

SHOROC INC BOARD MEETING

MINUTES

19 August, 2008 at 10.00am
Manly Council, 1 Belgrave Street, Manly

Board Members Present

Cr Dr Peter Macdonald (chairperson)	President and Mayor of Manly
Henry Wong	General Manager Manly Council
Cr Anne Connon	Deputy Mayor of Mosman
Viv May	General Manager Mosman Council
Cr David James	Mayor of Pittwater
Mark Ferguson	General Manager Pittwater Council
Dick Persson AM	Administrator, Warringah Council
Rik Hart	General Manager Warringah Council

In attendance:

Leta Webb	Executive Director SHOROC
Andrea Dawson	Administrative Officer SHOROC
Lindsey Godfrey (part)	Manager Community & Libraries Pittwater Council

Guests:

David Lewis	General Manager SSROC
Tracey Adamson	Director Population Health, Planning & Performance, NSCCAHS
David Small	Project Manager, Service Development Northern Beaches Health Service Redevelopment Planning Office
Frank Bazic	General Manager Northern Beaches Health Service Northern Sydney Central Coast Health

Item 1 Welcome and Apologies

The President welcomed everyone and noted apologies from Cr Denise Wilton who was overseas in China. The President noted that this was the last board meeting of the current board members and expressed his appreciation of the support and hard

work of his fellow members and thanked the staff for their support. The confirmation of previous minutes (Item 2.0) was suspended until after the presentations by guest speakers.

Clr Macdonald then introduced David Lewis to talk about the structure of SSROC and their achievements with regard to their street lighting project.

2.1 Street Lighting

Background:

At the last Board meeting, following discussion about Greenpower, the Board recommended that David Lewis, General Manager, SSROC be invited to attend a meeting of the SHOROC Board to provide an outline and update on the negotiations with Energy Australia in relation to street lighting as well as implementation on their green purchasing policy.

David Lewis has accepted an invitation to attend the meeting and will be present at 10am.

Recommendation:

That the Board thank David Lewis for attending the meeting and providing an update on streetlighting.

Presentation:

David Lewis explained that there were 16 members in SSROC but that 34 councils are part of the street lighting project co-ordinated by SSROC. SSROC have experienced difficulties in dealing with Energy Australia, who have not complied with the conditions of the Public Lighting Code. They are likely to become more difficult to deal with if the government proceeds to privatisation.

Energy Australia have recently put in a submission to the Independent Pricing and Regulatory Tribunal (IPART) to increase charges by 67%.

SSROC are mounting a sustained political campaign to argue against the proposed increase in prices and to draw attention to the fact that Energy Australia is not providing services at the level set out in the Public Lighting Code and is not providing energy efficient street lighting. David Lewis urged SHOROC to approach its local Members of Parliament to seek their support in trying to ward off the proposed fee increases and in seeking improvement in the performance of Energy Australia so that it will meet the requirements of the Public Lighting Code.

Following his presentation Board Members asked several questions of Mr Lewis. In brief Mr Lewis responded as follows:

- It was his understanding that Energy Australia were seeking to charge enough to cover their future needs.
- Integral Energy is the second largest state-owned energy corporation in NSW, incorporated under the Energy Services Corporations Act 1995. It is implementing energy efficient light fixtures and its charges are less.
- Energy Australia claims that Integral is cross subsidised whilst Energy Australia

operates without cross subsidisation.

- With regard to our member councils considering using Energy Australia infrastructure to capture solar power, David Lewis warned we could be challenged by Energy Australia and they may charge councils a rent for using their infrastructure.
- SSROC is looking at cogent practical economic strategic implementation of energy efficient system across all areas of operation for the long term as solar energy was deemed to be not efficient.
- Reference was made to recent letters that some councils had received in relation to a draft agreement on road restorations between Energy Australia and Councils. Energy Australia is seeking to reduce costs. David Lewis pointed out that Councils have the ability to set the standard for restoration under the *Roads Act*.

At the conclusion of David Lewis' presentation, Henry Wong produced a sample of the new and innovative LED lighting system which has low energy consumption and long life which could have application in street lighting. There are ongoing discussions as to whether LED lighting meets Australian standards. Gaining accreditation is a slow process.

The Chair thanked Mr Lewis for his presentation and for his comments and advice.

During later discussions it was suggested by Dick Persson that member councils look at ways of actually reducing consumption of power as well as the cost of providing it.

The Board Resolved:

To thank David Lewis for attending the meeting and providing an update on streetlighting.

That SHOROC establish a working group to look at Australian street lighting standards and report back to the Board.

Proposed Dick Persson/Seconded Mark Ferguson

2.2 NSCCAHS – Major Service / Facility Redevelopments

The President then invited Tracey Adamson, David Small and Frank Bazic to address the Board on issues relating to the new Northern Beaches Hospital and the Clinical Services Strategic Plan.

Background:

Governance

The CEO of NSCCAHS addressed the 12 May Board meeting together with two of his staff: Tracey Adamson and David Small. Tracey Adamson indicated that she was preparing a governance model for the Northern Beaches Health Service Redevelopment and that SHOROC would be given an opportunity to comment on this.

