

## SHOROC INC BOARD MEETING

### MINUTES

**12 May, 2008 at 10.00am**  
**Mosman Council, Civic Square, Mosman**

#### **Board Members Present**

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

#### **In attendance:**

Leta Webb	Executive Director SHOROC
Sarah Jackson	Executive Assistant, Mosman Council

### **Item 1 Welcome and Apologies**

The Chair welcomed everyone and introduced Matthew Daly, CEO Northern Sydney and Central Coast Area Health Service, Tracey Adamson and David Small.

#### **Special Item:**

Matthew Daly, CEO Northern Sydney and Central Coast Area Health Service (NSCCAHS), attended the meeting together with Tracey Adamson and David Small, and provided an update on health services planning matters.

Di Lawrence (Warringah) and Kay Clarke (Mosman) were in attendance for this Item.

Matthew Daly outlined priorities for NSCCAHS:

#### *Clinical Services Plan*

Plan will delineate the roles of the four main hospitals in terms of clinical expertise and capacity. It will also identify how to free up administrative resources to have services in growth areas, mainly Central Coast. The plan has been developed by 21 senior clinicians who have been able to see opportunities to take the Plan forward. The Area is behind other Area Health Services in relation to identifying peak clinical

leadership. Matthew indicated would like talk to the Board about the Clinical Service Plan once it is released for comment.

#### *Capital Plans*

Royal North Shore Hospital – have accepted proposals from 3 proponents. Will be developed as a public/private partnership (mainly with private capital). Expect contract will be let and announced in July. Will be a hospital and community health facility.

Northern Beaches Hospital – timeline to complete in 2015. Currently in project definition stage. Method of procurement yet to be decided. Have to comply with requirements of Treasury in that any proposal over \$20million has to be considered for public-private partnership. Health Infrastructure will soon be appointing a project director.

Future of RNSH dependent on development of Northern Beaches Hospital due to role delineation.

All land required for the development of the hospital has been acquired.

Community Health Services – existing services to remain (including Cremorne).

#### *Governance Structure*

Tracey Adamson indicated that a governance structure has been developed and she expects it will be issued by the end of the week. Likely to be an executive user group and a project control group. One user group will deal with transport and access issues.

#### *Matter raised by Board members:*

- Welcomed the idea of a complementary roles - specifically for Northern Beaches Hospital and Mona Vale Hospital .
- Stressed the importance of communicating complementary roles to the public.
- Advocated the need for a flood study in relation to Northern Beaches Hospital.
- In relation to access issue, advocated the need for grade separation at Warringah Road / Wakehurst Parkway location.
- Indicated the need for a workforce plan and for the need to take account of how will get / accommodate key workers.

The Chairperson thanked Mathew Daly and his staff for attending and indicated that the Board looked forward to regular communication as matters progress.

## **Item 2                      Minutes of previous meeting 19 March, 2008**

### **The Board Resolved:**

**To adopt the Minutes of the previous meeting held on 19 March 2008.**

*Proposed David James/Seconded Rik Hart*

## **Item 3**

### **Item 3.1**

## **Matters arising**

**SHOROC incorporation – changes to constitution**

The Special General Meeting on 19 March, 2008 adopted (by special resolution) changes to the SHOROC constitution regarding membership. As required, appropriate documentation and the applicable fee were submitted to the Office of Fair Trading. Notification has been received back from the Office of Fair Trading acknowledging receipt and indicating that the changes to the constitution took effect on 31 March, 2008.

The membership of SHOROC is the four member Councils and now also their General Managers and Mayors who are member delegates and comprise the SHOROC Board.

**The Board Resolved:  
That the advices be noted.**

*Proposed Rik Hart/Seconded Henry Wong*

#### **Item 4 SHOROC Administrative Matters**

##### **Item 4.1 SHOROC Business Plan and Budget 2008-2009**

SHOROC constitution (cl. 12) makes GMAC responsible for preparation of a business plan for submission to the Board. It also requires (cl.25) that the SHOROC Board adopt annual budget prior to 31 May each year.

A draft business plan and budget has been discussed by GMAC. At its March meeting, the Board resolved to prepare a strategic plan for the SHOROC region. The draft budget includes additional expenditure associated with preparation of a strategy plan for the SHOROC region.

GMAC recommends the annual contribution by Councils for operational expenditure of SHOROC be \$55,000 per Council, general project expenditure be \$10,000 per Council and a further contribution be levied towards the preparation of a SHOROC regional strategy plan (a total of \$80,000 for 2008-2009 year, with 50% being by way of equal contribution per Council and 50% being apportioned on the basis of population). The SHOROC Constitution requires that contribution towards administrative costs and projects by Councils be equal, unless adopted by unanimous decision of SHOROC (clause 25(iii)).

The draft business plan uses the objectives of SHOROC as set out in its constitution an organising framework. It proposes a mix of specific projects (most of which are either in train or have already been proposed) as well as generic activities that are likely to arise during the course of the year that will require SHOROC to consider appropriate action on a one-off or opportunistic basis eg responses to legislation and policy changes, availability of grants, emergent issues etc.

A draft business plan and draft budget is attached for consideration for adoption.

**Recommendation:**

That SHOROC Board determine that the contributions from member Councils for 2008-2009 be \$55,000 contribution per Council for operational expenditure, \$10,000 per Council for general project expenditure and total \$80,000 towards the preparation of a regional strategy plan, noting that contributions towards the preparation of the regional strategy plan is to be levied in part by equal contributions and in part apportioned on the basis of population.

