

The Director General indicated that a number of codes are to be developed. A group will commence work on the complying development code the following week and he expected at least one code to be out by 1 July. He was unable to indicate how many codes would be developed or clarify what their legal status will be.

Developer contributions

North Sydney council indicated that cuts to section 94 would result in a 20% increase in rates in their area. The general question of the resource and costs of planning reform changes to Councils was also raised.

The Director General indicated that the issues related to section 94 were understood and that discussion between the Department and LGSA on this matter had been useful. He understood that there were issues about how the money will be held in trust and whether it will be returned to the area from where it was collected, how funds would be applied in greenfield and brownfield sites, how the rate was to be set and how fixed the list of facilities will be. He indicated that there would be some form of communication which could be a planning circular or even changes to the legislation, which would then be included with wider planning reforms. He indicated that March – June was likely timeframe for information. He indicated that David Richmond has a role in relation to developer contributions.

The issue of transitional arrangements was raised by local government particularly where projects have been commenced and funded by borrowings that it was envisaged that future contributions would repay. The Director General indicated that transitional arrangements will be considered.

General Business

Clr David James informed the Director General that SHOROC had resolved to do something about affordable housing and social housing. The Director General indicated that SHOROC's approach should be in the context of the State's affordable housing framework. He also indicated that the Department of Planning are dealing with the matter of affordable housing at COAG level. The NSW working group is coordinated by Graham Head.

Clr James also asked what was being done to deal with the issue of secondary dwellings. The Director General indicated that this was being looked at.

Board Discussion:

With regard to developer contributions (S94) it was considered that the issue of whether contributions would be collected from local councils was still fluid and that the Cole Report would inform the State Government's decision as to whether to proceed with collection of contributions from Councils.

Board Resolved:

To note the report on the meeting between the Director General Planning and LGSA and ROC Presidents be received and noted.

Proposed Henry Wong/Seconded David James

Item 6.2 Health Planning - Northern Beaches Facility

SHOROC has received a request that Matthew Daly, CEO, Northern Sydney and Central Coast Area Health Service and Tracey Adamson, Area Director Population Health, Planning and Performance have an opportunity to meet with the Board to introduce themselves, to provide an update on how plans for the Northern Beaches Facility are moving forward and to provide an opportunity for Councils to ask questions about the Facility and health planning for the area.

It was initially hoped that this could have been at the Board meeting; however the timing did not suit. Area Health has been provided with times and dates of SHOROC Board and GMAC meetings as options. They have indicated that if an announcement is made, it may be in SHOROC's interest to have a meeting with them prior to then. The Executive Director is liaising with Area Health regarding a date and time, recognising that it may not be possible to get a time which suits all.

Board Noted:

That the Executive Director will endeavour to arrange a meeting between Health Services and members of the Board prior to any announcement being made with regard to the new hospital.

Board Resolved:

To receive and note the report.

Proposed Mark Ferguson/Seconded Henry Wong

ITEM 7 MATTERS SUBMITTED BY COUNCILS

No items have been submitted.

ITEM 8 STRATEGIC PLAN FOR SHOROC

There has been discussion at GMAC on the need for a Strategic Plan for SHOROC and what such a plan may consider. There is a recognition that each member Council has prepared its own strategic plan and thus there is no need to duplicate what has been done in these plans or to undertake the level of community consultation that has been undertaken by member Councils.

However there are matters which apply beyond the boundaries of a single Council, there are matters that require a consistent or collaborative approach and there are issues that need to be resolved between member Council so that the peninsula can effectively negotiate with other levels of government and other sectors from a common position. These matters require a shared vision for the future of the peninsula and a process for resolution of issues.

At the February GMAC meeting there was a presentation by Leta Webb, Executive Director on proposed process for developing a strategic plan for the SHOROC region.

That presentation identified benefits of a developing a strategy for the region being that such a strategy provides:

- a framework for future development and management of the subregion;
- a broader context in which local planning and resource decisions can be considered;
- an opportunity to address issues that extend beyond the boundaries of a single council area (eg coastal management, adaptation to greenhouse impacts, location of employment generating uses);
- an intermediate step between State government plans (including State Plan, Metropolitan Strategy and subregional strategies, State infrastructure plan etc) and local planning .
- an opportunity to pull together elements of all plans that apply to the area into a single coherent document and to address gaps;
- a means by which to identify opportunities for developing regional infrastructure that can be provided on a cooperative basis;
- It provides a framework for priority setting and an input into local preparation of integrated plans and management plans;
- It provides a framework for discussion with other levels of government, the private sector and service providers;
- It provides a framework in which SHOROC can determine its future priorities.

The presentation proposed an approach that would be consistent with the philosophy that the autonomy of Councils should be respected and thus make use of findings from consultations conducted by Councils with their communities (rather than conduct consultation with the communities directly) and build on plans that have been developed by Councils in consultation with their communities by addressing matters that are of regional significance emerging from those plans and consultations. The regional strategy should also consolidate existing plans and strategies that apply to the area from other agencies to form a comprehensive strategy where gaps, inconsistencies and conflicts are identified and addressed.

The proposal is that the strategy plan:

- Acknowledges and builds on existing plans, policies and programs – including existing, recent strategic plans of member Councils and State government plans and policies that affect the region
- Makes use of existing work – consultations, studies
- Fosters collaboration / cooperation between councils and their staff
- Works in partnership with state agencies and other relevant organisations
- Synthesises existing documents that apply to region (collates and validates)
- Identifies and addresses gaps, inconsistencies and conflicts
- Identifies and responds to issues of regional scale and represents an agreed position on matters of regional significance eg transport.

The presentation proposed a plan that would have two main components:

- A spatial plan that establishes the relations and connection between places and activities – this would include landuse, transport, employment, centres, location of regional facilities etc. This will consider existing state plans, Councils plans and studies, SHOROC transport and employment studies and regional issues, including biodiversity corridors, transport plans. It is proposed that this be coordinated by SHOROC staff and consultants in consultation with staff, Councillors State agencies and other stakeholders.
- A strategic directions and priorities plan that would establish issues that need to be addressed at a regional level to meet the future needs of residents, visitors and businesses and set out actions. This will pick up issues that affect the whole region eg demographic change, adaptation to climate change, regional community service development, economic development, tourism. This will be progressed by staff working groups in consultation with Councillors and other stakeholders.

The plans would pick up on matters identified by individual councils in their plans and consultations and would then feed back into strategic plans by each Council through an iterative process (including LEPs, deliverable and management plans of member Councils) and into strategic and annual business plans for SHOROC and provide a framework for negotiation with other levels of government and other bodies.

A process objective is to effectively engage Council staff and elected officials so as to secure commitment and to also resolve conflicts and develop compromises so that the documents represent a negotiated outcome that all Councils will then support in negotiation with other levels of government and for securing funding where appropriate.

At the GMAC meeting on 5 March, 2008 General Managers requested that a meeting be held with staff responsible for strategic planning from each Council to develop a timeframe and also consider how to best approach engagement, given that there will be Council elections in early September and new Councillors who will need to be engaged in the process. This request recognised that work can commence and progress to a point in advance of those elections.