A copy of the NSCCA Major Service / Facility Redevelopments Governance Overview has been provided and previously forwarded to General Managers and Mayors only on a confidential basis for consideration and comment. Tracey Adamson will be present at the meeting to discuss this.

The NSCCH Clinical Services Plan and Update on Northern Beaches Hospital

David Small and Frank Bazik from NSCCAHS will both be at the meeting to provide an update on Northern Beaches Hospital Development and to present on the NSCCH Clinical Services Strategic Plan which was released on 12 August, 2008. The Plan is available on the website

www.nscchahs.health.nsw.gov.au/clinicalservicesplan

A separate Health Plan for the Northern Beaches has been prepared but has not been released to date.

Recommendation:

That the Board thank Tracey Adamson, David Small and Frank Bazik for attending the meeting and providing an update on health matters in the area.

Presentation:

Tracey Adamson referred to the Governance Overview forwarded to Board Members on 15th July and gave a powerpoint presentation outlining the roles and responsibilities of the various governance committees. She indicated that local government would most appropriately interact with the Project Control Group.

Tracey then distributed a report entitled "2008 Clinical Services Strategic Plan Summary" which made brief reference to the proposed new northern beaches hospital. She explained that it is a 10year strategic plan that provides a framework for health services and that it focuses on acute hospital services. The next plan to be developed will be for community health.

Tracey indicated that the plan anticipates that 95% of secondary care will be provided locally and outlined in detail what services will be provided at Manly and Mona Vale hospitals. She indicated that the focus is to consolidate and align services and that common procedures and systems would be implemented in Manly and Mona Vale hospitals in advance of establishing particular services at the proposed northern beaches hospital. Tracey pointed out that the Clinical Services Strategic Plan is based on a new model of care which has the following features: avoid admission where possible, prevent avoidable readmission, strengthen home services and outpatient services, improve access including the use of fast-track models for emergency care and greater use of triage, strengthen medical assessment units.

She stressed that at this point in time only the Clinical Services Strategic Plan had been released by the government. Further details regarding health services and the role of local hospitals are contained within the Health Plan for the Northern Beaches but the government has not yet agreed to publicly release this document. Ideally the two documents should be considered together.

The Board members reacted with some frustration at the lack of factual information provided and suggested that the Director General attend a future meeting being the person who has overall knowledge of the project and decision making

capacity. The Board were advised that this was not possible. It was more appropriate to meet with the Coordinator General, with Health Infrastructure and the Project Control Group.

The Board raised several issues with Tracey Adamson, David Small and Frank Bazik including whether budget estimates and a time scale could be provided. They were advised that this information was not yet available but that services would be funded in accordance with the resources distribution formula.

When asked if any General Practitioners were appointed to the Clinical Strategy Group the Board were informed that whilst there was no representation of General Practitioners they had been consulted.

The relocation of the ambulance service from Narrabeen to the Mona Vale Hospital site was raised as a crucial issue to improve accessibility to ambulance care and improve the delivery of rapid response on the northern beaches. No comment could be made on this suggestion as the planning for ambulance services is not the responsibility of NSCCAHS. The ambulance service has its own management.

Likewise, when asked if any progress had been made with discussions regarding improvements to transport corridors and, in particular, the intersection of Warringah Road and Wakehurst Parkway and the need for a flood study to be completed, the Board was advised that this is an issue for Health Infrastructure and the RTA. This led to the suggestion that the RTA meet with Health Infrastructure to pursue these issues. A suggestion was made that the RTA funding for the necessary roadworks relating to the new hospital should be included in the hospital budget.

Finally the Board was advised that NSCCAHS could make no further comment or commitment until approval for the hospital is gained from the State Government and the Health Plan for the Northern Beaches is released. The Board then discussed whether to approach the Minister to provide clarity on the Clinical Services Plan and the role of local hospitals.

The Board Resolved:

- 1. To thank Tracey Adamson, David Small and Frank Bazic for attending the SHOROC Board Meeting**
- 2. That SHOROC request the NSW Minister for Health release the Health Plan for the Northern Beaches and the Infrastructure Plan to provide clarity to the SHOROC community.**
- 3. That the General Manager of Warringah co-ordinate a meeting between the traffic / transport staff in the four councils, the Coordinator General, Health Infrastructure and the RTA to discuss transport and funding issues.**

Proposed Viv May/Seconded Cr David James

Item 2 Confirmation of Minutes of the Previous Meeting

The Board Resolved:

That the Minutes of the previous meeting held on 12 May 2008 be adopted.

Item 2 Matters arising
2.3 Affordable Housing

Background:

At its December 2007 meeting the SHOROC Board resolved to hold a workshop to examine ways that local Councils can respond to the housing affordability crisis in the Northern Beaches and to establish a working group to consider both affordable housing and social housing options. At the SHOROC Board meeting of 12 May, 2008 it was reported that the group had been convened and were exploring options. The Board requested an update report at the August 2008 meeting.

The Chairperson of that working group, Lindsay Godfrey from Pittwater Council, will provide a verbal report on the work of the working group and details of a forum on social housing that has been organised by the working group and which will be held on 20 August.