That SHOROC Board adopts the business plan and budget for 2008-2009 as attached.

**The Board Resolved:**

**That the contributions from member Councils for 2008-2009 be \$55,000 contribution per Council for operational expenditure, \$10,000 per Council for general project expenditure and total \$80,000 towards the preparation of a regional strategy plan, noting that contributions towards the preparation of the regional strategy plan is to be levied in part by equal contributions and in part apportioned on the basis of population.**

**That SHOROC Board adopts the business plan and budget for 2008-2009 as attached.**

*Proposed Dick Persson/Seconded Mark Ferguson*

## **Item 5 Update on SHOROC projects**

### **Item 5.1 Regional Transport and Landuse Strategy**

The Phase 1 and Phase 2 reports prepared by Halcrow have now been finalised. Copies of the final reports have been forwarded to relevant Council officers.

When it considered the Employment Study, the Board recognised that, while that study provides useful information and recommendations, these need to be considered in the context of other issues and thus the study should be used to inform the preparation of a regional strategy in which a range of issues can be considered along side of each other. The Board also recognised that the views of each Council in response to the study should also be taken into account in the regional planning process. The Transport and Landuse reports can best be dealt with in the same way.

**Recommendation:**

That the final reports on the Transport and Landuse prepared by Halcrow be considered by member Councils and member Council be asked to provide comments on the reports and their recommendations.

That the final reports on Transport and Landuse 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, discussion with other levels of government and be used as reference documents by member Councils for their own planning.

**Board Discussion:**

The Mayor of Pittwater expressed some disappointment in the Halcrow Report as 'more of the same' but it was acknowledged by the Board that this would be the case until major transport solutions are proposed for the region. There was discussion about the realistic feasibility of a tunnel crossing for Middle Harbour; and the preferred location of a dedicated bus lane, ie above or below ground.

The General Manager Mosman indicated that some Councillors were concerned at the lack of supportive data in the Halcrow Report compared with the Employment Study, and that it had been explained that both documents would be informing the development of the SHOROC Regional Strategy Plan.

The Board recommended that the region's local State members be invited to present to a future SHOROC meeting on their regional transport strategies/ideas.

**The Board Resolved:**

**That the final reports on the Transport and Landuse prepared by Halcrow be considered by member Councils and member Councils be asked to provide comments on the reports and their recommendations.**

**That the final reports on Transport and Landuse 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, discussion with other levels of government and be used as reference documents by member Councils for their own planning.**

**State Members of Parliament for the SHOROC region be invited to a future Board meeting for discussions in relation to traffic and transport issues.**

*Proposed David James/Seconded Henry Wong*

**Item 5.2 Regional Employment Strategy**

This study is now complete and has been forwarded to Councils and has been placed on the SHOROC website.

At its March meeting the Board resolved:

- *That the final report of the Employment Strategy as tabled at the meeting be forwarded to member Councils for their consideration and comment*
- *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 planning.*

**Recommendation:**

That the report on the Regional Employment Study be received and noted.

**The Board Resolved:**

**That the report on the Regional Employment Study be received and noted.**

*Proposed Henry Wong/Seconded Rik Hart*

**Item 5.3 Regional State of the Environment Report**

At its March meeting GMAC considered a report from the working group that prepared the 2006/2007 SoE report and resolved that SHOROC and its member Councils collaborate and prepare a Regional SoE Report for the period 2007/2008.

A meeting was held with staff involved on 27 March, 2008.

The meeting decided to prepare a supplementary State of the Environment Report for 2007/2008 and that the report and format be similar to that prepared for 2006/2007, with updated information, including indicator data and case studies on environmental projects undertaken by member Councils.

Members of the group had contacted the Department of Local Government to find out whether a decision had been made in relation to integrated planning and reporting and how this might impact on the requirement to prepare a SoE report in future. Information is not available. While there was some support for the idea of preparing future regional State of the Environment Reports whether or not the Department and legislation still required it, the group decided to defer consideration of whether to recommend to GMAC that future reports be prepared and about what type of report this might be until the Department has clarified its requirements.

If a regional report is to be prepared for 2008/2009, it will be a comprehensive report. The group discussed that there may be some scope to develop a different reporting format and to consider additional indicators for that report. The group will also consider whether they will recommend a budget for preparation of the report.

In order to prepare the SOE report, the group are aiming to have prepared data and case studies on environmental projects by August.

The group will have further discussion about how the report may link with Council management plans as this is an issue that they felt was missing from the last report. The group also felt that the report should assist in identifying regional priorities and will consider making recommendations for future regional projects. The group will meet again on 15 May.

**Recommendation:**

That the report on the Regional State of the Environment report be received and noted.

**The Board Resolved:**

**That the report on the Regional State of the Environment report be received and noted.**

#### **Item 5.4 Procurement**

The SHOROC Procurement Group met at Pittwater Depot on 10<sup>th</sup> April. Matters considered are set out below:

*Road Materials Contract* – the Group had previously been advised of the GMAC resolution of 1<sup>st</sup> April that “*subject to extension of existing contracts, that SHOROC go out to tender for a longer contract of 2+1 years through Regional Procurement, Hunter Councils.*”

Warringah Council advised that contact had been made with all suppliers with regard to extending the contract by 6 months to 31<sup>st</sup> December. Regional Procurement had no objection in principle to extending the contract and the application of quarterly price reviews but held off giving final approval until documentation had been provided by Warringah Council.