Recommendation:

That the report from the Affordable Housing/ Social Housing working group be received.

Update on Affordable Housing:

Lindsay Godfrey from Pittwater Council is coordinating the SHOROC Working Group on social and affordable housing. He gave a verbal report which set out the work of the Working Group particularly details of the meeting on 12 August to the Board and advised that research on housing affordability revealed that some 15,000 households in the northern beaches area were experiencing housing stress i.e. mortgage repayments or rent payments in excess of 30% of their income and there have been interest rate rises since these statistics were provided.

Lindsay informed the Board that a meeting was to be held on 20th August with social housing providers that will explore practical actions that could be taken to increase social housing and affordable housing in the area.

It was recognised that SHOROC has limited ability to address the problem of housing affordability and there is a need for action and funding by State and Federal government.

It is important that SHOROC take account of the findings of the SHOROC Employment Study and consider the provision of accommodation for key workers in order to avoid a lack of key services in our area. The demographics of the Northern Beaches is going through a huge change which has implications for both employment and transport. The sheer size of the problem of affordable housing will require major initiatives and perhaps SHOROC should concentrate on what can be done to increase housing for key workers.

At this point Cr Dr Peter Macdonald left the meeting as he had a prior commitment. Cllr David James took over as Chairperson.

The Board Resolved:

To receive and note the report and to thank Lindsay Godfrey for attending the meeting to provide an update.

Proposed: Mark Ferguson/Seconded Rik Hart

2.4 Library Funding

Background:

At the Board meeting 12 May, 2008 it was resolved 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.

A meeting of library managers took place on 11 June 2008 to formulate a regional position on Library funding and the Parry Report.

In relation to the Parry Report and matter related to funding, the group made the following comments:

- *Per capita funding of Public Libraries by the NSW government.* The NSW State government provides considerably less library funding per head than the seven other States or Territories. The NSW State Government funding of \$23.5m in 2008-2009 is identical to that given in 2007/2008. There has been no consideration given to inflation, to the 1% growth in population that has occurred in NSW over the past year nor to the increasing patronage of libraries. Around 92% of the funding of NSW's public libraries come from Local Government, while nationally, Local Government funds 86% of the operating budgets for public libraries.
- *The proposal that grants be made to regional groups of Councils instead of individual Councils.* It was considered that this proposal should not be supported because of concerns that many smaller projects would miss out and that this proposal may be to the disadvantage of our area which is likely to be considered well off or not needing funding for certain types of projects. For example multicultural projects may not be funded in our area because target populations may be comparatively small. It is also important to be sure that the funding will be available to metropolitan Councils as the term "regional" is often equated with "country". It is also important to note that metropolitan Councils also have considerable population growth.
- *The access component of funding that takes account of disability and geographic factors.* Our region may well be disadvantaged by the proposals contained in the Parry report. For example our libraries provide service to a large number of people who do not appear in the ABS census data eg a large overseas student population, a large workforce population who travel into the area to work. There is a need to have clear and defined minimal standards for access and clear criteria for geographic adjustment so that areas such as ours are not disadvantaged. Councils want input into developing the criteria.
- *General.* The Parry report was too narrow in its scope and ignored the audit of the state of library buildings done by BBC.

Other matters :

- There is concern about the decline in the level of support, innovation and leadership provided to public libraries from the State Library of New South Wales. This has resulted in inefficiencies for example, libraries develop their own systems, are reinventing services and practices that others may have done, and can be working in isolation.
- NSW.net – The services offered under this umbrella eg connectivity to the internet, access to a range of databases, are too limited. There is a need to have a major rethink in terms of developing a strategic suite of cost effective, relevant services that it can provide for public libraries and their users. One service, for example that some other State Libraries have (Queensland, ACT, NT, South Australia) is on-line tutoring service (for example see <http://yourtutor.com.au>)

- There is a need to have consortia for services and products such as booking system, security, RFID technology for stock control, book buying. State Library of NSW could take the lead in this area through a revamped NSW.net business model.
- There is a need to lobby State and Federal politicians regarding the Parry report.
- There is a need to lobby the Federal government, eg the Prime Minister and Julia Gillard as Minister for Education on the need for a clear strategic direction for the library system and to provide funding to enhance the role of libraries as community hubs and as a cost effective way of providing centres of lifelong learning . Public libraries now provide a range of educational, information, recreational and cultural services.
- Note: ALIA (Australian Library and Information Association) and FOLA (Friends of Libraries Australia) are two associations that are viewing critically the need for the development of a National Strategic Framework for the Public Library System, as has occurred in both New Zealand and the UK.
- There is a need to consider the future of libraries in the context of recent reports on the Sustainability of Local Government Finances which showed that 35% of Councils are not financially sustainable. Libraries may not be able to sustain current levels of service when experiencing decreased funding due to an effective decrease in per capita funding and changes to section 94 that no longer allow Councils to use the funds for library resources. This is at the same time as there is evidence that libraries are becoming more popular and servicing wider social purposes.

Recommendations:

That the SHOROC Board support the position proposed by the Library Managers.

That SHOROC write a letter to the Minister for Arts (NSW) and the Premier (NSW) setting out SHOROC's position in response to the Parry report and raise other matters as set out in this report.

That SHOROC write to the Prime Minister and Federal Minister for Education on the need for a national strategic direction for the public library system and the need to provide funding to develop the roles of libraries as community hubs and cost effective centres of lifelong learning.

Discussion:

Draft letters have been prepared based on the comments from the Library Managers meeting. The Board agreed that the comments as provided in the business paper could be incorporated into the letters and reflected SHOROC position. The General Manager of Mosman sought clarification as to whether the final point on the financial viability of Councils was based on the recently released Fiscal Star report. It was confirmed that it was not but referred to findings of earlier reports on the financial viability of councils.

The Board Resolved:

That the report be received and noted .

That the SHOROC Board support the position proposed by the Library Managers.

That SHOROC write a letter to the Minister for Arts (NSW) and the Premier (NSW) setting out SHOROC's position in response to the Parry report and raise other matters as set out in this report.

That SHOROC write to the Prime Minister and Federal Minister for Education on the need for a national strategic direction for the public library system and the need to provide funding to develop the roles of libraries as community hubs and cost effective centres of lifelong learning.

Proposed Cr Anne Connon/Seconded Mark Ferguson

Item 3 SHOROC Administrative Matters

Item 3.1 SHOROC Constitution

Background:

At its December, 2007 meeting the Board resolved that the Executive Director work with the General Managers to develop proposals the amendment of the SHOROC constitution.

A revised constitution has been prepared by the Executive Director for consideration by the General Managers. The revised constitution together with a summary of differences between the proposed new constitution and the existing constitution will be included on the agenda of the September GMAC meeting for discussion. It is anticipated that a revised constitution will be notified for consideration and adoption at the SHOROC Annual General Meeting in November.

Recommendation:

That the Board receive and note the report.

The Board Resolved:

That the report be received and noted.

Proposed Viv May/Seconded Dick Persson

ITEM 4 Regional Strategy Plan for SHOROC

Background:

Progress on Regional Strategy

At its December, 2007 meeting the SHOROC Board resolved that SHOROC prepare a strategic plan for the SHOROC Region. At the last Board meeting, the Board considered a draft timeline for the project. Work is now progressing on *Stage 1 – Preparation and Analysis*. Each Council has nominated two staff for a steering group. The first meeting of this group was held on 4 July, 2008.

Following that meeting, meetings have been held with appropriate staff within each Council to inform staff about the proposal to prepare a regional strategy, to outline the process that will be undertaken, to discuss the involvement of staff within the process and to outline preparation work that needs to be done by staff to identify issues and synthesise existing information. This will be followed by a workshop in September, 2008 to which participants will bring an analysis of what they consider to be significant regional issues.

A position of student planner was advertised directly to the universities on 9 June, 2008 with a closing date of 25 June, 2008. A student planner has been selected. His name is Victor Pires and he commenced on 11 August, 2008. His role is to pull together information on existing policies and commitments that affect the region from each level of government and other sectors.

An expression of interest was advertised for spatial planning consultant in the Sydney Morning Herald Local Government Tenders section on 24 June, 2008. The closing date was 21 July, 2008. 11 EOI were received. These are now being reviewed.

The work of staff, the student planner and the consultant will synthesise existing knowledge and background material to identify issues to which the Regional strategy will be required to respond. This information will be used in a workshop with Councillors and staff in late April, early May. That workshop will develop a vision for the area and determine key issues to be addressed in the regional strategy.

It is anticipated that the approach to planning for the regional strategy will be consistent with the requirements for Councils for their Community Strategic Plans within the proposed integrated planning framework. The Regional Strategy will provide a regional context for such planning and an intermediate level of planning between State plans and local plans.

Regional Strategy in the context of Integrated planning framework

At a recent forum, Vaughan MacDonald from the Department of Local Government provided an update on integrated planning.

The Department has now set a timeframe for the introduction of integrated planning requirements and indicated how current plans and reporting requirements will fit with the changes:

- October 2008 – Release of an exposure Bill for amendments to the Local Government Act and draft guidelines.
- March 2009 – Bill tabled and considered by Parliament
- Councils will be placed into three groups, group 1,2 and 3 (Councils choose). Group 1 Community Strategic plans (with a 10plus year timeframe) will be due in June 2010.
- All Councils still do comprehensive SOE report in 2009.
- All Group 2&3 Councils do supplementary SOE reports the following year whereas Group 1 Councils will integrate environmental issues into their Community Strategic Plan.
- The requirement for a separate social plan will disappear – when this happens will depend on in which group a Council chooses to be. Social issues will also be integrated into Community Strategic plans.

The Community Strategic Plans will thus be all encompassing and the focus will be issues based. Councils will be required to set out their resources strategy for achieving what is in their plan and also set out how they anticipate assessing their success against the community strategic plan. The Regional Strategy will include an issues based approach and, where appropriate, will contain clear measurable targets and evaluation processes in order to achieve the vision that Councillors and their communities adopt for the area. The Department of Local Government requirements therefore appear to be consistent with the approach proposed for the SHOROC Regional Strategy.