#### *Update on other current tenders:*

The following tenders have been processed.

T10708 Traffic and Safety Signage (RMS)

T20708 Stationery and ancillary ( Corporate Express)

T30708 PVS Pipes and Fittings (W. Eagles Plumbing)

T40708 Hygienic Services ( Pink Hygiene)

T50708 Concrete pipes and ancillaries ( Humes)

T60708 Readymix Concrete ( Brookvale Minicrete/ Boral/ Metromix)

T70708 Hardware ( Blackwoods, Hardware and General, Hardware Express)

T80708 Gal Posts and Caps ( RMS Management Solutions)

T90708 Bagged Concrete ( Blackwoods)

#### *Update on Other Tenders being investigated*

Fuel - The Group discussed using E10, B5 and B20 in council vehicles. Regional Procurement will report back to SHOROC for approval to proceed with fuel tender.

Turf - Tenders ready to go

Tyres - This issue will be revisited at a later date.

Lifting Equipment - No interest in proceeding

Access Covers and grating - No interest in proceeding

Labour Hire - Under investigation.

Printing Services -This issue will be revisited at a later date.

Cash Collection Services -This issue will be revisited at a later date.

#### *Consideration of new tender opportunities*

First Aid Supplies

Permit Stickers

Waste Disposal (bearing in mind proposed new Kimbriki management structure)

#### *Green Purchasing Policy*

The meeting was advised that GMAC and the SHOROC Board had requested the Procurement Group discuss the incorporation of a Green Purchasing Policy into the specifications of SHOROC tender documents and, in the evaluation process, give weighting to environmental factors.

Existing green purchasing policies from SSROC and NSROC were tabled and comments from other ROCS with regard to their approach to meeting the requirements under the Local Government Ecological Sustainable Amendment Act 1997 were also discussed.

Regional Procurement advised that the requirements under the Act are being met although at a minimum level. The weighting currently given to environmental issues is approx 5% whereas SSROC gives a weighting of 15%.

Although some difficulties in implementing a higher level of environmental criteria were envisaged, the Group were keen to pursue this objective. It was agreed to convene a special "Green" Procurement Meeting and invite Seb Crawford from LGSA, a representative from both SSROC and NSROC Procurement Groups to learn how to progress the implementation of a green purchasing policy. This meeting is planned for 12 June, 2008.

*Greenpower* - will be discussed at a future meeting.

**Recommendation:**

That the report on regional procurement be received and noted.

**Board Discussion:**

There was some discussion about whether, given the rising cost of Greenpower, Councils would get better value for money by devoting the outlay to in-house projects for improving energy efficiency and generating renewable energy. It was recommended that David Lewis of SSROC be invited to address a future SHOROC meeting to outline their negotiations with Energy Australia in relation to street lighting as well as the implementation of a green purchasing policy. There was also discussion of the inequities and difficulties of the Street Lighting Improvement Program.

The Mayor of Mosman outlined to the Board Mosman Council's decision to implement a voluntary levy on all ratepayers to purchase 100% Greenpower for streetlighting.

The General Manager of Manly offered to coordinate consideration of options in relation to street lighting if member Councils provide him with details of number of street lights in their area.

**The Board Resolved:**

**That the report on regional procurement be received and noted.**

*Proposed Mark Ferguson/Seconded Henry Wong*

**Item 5.5 Sportsground Management**

Background work to determine the costs of current maintenance and to assess and document the work required to prepare and maintain sportsfields for each sport is being prepared for discussion by a working group of Council staff. This is progressing

and it is anticipated that a meeting of the working group of Council staff will be called soon.

The Sports Union have contacted the SHOROC office seeking a meeting date. This will be set once the staff working group has met.

**Recommendation:**

That the report on sportsground management be received and noted.

The Mayor of Pittwater congratulated the General Managers for progress in addressing costs and user contributions for sportsfields maintenance.

**The Board Resolved:**

**That the report on sportsground management be received and noted.**

*Proposed Mark Ferguson/Seconded David James*

**Item 5.6 Workforce Planning / Human Resources Management**  
Regional cooperation project

The joint SHOROC / NSROC Human Resources Managers group met on Monday 14 April, 2008.

Key projects related to training, traineeships, organisational climate surveys are progressing. There has been discussion between Council staff and TAFE, Macquarie University and Hunter Councils on training programs and possible internship programs.

Regional cooperation project is a research project to identify good examples of HR projects being undertaken by Councils elsewhere that could be undertaken cooperatively by SHOROC and NSROC Councils. The working group on that project has prepared a Project Plan and have indicated steps that have been completed to date as well as target dates for other projects in train by the group.

LGMA Management Challenge

Two teams participated in the LGMA Management Challenge on 2 April, 2008.

A survey was circulated by SHOROC to participants. The responses have been collated. Feedback indicates that the majority found the experience a useful learning and networking experience and that it broadened their understanding of the functions and responsibilities of Councils and would recommend participation to other staff members.

Leadership Breakfast

The second successful leadership breakfast was conducted on 30 April, 2008. The speakers were Andrew Simon and John Raymond from Yellow Edge and the topic was Management Styles and Leadership Behaviours. The next breakfast will be coordinated by Manly Council.

**Recommendation:**

That the report on Human Resources Management be received and noted.