The timelines also seem to synchronise for member Councils that decide to be group 1 Councils. Group 1 Councils will be required to have their first Community Strategic

Plan completed by June 2010. The timeframe for the Regional Strategy proposes that it be completed in February 2010.

Recommendation:

That the Board receive and note the report on the Regional Strategy.

The Board Resolved:

That the report be received and noted.

Proposed Mark Ferguson/Seconded Viv May

Item 5 Update on SHOROC projects

Item 5.1 Regional State of the Environment Report

The next meeting of the SOE group will be on 28 August, 2008 at which it is anticipated that the group will discuss and amend the first draft of the Regional State of the Environment Report.

Item 5.2 Procurement

At the Procurement Group meeting on 12 June, 2008 a small working group was set up to progress the development of a Green Purchasing Policy. Members are John Durazza (Manly) Nicola Faith (Manly) Peter Baartz (Pittwater) Lisa Neal (Warringah) and Belinda Atkins (Mosman). The working group met on 22 July, 2008 and again on 11 August, 2008. At its next meeting it will draft up a proposed green purchasing policy.

A meeting of the Procurement Meeting will be held in on 14 August.

Item 5.3 Sportsground Management

A working group was set up comprising Don McQueen and Alex Nicol from Warringah Council; Brett Rogers, (contractor currently being funded by Warringah); Les Munn, Pittwater Council; Max Glyde, Mosman Council and Anthony Hewton, Manly Council.

A meeting of the Internal Sportsground Management Working Group was held on 21 July, 2008. The next meeting of the Sportsground Management Working Group will be on Wednesday 3 September, 2008. The agenda will consider a number of issues related to the management of sportsground funds and will also consider a draft Sportsground Management Agreement that has been prepared by the (staff) working group.

Item 5.4 Workforce Planning / Human Resources Management

Regional cooperation project

Action has been taken to appoint a researcher through Macquarie University to identify successful human resources projects that have been undertaken collaboratively by groups of Councils.

Leadership Breakfast

The next breakfast will be coordinated by Manly Council on Wednesday 27 August, 2008. The topic will be Technology into the Future.

Strategic Alliance Network Workshop – Council Collaboration – Developing and Managing the Workforce

The Executive Directors of SHOROC and NSROC and Barry Smith General Manager of Hunters Hill Council attended the workshop on 31 July.

Workshop participants have been provided with a draft copy of a discussion paper prepared by the Department of Local Government titled *Workforce Relations: A Critical Component in Effective Collaboration Between Councils*. The discussion paper continues the ideas contained in a previous DLG publication *Collaboration and Partnerships between Councils: A guidance paper* but with greater focus on how to effectively engage employees in setting up cross Council partnerships and collaborative arrangements and on industrial relations issues to be considered in building collaboration.

At the workshop the Department of Local Government indicated that it does not favour the setting up of a corporation as a mechanism for council cooperation and collaboration. A small working group has been set up to consider appropriate alternative mechanisms. Its first meeting is 1 October, 2008.

Item 5.5 Affordable Housing / Social Housing

SHOROC Working Group

A meeting of the social / affordable housing working group was held on Thursday 31 July, 2008.

At that meeting, there was discussion about a proposed social housing workshop with service providers that is scheduled for 20 August, 2008. It will consider the case management needs of clients, transitional housing, types of housing and demand/supply issues.

Participants will include representatives from Department of Housing (Dee Why); North Shore Community Housing, Garrigal Housing, Burdekin Youth Services, Women's Resource Centre, Phinox House, Taldumande Youth Service.

An update report on the activities and recommendation of the SHOROC working group will be presented under item 2.3 above.

Senate Select Committee on Housing Affordability in Australia.

In June, 2008 the Senate Select Committee presented its report *A good house is hard to find: Housing Affordability in Australia*. The recommendations from that report were discussed by the social / affordable housing working group at its meeting on 31 July, 2008.

Of note, the report does consider the impact of land tax on housing affordability. It indicates that contrasting views were presented in submissions and reaches no

conclusions. As the SHOROC working group does not have available to it the expertise to assess the impacts of land tax that would have been available to the Senate Select Committee and as the findings of the Senate Select Committee are inconclusive it is proposed that no further action be taken by the SHOROC working group on the request to consider the impact of land tax. This will be conveyed to Mosman Council, which referred the matter to the working group.

Housing Affordability Fund

A consultation session was conducted by the Commonwealth on a consultation paper on the proposed operation of the Housing Affordability Fund. That fund will provide \$512 million over the next 5 years to address "supply side" barriers to new housing development being holding costs associated with development approval delays and the cost of providing new infrastructure to new developments. The paper anticipates that local councils will have a key role in applying for funding.

A final paper was to have been available on 17 July, 2008. However efforts to find out about the paper have not been successful.

Item 5.6 Councillor Induction Training

Ian Ellis-Jones has been engaged to conduct a one day program for Councillors from SHOROC Councils on Sunday 19 October, 2008 at the International College of Management.

Item 5.7 Constitutional Recognition of Local Government

Following request from ALGA that Councils conduct "council conversations" about the constitutional recognition of local government, a session was held for SHOROC/NSROC Councils on Thursday 17 July at 6.30pm at Mosman Council Chambers. Over 30 people attended the session

Speakers were:

- Greg Craven – Vice Chancellor, Australian Catholic University, constitutional law expert and writer, including author of a book entitled *Conversations with the Constitution*, Former Executive Director of the John Curtin Institute of Public Policy and Crown counsel to the Victorian Government.
- Barry O'Keefe – Former Chief Judge, Commercial Division, Supreme Court of NSW; Former ICAC Commissioner; Former Mayor of Mosman Council and President of the LGSA; former President of the National Trust.
- Graham Sansom – Director Centre for Local Government and Associate Professor, UTS Sydney, Former CEO of the Australian Local Government Association.
- Cllr Genia McCaffery, Mayor of North Sydney and President of the Local Government Association.

ALGA sent a representative along to the meeting as an observer.

Attendees were provided with folder that included Facts Sheets developed by ALGA and background reading supplied by Graham Sansom.

The speakers indicated how difficult it is to change the constitution and outlined factors that may hinder or help success. They focussed on some benefits and traps in recognition and identified that two years, as proposed by the ALGA timeline, would be insufficient time to gain consensus in local government, to gain bi partisan support and to build public support for a change – all of which would be necessary if a referendum were to be successful. The speakers also pointed out that a change was less likely to succeed if it was bundled together with proposals for other changes to the constitution and it was understood that the current government has signalled other matters that may go to a referendum in 2010. A suggestion, supported by two speakers, was that there be a two stage approach – that there first be changes made to the state constitution to entrench local government and then, at a later date, there be a referendum to change Federal constitution.

It was clear that the simpler the change, the more likely it would be to get up as it was not likely to get various interests off side. The more complex the wording and the bigger the proposition, the less likely it would be to get support.

As part of his presentation, Graham Sansom, showed wording of a change that was previously recommended by the 1985 constitutional convention but that was not placed before the people. It had five points.

Following small group discussion, there was consensus agreement on the following wording:

"Within every jurisdiction in Australia there be a system of elected local government."

The proposal that the system be "elected" was an addition made by consensus at the workshop. This wording would give symbolic recognition to local government and would allow the High Court to interpret.

ALGA clarified that ALGA was not driving an agenda for recognition of local government but was rather seeking to be prepared because it understood that the current Federal Government is likely to promote constitutional change for the recognition of local government and ALGA wanted to be prepared in case this was acted upon in 2010.

A report on the meeting has been forwarded to ALGA.

Item 5.8 Code of Conduct - Conduct Review Committees

In June 2008, the Department of Local Government issued a revised model code of conduct for councils in NSW. Councils are required to adopt a new code of conduct based on the Model. The revised code provides that complaints and alleged breaches may be reviewed by code of conduct review committees or sole reviewers who are independent from Council, are appropriately qualified and have high standing in the community.

A meeting of governance officers from SHOROC member Councils was held on 30 July, 2008 to discuss joint advertising to create a list of people from whom individual councils could select conduct review committees or sole reviewers.

A single advertisement was placed on behalf of the SHOROC Councils to establish a pool of independent people with standing in the community in the Mosman Daily, the Manly Daily and the Sydney Morning Herald.

From a panel of applicants each Council will need to resolve to have specific people as the pool from which that Council will draw its Review Committee or sole reviewers. People who provide services to an individual Council would not be precluded as they may be appropriate to be on a Review Committee for other Councils.

Expressions of interest close on 27 August, 2007.

Recommendation:

That the reports on SHOROC projects be received and noted.

The Board Resolved:

- 1. That the above reports be received and noted.**
- 2. With regard to Item 5.6 to request that the Councillor Induction be held at Warringah Council on 6th November 2008.**

Proposed Dick Persson/Seconded Anne Connon

Supplementary Resolution:

With regard to Item 5.7 that The Executive Director be thanked and congratulated for co-ordinating the meeting and for bringing to fruition a unanimous decision.

Proposed Cr Anne Connon/Seconded Mark Ferguson

Item 6 Matters of interest

Item 6.1 Regional Development Australia

On 20 March, 2008, The Minister for infrastructure, Transport, Regional Development and Local Government, the Hon Anthony Albanese MP issued a statement announcing the creation of Regional Development Australia. The functions currently undertaken by Area Consultative Committees (ACCs) will be transition to become Regional Development Australia. An example of an ACC is GROW Sydney ACC.

ACCs were established by the previous Labor Government in 1994 initially under the *Employment Services Act* to provide advice and generate support for labour market programs however their role evolved to promote and identify projects and assist in the development of applications for the Regional Partnerships Program.

The new RDA network will build on and broaden the role to develop strategic input into national programs to improve the coordination of regional development initiatives including:

- Advice on regional infrastructure
- Advice on regional issues and opportunities
- Advice on local implementation of specific Commonwealth initiatives in the region
- Facilitate economic development and investment attraction
- Identify any unique local attributes that would favour development of new and innovative industries
- Advise on the adequacy of local service development
- Advice government on social inclusion issues.

The intention is to build local partnerships to be responsive to local priorities underpinned by major new investment in areas of infrastructure, broadband, housing , health care, education , skills development, innovation and water.