**The Board Resolved:**

**That the report on Human Resources Management be received and noted.**

*Proposed David James/Seconded Dick Persson*

**Item 5.7**

**Road Safety Project:**

**HELP- Help and encouragement for learners, parents and supervisors**

Road Safety Officers, with funding assistance from NRMA Insurance, Local Government Road Safety Program, have produced a booklet called *HELP- help and encouragement for learners, parents and supervisors*.

The need for the booklet was identified from research that shows that only 42% of people plan their driving trips, that nearly 40% of driving supervisors aren't reading the road rules and only 54% are reading the RTA Log Book. The booklet provides additional knowledge and information for learner drivers and their supervisors to help them plan more meaningful driving lessons. The characteristics and challenges of local driving routes are identified and route maps are provided indicating driving tasks that are required to be performed to demonstrate driving competence that apply to each trip.

A press release was prepared with comments from the Mayors of each Council. It was supplied to the Manly Daily on 11 April, 2008. However, to date, the paper has not run a story. Paid advertising has generated interest in the booklet which is available from Road Safety Officers in each Council.

**Recommendation:**

That the Board congratulate the Road Safety Officers on the production of a quality and easy to read publication that will improve the training of learner drivers.

**The Board Resolved:**

**That the Board congratulate the Road Safety Officers on the production of a quality and easy to read publication that will improve the training of learner drivers.**

*Proposed David James/Seconded Mark Ferguson*

**Item 5.8**

**Affordable Housing / Social Housing**

At its December meeting the Board considered two reports that had been submitted by Pittwater Council, one on affordable housing (Item 7.1) and the other on social housing (Item 7.2).

The Board resolved:

- *That SHOROC hold a workshop with the Centre for Affordable Housing – Housing NSW, in the first quarter of 2008, to examine further ways that local Councils can respond to the current crisis in affordable housing on the Northern Beaches.*
- *That Item 7.1 and Item 7.2 be combined into a single working group consisting of representatives of all member councils. This working group should collaborate with local community organisations and key State government agencies to (i) identify the need in the Northern Beaches for social housing (ii) prepare a submission to the State and Federal governments for additional funding / resources to address the need.*
- *That the working group prepared a draft submission to be presented for consideration by the SHOROC Board by August, 2008.*

Councils were invited to nominate both a strategic planner and social planner / community services person to form the working group. The first meeting of the group was held on 3 April, 2008. Prior to the meeting staff from Pittwater Council spoke with representatives from the Department of Housing and from local housing groups. The SHOROC Executive Director spoke to the Department of Planning.

The meeting considered:

- The background to setting up the group – it arose following attendance by the Mayor of Pittwater and staff at a Northern Beaches Affordable Housing forum in October, 2007.
- The use of terminology – noting that the kit produced by the Centre for Affordable Housing included all types of housing in a continuum of affordability related to the level of need and government subsidy. It was considered that it was important to be aware of the language used in communicating with other levels of government and others in the field.
- A charter for the working group – which will be finalised at the next meeting.
- The State government affordable housing kit.
- Social housing – there was report on the outcome of contact made by Pittwater staff with various NGO community and housing groups.
- Policy context – information from the COAG website was distributed so that members of the working group were aware of what was being considered at intergovernmental (State and Federal) level.
- Initiatives of Councils in providing more affordable housing were raised and will be further considered at the next meeting as will options for creating housing diversity.

Due to the delay in setting up the working party, the group considers that November 2008 for a report back to the Board is a more realistic timeframe.

The next meeting of the working group will be held on 15 May, 2008. The Department of Planning and the Centre for Affordable Housing, Department of Housing have both been invited to attend the next meeting.

**Recommendation:**

That the report on Affordable Housing be received and noted.

That the Board notes that the date for report back from the Affordable Housing working group is now likely to be to the November Board meeting.

**Board Note:**

The Mayor of Pittwater requested that efforts be made to have an update report prepared in time for the August Board meeting as the November meeting is so far away.

**The Board Resolved:**

**That the report on Affordable Housing be received, noting that on 1 April 2008 Mosman Council resolved to ask SHOROC to consider the implications of land tax, further that the Executive Director endeavour to arrange for the report to be prepared in time for the August Board meeting.**

*Proposed Viv May/Seconded David James*

**Item 5.9 Northern Beaches Orchestra**

The Northern Beaches Youth Orchestra has now had its first Board meeting. It was held on Monday 28 April, 2008. Louise Brown was elected President and Publicity Manager and David Williams Secretary / Treasurer. Michael Hedger from Manly Council attended.

35 Students were selected from 70 who auditioned.

The first rehearsal was held on Wednesday 30 April, 2008. Students rehearse each Wednesday during school terms at St Augustine's Brookvale. The school provides the rehearsal space without charge.

**Recommendation:**

That the report on the Northern Beaches Youth Orchestra be received and noted.

The General Manager of Manly reported that Council had booked the NBYO to play at their Christmas program.

**The Board Resolved:**

**That the report on the Northern Beaches Youth Orchestra be received and noted.**

*Proposed Henry Wong/Seconded Dick Persson*

**Item 6**  
**Item 6.1**

**Matters of interest**

**Exposure drafts:**

- **Environmental Planning and Assessment Amendment Bill 2008**
- **Building Professionals Amendment Bill 2008**
- **Strata Management Legislation Amendment Bill 2008**

On 2 April, 2008 the Planning Minister Frank Sartor released exposure drafts that will give effect to significant changes to the planning system, processes and responsibility for plan preparation and development assessment, certification, developer contributions, subdivision and to the operation of strata developments. The Bills were tabled in the Legislative Assembly on 3 April. The comment period closed on 24 April, 2008.

The exposure drafts gave effect to some proposals that were previously flagged in the discussion paper *Improving the NSW Planning System*.

The changes are extensive and far reaching and will change the way in which development is planned and managed, the role of the Minister, the role of councillors, the role of planners and the role of private certifiers. It introduces more complex processes for management of planning as well as new players and expanded role for private certifiers.

Some key changes which impact on Councils are:

Planmaking

Prior to preparing an environmental planning instrument (an LEP) a "relevant planning authority" is to prepare a "planning proposal". The Bill sets out what information is to be included.

The Minister may nominate any person or body by regulation as a "relevant planning authority" (currently only a Council can prepare an LEP).

The "planning proposal" will undergo a "gateway determination" which will determine whether the proposal should proceed; what studies and consultation need to take place; who will make the plan (currently only the Minister can make a plan) and whether a hearing is required by (one of two new bodies) the Planning Assessment Commission (PAC) or Joint Regional Planning Panel (JRPP). This assessment will happen prior to an assessment of the impact of a proposal on threatened species by the Department of Environment and Climate Change.

A relevant planning authority is not required to consult with local government in preparing an LEP but the Council will be included in any consultation process and must be notified when an LEP or DCP is exhibited and made.

Approval of Development

The proposal introduces new players into the approval system and sets out who can approve what.

Relevant body	Responsibility
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Minister	Critical Infrastructure and "strategic projects"
Planning Assessment Commission – a new statutory body with 3 members sitting representing the crown appointed by the Minister and serviced by the Department of Planning.	Approval of Part 3A state significant development and concept plans (delegated by the Minister); review part 3A projects or concept plans; review determinations under part 4 or part 5 where requested. Take on role of JRPP where there is not one established. May hold public hearings.
Joint Regional Planning Panels - a new statutory body with 5 members sitting (3 nominated by the State and 2 nominated by Council), representing the Crown, established by the Minister but not subject to control and direction of the Minister. Serviced by Councils. Paid for by Councils if consent function.	Function as consent authority where an EPI (SEPP or LEP) provides, approve development over \$50million; approve nominated development over \$5 million including crown development, private infrastructure DAs (eg hospitals, educational establishments, water and waste facilities); approve Council DAs or DAs in which the Council has significant financial interest, regionally significant development, nominated subdivisions and certain other development in the coastal zone that are currently dealt with under Part 3A, review determinations that are not Planning Administrator matters, including "public interest reviews" ie where the proposal exceeds development standards by 25%.
Independent Hearing and Assessment Panels – may be appointed by councils from list approved by the Director General. Not subject to direction by Minister. Paid for and serviced by councils.	Assess any aspects of a proposal or planning matter referred to the panel by a council.
Planning Arbitrators – selected by councils from a register kept by the Director General if approved for inclusion by the Minister. Paid for and serviced by councils.	Review Council determinations, determine deemed refusals, deferred commencements. Review requests for further information. Limited to matters under \$1million. (there will be no appeal to L&E court until review done.
Private Certifiers or Council	Issue complying development certificates
Councils	Anything not handled by others.

With approval of the Minister, a Joint Regional Planning Panel may delegate its functions to a Council.

Councillors to give reasons

Requires councillors to give reasons where their decision is at variance with the recommendations of planner.

### Review of conditions of consent

Enables conditions of consent at hotels and certain other premises to be reviewed eg. hours of operation.

### Lapsing of consent

Test for "physical commencement" has been strengthened.

### Objector reviews

Makes provision for right of review to be available to objectors in respect of classes of development to be set out in regulation. Review by JRPP if against Council determination, by PAC if against JRPP determination. No right of appeal of PAC held a hearing in respect of a matter.

### Time frames for determinations

Establishes new timeframes for approvals and removes "stop the clock" provisions. 50, 70 or 90 "gross days" to determine or deemed refusal.

### Complying development

New SEPP will say what is complying development.

Can issue complying development certificate even if there is non-compliance if non compliance is "minor" and is not likely to cause any substantial net adverse impact on owners of adjoining or adjacent land.

Removes prohibition that complying development certificates do not apply to land which is designated development, critical habitat, wilderness area, subject to an interim heritage order, is an item of environmental heritage or in conservation areas. Will be set out in EPI how complying development applies to these circumstances.

Makes provision for a regulation to set out what does / does not constitute "physical commencement" in relation to CDC.

### Appeals to court

Appeal to court must be made within 3 months of date on which an applicant received notice of the determination of the development application.

Court makes order for payment by the applicant of the entire costs of any party to proceedings if the court approves a DA that is significantly different from the application the subject of appeal where the changes were made at the applicant's request.

### Developer contributions

Councils can require contributions for community infrastructure and State can require contributions for public infrastructure. Community infrastructure includes: local roads; local bus infrastructure; local parks; drainage and water management works; local sporting recreational, cultural, civic and social services facilities; land for any community infrastructure except riparian corridors; any district infrastructure but only where direct connection with the development. Contributions for additional infrastructure require approval of Minister. Bill makes provision for regulation to set out information required to apply for approval.

Contributions can be direct (ie for community infrastructure that requires nexus) or indirect (ie a set percentage contribution - usually 1% - unless Council can establish

as business case for a higher rate) with no nexus requirement. Minister can approve, amend or repeal a contributions plan.

The State government can direct councils to spend funds where council cannot justify delay in building facilities for which funds have been collected.