The government envisages a closer relationship between RDA and the local government sector.

Sydney ACCC has been asked to consult on the new body and its role and has organised community forums. Sydney ACCC consulted Sydney ROCs who agreed that the program should cover metropolitan areas.

Item 6.2 Northern Beaches Transport Forum – 10,000 Friends of Sydney

10,000 Friends of Sydney conducted a transport forum at Dee Why on 7 July, 2008. The forum was attended by representatives of Councils, government bodies, community organisations, community groups, local members of parliament as well as people with expertise relevant to transport planning.

The session was opened by Clr Peter MacDonald in his capacity as President of SHOROC. He indicated that there needed to be a coherent, unified, cooperative approach if the area was to achieve anything. In the absence of such an approach the government has a reason not to do anything for the area. He pointed out that the area received very little in terms of transport infrastructure improvement with the last project being the Burnt Bridge Creek Deviation. He pointed out that there was ambivalence in the area about whether anything should be done as there were concerns that improved transport infrastructure might change the nature of the area.

Ken Dobinson called for new way of thinking if we are to have livable and sustainable communities – pointing out that existing thinking would lead to disaster. People need to take account of the Garnaut report and also recognise the need to reduce energy consumption and pollution.

Transport usage is growing faster than population increase. If we are to improve lifestyle than we need to look at, in order, increasing walking, cycling and use of public transport (we need to have bus services every 10 minutes if people are to get out of the car) and consider a motorway/ fast train option- recognising that these approaches need to complement each other. We also need to look at improving freight services throughout the area. We also had to recognise that trips are no longer radial and into the city and that journeys to work are becoming increasingly complex.

We need to look at the metro Strategy, the Parry Public Transport Review and the Unsworth Bus Review. An answer to the Spit may be a non- opening bridge which could cost less than trying to widen the existing road. We also need to get a link between Sydney and the Central Coast so that there are two connection routes.

Bob Meyer provided some historical background to transport plans in the area, going back to the Bradfield Rail System proposal to Narrabeen and Pittwater in 1915, the 1923 tramway system and how the Sydney Regional Outline Plan of the 60s proposed development along rail-lines and how this still influences how people consider planning for Sydney today. He indicated that the problem with the North East Subregion of the Metropolitan Strategy is that it is too small. A self contained area needs to providing centres that are linked by public transport. Macquarie Park will be a centre for about 100,000 people, Brookvale is also a centre. There is a need to look at Frenchs Forest around the proposed hospital site is a possible centre. It could be a specialised centre with 7500 people – could be based around the hospital and a medical school from Macquarie University. With links to Macquarie Park a route through the area could be called the “tube” that joins up the dots (centres in the area) to break up the dominance of the current radial network.

Chris Stapleton suggested that the area could have a microweb of buses with access to buses within 10 minutes of every resident that links up workplaces. Could consider express buses along the lines of what is available in Castle Hill. Metro light rail could be considered and this would free up road space.

He pointed out that the transport budget in NSW was \$237 per year per person but that Warringah is only getting \$48 per year. If the area were to get its share then within ten years there could be a significant amount to spend and residents should

consider what they would like to see the money spent on – preferably on a grid of public transport. He set out suggestions of what the area could have each year from that amount that should be available if the area were to receive its per capita share. He also floated the idea of a Diagonalle – a new road crossing the Harbour and linking to Rozelle. This would free up space on the harbour bridge. He also floated the idea of a metroline (tram not railway) which had the advantage that it could operate on existing streets.

He pointed out that most of what he suggested could be achieved in a comparatively short period of time.

The participants were formed into groups to see what ideas they could generate that would be easy to implement and issues to be addressed. These included:

- Changing lifestyle
- Opportunities to work from home;
- Ageing population and their transport needs;
- Need for better park and ride facilities
- Focus more on use of ferries and taxis;
- Need for a climbing lane up Mona vale Road
- Introduce heavy rail;
- Truck movements are increasing;
- Consider a congestion tax and its implications;
- Consider a carbon tax and its ramifications;
- Review existing tax structures that favour cars.

Item 6.3 Carbon Claims and the *Trade Practices Act*

On 27 June, 2008 the Australian Competition and Consumer Commission (ACCC) issued guidance material on making carbon claims being claims related to carbon offsets, carbon neutrality, carbon footprints, as well as aspirational statements and targets etc.

While the guidance focuses on carbon claims, the principles set out in the guidance could equally apply to other claims and thus the guidelines should be considered by many areas of Council, including educational programs and council management and strategic planning documents. The *Trade Practices Act* applies to Councils both a provider of goods, services and information and also a purchaser and consumer of goods, services and advice from businesses to which the *Trade Practices Act* also applies.

The purpose of the guidelines is to educate organisations about their obligations under the *Act* and alert them to potentially problematic areas related to claims related to carbon to ensure that claims are clear and verified so as not to be misleading or deceptive. The ACCC has indicated that it will vigorously pursue any claims that breach the *Trade Practices Act*.

The Act prohibits misleading and deceptive conduct and conduct that is likely to mislead or deceive. An important consideration in determining whether conduct is misleading or deceptive is the overall impression formed in the consumer's mind. It is the consumer's impression not the intention of the person crafting the claim that is

important. There is no requirement that the conduct actually mislead or deceive but that it is likely to.