State contributions are in addition to local contributions.

Has provisions for voluntary agreements – but this cannot be for additional community infrastructure without Minister approval.

Can seek contributions for affordable housing but only if satisfied that the proposed development will reduce the availability of affordable housing or, alternatively, the consent authority is satisfied that the development will create the need for affordable housing.

### Certification

Council officers undertaking certification work will be required to hold accreditation and will be thus overseen by the Building Professionals Board.

Consent authorities can require payment of security as condition of consent or by agreement with the applicant to ensure compliance with development consent. Failure to release security is appealable to L&E court.

Private certifiers can issue subdivision certificates in certain circumstances (as set out in an EPI).

Clarifies role of Councils and private certifiers, especially in relation to enforcement. Gives new power to certifiers to issue non-compliance direction and if non-compliance direction is not complied with certifier required to inform Council. Creates new obligations for Council and certifier to inform each other about complaints and any enforcement action.

Provides that a certifier can seek advice from the consent authority (Council) on whether or not the design and construction of a building are consistent with the development consent. Where consent authority advises that they are consistent or has not responded within 14 days, consent authority precluded from challenging the issue of construction certificate or occupation certificate on the basis of inconsistency.

Brings time during which a building action may be brought to be consistent with the provisions of the *Building Professionals Act* related to insurance cover for certifier.

Authority that issues a section 121B order can also issue a compliance cost notice to the person to whom the order is issued requiring that person to meet reasonable costs in connection with monitoring action under the order, ensuring the order is complied with and any associated matters.

Creates new orders to stop unauthorised works or works affecting adjoining premises.

Creates new offences for which penalty infringement notices can be issued. Increases penalties and sets different penalties for individuals and body corporates and different penalties related to the class of building. Increases penalties and sets different penalties related to how long a person (including certifier) takes to comply with requirements.

Limits proportion of business that a private certifier can have from any one client and introduces penalties if proportion is exceeded.

### Paper subdivisions

New schedule to facilitate development. Introduction of subdivision orders.

### Land acquisition

New provisions allowing corporate sole or designated acquiring authority (including Councils), authorised by the Minister, to acquire land in connection with an urban renewal proposal or urban land release and permits land acquired to be resold, including to private person.

### Strata

Various provisions related to exclusive use of common property, use of proxies by developer from purchasers, requirement for candidates for election to strata executive committees to disclose connections with a developer or caretaker.

## **Item 6.2 Workshop on Changes to Planning Legislation – Planning Institute of Australia**

The Planning Institute held a workshop on 11 April, 2008 at which an overview of changes were presented by staff from councils who had analysed changes in depth. The workshop was attended by Brett Whitworth from the Department of Planning, who has carriage of the changes and who was available to clarify any matters related to the proposed changes.

The following concerns were expressed by the Planning Institute:

- The proposed system will be more complex, bureaucratic and require more document transfer, for example application to vary a development standard on a complying development certificate, certifier seeking advice from Council in relation to consistency of construction certificate or building with initial consent. There is confusion as to who would be responsible when applications are transferred. This has associated issues such as compatibility of databases, increased administrative load, transfer of liability, security of records, and will require new administrative procedures, forms, guidelines and rules to be prepared by individual councils.
- There will be additional workload, costs and processes related to the need to establish and / or service arbitrators, Joint Regional Planning Panels, IHAPS etc.
- Concern about consistency in interpretation of policies and plans and inconsistent decisions.
- Lack of clarity as to whom residents should go and how the community interacts with new bodies.
- Whether there is a sufficient pool of skilled and qualified people willing and available to take on the roles on new bodies in general and also at the rates of remuneration available.
- Increased cost shifting – increased costs of administration, cost of establishing and servicing panels / arbitrators.
- Additional cost to Council of carrying the cost of defending decisions (in appeals) for which Council was not responsible.

- Unrealistic timeframes – after 50 or 70 days applicant will seek review. Proposed Bill enables IHAPS but timeframes will not allow. Likelihood that Councils may refuse applications within the 50 days.
- Elimination of Councillor role.
- No link between planning under Local Government Act and the statutory framework in the EPA Act.
- Council can be excluded from plan making other than at consultation / exhibition stage.
- Fragmentation of planning – other relevant authorities can undertake planning with no requirement to work with Council and council has no way of knowing.
- Related to the last point, potential increase in risk related to accuracy of information provided by Council staff, including information supplied on section 149 certificates.
- Shift of risk and liability to Councils
- Concerns regarding the future role of planners:
  - can have roles as arbitrators and members of panels.
  - increased role in preparing reports for PAC, JRPP, Arbitrators
  - role of planners in councils will be more administrative, less planning
  - planners likely to leave local government.

### **Item 6.3 LGSA “Keep it Local” Campaign**

On 11 April, 2008 the Local Government and Shires Association launched a campaign on behalf of Councils called “Keep it Local”. LGSA has developed a number of press releases are able to be provided to local media by local councils with some tailoring to local conditions. These focus on reduced rate cap, the report of local government revenue raising capacity, changes to developer contributions, the need for development approval to remain within the control of councils, opposition to many aspects of the proposed amendments to the *Environmental Planning and Assessment Act* and *Building Professionals Act* as well as a call for a longer period in which to consider the draft legislation and its impacts.

The LGSA has asked ROCs to inform them about what action ROCs are likely to take. NSROC has embarked on an active campaign which includes creation of its own website: [handsoffcouncils.org](http://handsoffcouncils.org). The NSROC Mayors have also taken an active role in the campaign and have issued press releases and features in articles in local papers and have handed out leaflets at railway stations. NSROC Councils vehicles, including leaseback vehicles have campaign stickers.

### **Item 6.4 Northern Beaches Transport Forum**

A group called 10,000 Friends of Greater Sydney are proposing a Transport Forum for the Northern Beaches on 7 July, 2008 at Dee Why RSL Club at 9.15am – 1pm. The group is a credible group comprising experts in the various relevant fields and has a diverse corporate membership including large international corporations, consultancy firms, universities, some councils, TAFE, Unions NSW, state government bodies (including Department of Planning), peak community groups etc.

The invitation that they have issued to encourage attendees says:

*10,000 Friends of Greater Sydney wishes to encourage regional participation and discussion on Transport Issues on the Northern Beaches. The goal is to open up debate on important issues of Public Transport/Rail/Freight/Roads/Amenity and create a forum for ideas and to develop an independent view of issues in the region.*

*This forum will explain the updated Sydney Integrated Transport Strategy (SITS2) and will discuss transport issues on the Northern Beaches. It should generate enough interest to initiate the formation of a regional FROGS organisation. Selected Ambassadors will provide feedback to the FROGS Board.*

This is the seventh of such forums conducted by the group in Sydney. Results of previous forums are available on their website [www.10000friends.org](http://www.10000friends.org)

They would like a local person to open their forum (preferably not a State Politician) and suggested the head of SHOROC (presumably our president) may be appropriate.

**Recommendation:**

That SHOROC nominate the President (or his nominee if he is unable to attend) as an appropriate person to open Northern Beaches Transport Forum.

That this nomination be notified to 1000 Friends of Sydney and be on the understanding that in participating in this way, SHOROC welcomes discussion and debate but does not endorse the views presented at the forum or any proposals that may arise from the forum.

That SHOROC and its member Councils have representatives at the forum.

**The Board Resolved:**

**That SHOROC nominate President Cr Dr Peter Macdonald as an appropriate person to open the Northern Beaches Transport Forum.**

**That this nomination be notified to 1000 Friends of Sydney and be on the understanding that in participating in this way, SHOROC welcomes discussion and debate but does not endorse the views presented at the forum or any proposals that may arise from the forum.**

**That SHOROC and its member Councils have representatives at the forum.**

*Proposed David James/Seconded Rik Hart*

## **Item 7                      SHOROC Regional Strategy Plan**

At its meeting of 19 March, 2008 SHOROC Board resolved *"That SHOROC prepare a strategic plan for the SHOROC region"*.

Warringah Council has indicated that it is willing to be the lead council for this project.

The Executive Director has met with David Kerr and Diane Lawrence at Warringah Council to have a more detailed discussion about the proposed process and timeframe. A timeframe is provided below. It was identified that the majority of member councils will be working on their community plans and metropolitan strategy implementation contemporaneously with this process and it was considered that this had benefits as the processes and strategies could inform and modify each other and that staff would be considering similar issues in both processes. It is also proposed that it may be more appropriate to refer to the project as the SHOROC Regional Strategy Plan.

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Stage 1 – Preparation and Analysis.  
2009

June 2008 – April

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- Identify staff from Councils to be involved (planners – corporate, urban, transport, economic development, recreation, cultural, GIS staff)
  - Advertise for student planner.
  - Collation of existing commitments, proposals etc (including liaison with State Government agencies – SHOROC supervise student planner)
  - Prepare brief for consultants for spatial planning and advertise.
  - Engage consultants for spatial planning
  - Presentation on spatial planning and methodology by consultants (Council staff, GMs and senior staff)
  - Issues identification workshop (SHOROC facilitate) – prioritise issues – identify existing data, reports etc that inform issues analysis, production of short issues papers from existing information (Council staff)
  - Establish reference group(s) – state agencies and key stakeholder representatives.
  - Spatial planning workshops and mapping (consultant and Council staff)
  - Identify an additional data required and commission any additional research.

#### Outputs

- Key issues identified and the scope of issues defined
- Spatial information and analysis prepared

Target date – completed by April 2009

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Stage 2 – Planning / consultation / resolution.  
October 2009

April 2009 –

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- Presentation from stage 1 (issues and spatial information) and vision workshop – new councillors, GMs and key staff and reference group ( May 2009)
  - Consultation with community (to be auspiced by Councils) on vision, objectives / outcomes (method yet to be determined)
  - Councils and Board agreement on issues, vision and objectives ie on outcomes.

- Identification of strategies and priorities and matters and conflicts to be resolved
- Identification of where expert advice may be needed.
- Workshops - to resolve matters strategies, actions and priorities (councillors, GMS, key staff- facilitated by consultant)
- Presentation / consultation with each Council
- Consultation – community, stakeholders etc
- Negotiate with state government, if required.

#### Outputs

- Vision statement, clear outcomes/objectives defined.
- Strategies, actions and commitments made

Target date: completed by October, 2009

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Stage 3 – Documentation 2010	November 2009- February
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- Preparation of plan – tangible strategies and actions
- Desktop publishing
- Print

#### Outputs

- Strategy Plan produced

Target dates:

- draft for consideration by Board November, 2009
- for adoption by Councils – December, 2009 – February 2010 (include presentation to Councillors)

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Stage 4 – Implementation	February 2010 onwards
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- Promote
- Workshop for Council staff to determine implementation
- Strategic / business plan for SHOROC
- Incorporate into Council community and management plans
- Set up implementation and monitoring arrangements

The timing allows for strategies and action from the regional strategy to be incorporated into Council management and business plans and budgets for the 2010 / 2011 year.