Below are examples of the types of claims that can be misleading or deceptive and a summary of the guidance provided:

Carbon neutrality

Carbon neutrality, is achieved by reducing or offsetting an organisation's carbon dioxide equivalent producing activities. This requires a comprehensive accounting of the carbon footprint. There is no standard for assessing carbon footprint but it is expected that the government will develop one by the end of 2008. In the absence of a mandated standard, anyone making a claim about being carbon neutral is required to assess any claim against the requirements of the Act.

Information should be specific and take account of the whole lifecycle of the product.

Carbon offsets

Carbon offsets are credits for emission reductions achieved by purchasing or undertaking projects such as tree planting or energy efficiency projects that apply so that the net impact on the environment is reduced.

However there are a number of matters to consider and a number of risks to be managed in order to ensure that the claim is substantiated:

- A requirement for a legitimate carbon offset claim is "additionality". Substantiation can not include any measure which the person claiming the offset would have done or would have to do (eg to comply with legislation) anyway.
- Any offset project would need to lead to real and measurable greenhouse gas reductions. The timing of action to offset it also important so as to mitigate the risk of making an unsubstantiated claim. Where an offset is being purchased it is important that the contract has a contractual commitment to secure replacement credits if the project does not deliver the anticipated emission reductions.
- It is also important to ensure that there is no double counting of offsets such a tree planting so the guidelines suggest that a purchaser of offsets should make sure that offsets are retired at the point of sale and also that any agreement deals with risks eg an offset by planting takes account of loss of trees due to pest infestation or poor management.
- Co benefits eg increasing biodiversity are not offsets if they do not sequester as much carbon as produced.

Footprint calculators

There is no legislated methodology. When using such a tool, information about how the calculator works and what is included or not included should be clear as well as assumptions made.

Low Carbon

Such a claim is meaningless in the absence of comparisons. The relative performance about a class of product may be meaningless if the product or service is inherently harmful to the environment.

Silence

Misleading conduct can also include silence where there is an obligation to say something or where there is a reasonable expectation that certain matters will be disclosed. For example if someone indicate that carbon emissions will be offset by tree planting but the trees will not be planted for several years.

Goals and aspirational claims

Where claims are made about future matters by way of an aspirational goal for example, "going carbon neutral by 2030" then there must be reasonable grounds for making such a claim. A structured implementation strategy, including interim goals and periodic reassessment, may help substantiate a claim.

Breach of prohibition in the Act can result in criminal proceedings and fines up to \$1.1million.

**The Board Resolved:
To receive and note the above reports.**

Proposed Henry Wong /Seconded Rik Hart

Item 7 Matters submitted by Member Councils

Sea Level Rise – Pittwater Council

At the Sea Level Rise seminar conducted on 29 May, 2008 by Pittwater Council (with support from other Northern Beaches Councils) an issue that arose was the need for all Councils in Sydney and other bodies to apply a standard sea level figure for the purposes of updating flood level data and for planning.

It was suggested that the State Government should establish a standard sea level figure to ensure consistency in approach.

There have been recent court cases in NSW and Victoria where developments were refused due to likely sea level inundation. This highlights the need for a standard to provide confidence in what is likely to be approved and what is not.

Recommendation:

That the Board resolve that SHOROC write to the Minister for Climate Change and the Environment and the Minister for Planning calling on the government to show leadership by establishing a clear policy position by setting a clear standard for sea level rise.

Discussion:

Clr David James indicated that Pittwater Council are seeking clarification through solicitors as to the consequences of the recent Victorian Civil & Administrative Tribunal (VCAT) case that considered sea level rise.

The Board Resolved:

To receive and note the report.

That SHOROC write to the Minister for Climate Change and the Environment and the Minister for Planning calling on the government to show leadership by establishing a clear policy position by setting a clear standard for sea level rise.

Proposed Cr Anne Connon/Seconded Rik Hart

Item 8 Time and Date of Next Meeting

The next SHOROC Board meeting will be held on Wednesday 12 November, 2008 from 3-5pm at Warringah Council. It is anticipated that the SHOROC Annual General Meeting will be held immediately prior to that meeting at 2.30pm.

As it was Dick Persson's last Board meeting he conveyed his thanks to the SHOROC General Managers for providing good leadership and wished them all the very best concluding that he had enjoyed his time on the SHOROC Board.

Mark Ferguson commented that he was glad that the Board had maintained individual perspectives which had resulted in professional delivery of outcomes.

Henry Wong rejoined by saying that he looked forward to the next four year term on the SHOROC Board.

Viv May acknowledged the challenges that the SHOROC Board had faced and felt that the Councillors had been kept well informed.

Cr Alex McTaggart arrived at the meeting and gave a brief overview of the issues which SHOROC had worked on during his term as Chair being transport, health, climate change and planning.

Cr David James said it had been a pleasure to work with the Board and wished Dick Persson and Alex McTaggart good luck in their future ventures.

Leta Webb thanked the Board for their support and encouragement.

The meeting closed at 12.15pm.