The General Managers discussed the timeframe at their meeting on 7 May, 2008 and agreed that working on regional planning will be included in their community plans and management plans.

#### **Recommendation:**

That the project be referred to as the SHOROC Regional Strategy Plan.

That the Board receive and note the report and timeline for the preparation of the SHOROC Regional Strategy Plan.

**The Board Resolved:**

**That the project be referred to as the SHOROC Regional Strategy Plan.**

**That the Board receive and note the report and timeline for the preparation of the SHOROC Regional Strategy Plan.**

*Proposed David James/Seconded Rik Hart*

## **Item 8                      Matters submitted by member Councils**

### **Item 8.1                      Library Funding**

At its meeting on 31 October, 2007 SHOROC Board considered requests from both Manly and Mosman Councils that SHOROC take a regional position against proposed reduction in library funding by the State Government.

The Board also considered material from Public Libraries NSW- Country encouraging Councils to participate in a day of action on November 29, 2007 and noted that the Day of Action was not supported by the Public Libraries NSW Metropolitan Association Inc.

The Board resolved:

*That SHOROC take a regional position opposing the proposed reduction in Library funding by writing to the Minister for the Arts, the Libraries Association and the Local Government and Shires Association.*

Following the meeting, and in order to understand the matter, SHOROC staff investigated the matter further and made contact with the Public Libraries NSW - Metropolitan Association Inc.

This indicated that Minister for the Arts, the Hon. Frank Sartor, had commissioned an independent review of the public library funding formula on 21 August, 2007. The review was being conducted by Thomas Parry and had as its terms of reference:

- Revenue raising potential of local government authorities by local government area (detailed for sources of revenue and demographic factors).
- Options for the most strategic application of State Government funding which would ensure this funding is directed towards the areas of greatest need.
- Any regulatory implications associated with these options.
- Transitional arrangements including an implementation plan to guide the migration to a new more strategic system of funding.
- Any other means by which library services may be enhanced in NSW
- Identification of special issues and anomalies.

Advice from the Executive Director of Public Libraries – Metropolitan Association was that SHOROC wait until the findings of that review and the government's position is known. SHOROC staff have not written letters proposed in the Board resolution to date.

The Parry Report has been released in April and can be found in the link below:  
<http://www.arts.nsw.gov.au/NewsPublications/News/tabid/152/ItemID/32/View/Details/Default.aspx>

The report acknowledges the important and changing role of libraries and notes in its recommendations "There is good reason to believe that library services provide benefits across a range of government portfolios such as health, aged care, education and e-commerce. It is recommended that consideration be given to a comprehensive review which explores the broader benefits of public libraries to the community".

The report does not comment on the amount of funding available but rather reviews the funding model. The report reviews the current components which made up the 2007-2008 public library funds and recommends that the current level of about 50% per capita funding be maintained; that the "disability and geographic payments" which currently comprise about 25% of funding be changed to reflect a broader "access" criteria that should be developed by the Library Council in consultation with stakeholders over the next two years; the remaining 25% (which is described as the strategic and development grants) was identified as being heavily reliant on individual councils making applications for grants and other payments. The report recommends that this latter component should be used more effectively to encourage cooperation between councils and that this could be achieved by application criteria or by being allocated for specific purposes such as regional or state-wide initiatives. The report identifies that there are transitional issues (including continuity and budget planning).

In view of the findings of the report, it would now be appropriate for library managers in SHOROC councils to consider their position on the recommendation of the report and to liaise further with the Public Libraries NSW- Metropolitan Association to formulate a SHOROC position that will inform the preparation of letters as proposed in the Board resolution of 31 October, 2007.

**Recommendation:**

That member Councils consider their response to the Parry report.

That SHOROC convene a meeting of library managers to which the Executive Director of Public Libraries NSW – Metropolitan Association be invited to develop a regional position on library funding.

**The Board Resolved:**

**That member Councils consider their response to the Parry report.**

**That SHOROC convene a meeting of library managers to which the Executive Director of Public Libraries NSW – Metropolitan Association be invited to develop a regional position on library funding.**

*Proposed David James/Seconded Mark Ferguson*

**Item 9                      General Business**

**Item 9.1                    Sea Level Seminar**

The Mayor of Pittwater thanked member Councils for their support of the Sea Level Seminar being organised by Pittwater Council on 29 May 2008, and suggested that

member Councils may also like to promote the Seminar to their wider communities. Cr James also circulated to the meeting further information on escalating ice loss in Antarctica which will be attached to the Minutes.

**Item 9.2                      Councillor Induction Program**

The General Manager Mosman reported that while the General Managers of all member Councils would be conducting in-house induction programs for new Councillors following the Local Government elections in September 2008, they would also be combining to offer training on a regional basis to outline the history, importance and activities of SHOROC. Opportunities may also present for training to be also offered on a regional basis for governance, finance and other Councillor development matters.

The General Manager Pittwater advised that Councils would be required to submit a report to the Department of Local Government on which Councillors had attended their induction programs.

**Item 10                      Time and Date of Next Meeting**

The next Board meeting will be held on Tuesday August 19, 2008 from 10am -12noon at Warringah Council.

**The meeting closed at 11.45am.**