

# SHOROC INCORPORATED

## BOARD MEETING MINUTES

Wednesday, 26 June 2013, 12-2pm

Mosman Council Chambers



### Board Members Present

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|------------------------|---|
| Cr Michael Regan       | Mayor of Warringah, SHOROC President                |
| Cr Peter Abelson       | Mayor of Mosman, SHOROC Vice President              |
| Cr Jacqueline Townsend | Mayor of Pittwater                                  |
| Cr Jean Hay            | Mayor of Manly                                      |
| Rik Hart               | General Manager Warringah Council, SHOROC Treasurer |
| Mark Ferguson          | General Manager Pittwater Council                   |
| Max Glyde              | A/General Manager Mosman Council                    |
| Henry Wong             | General Manager Manly Council                       |

### In attendance

|                 |  |
|-----------------|--|
| Ben Taylor      | Executive Director SHOROC                |
| Jacqui Fishpool | Communications and Office Manager SHOROC |
| Gary Bigg       | Business Manager SHOROC                  |

### Item 1 Welcome and apologies

Cr Michael Regan, Mayor of Warringah chaired the meeting and welcomed all those attending. Apologies were received from Viv May, General Manager Mosman Council.

### Item 2 Adoption of 1 May 2013 Board minutes and matters arising

All resolutions of the Board have been actioned. There are no outstanding matters arising that are not dealt with in these business papers.

#### Item 2 Adoption of 1 May 2013 Board minutes and matters arising

##### The Board resolved:

- To adopt the minutes of the 1 May 2013 SHOROC Board meeting.

*Moved Cr Jacqueline Townsend/Seconded Henry Wong*

*Carried unanimously*

### Item 3 **Review of ROCs and opportunities for collaboration**

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| <i>SHOROC Corporate Plan project:</i> | <i>20. Investigate alternative governance structures &amp; policies in conjunction with investigation of shared services &amp; manage phased implementation as appropriate.</i> |
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Over the past month there have been discussions between SHOROC and NSROC (Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, North Sydney, Ryde and Willoughby councils) regarding opportunities for collaboration and potentially a merger of the two organisations.

The SHOROC Board resolved at its 1 May 2013 meeting to:

- Agree that further examination of the merits of a SHOROC and NSROC merger is warranted and such opportunities be discussed by individual councils.
- Agree a meeting being held as soon as possible of all SHOROC and NSROC Mayors and General Managers to discuss the proposal further.

The NSROC Board met on 9 May 2013 and resolved that a special workshop be arranged on 20 June and that, *“consequent to the formation of a NSROC position, NSROC approach SHOROC to ascertain the position of their member Councils in relation to the potential formation of a northern Sydney county council and/or a northern Sydney regional organisation”*.

At a meeting of meeting of Mayors and General Managers of the five lower North Shore Councils (Mosman, North Sydney, Willoughby, Lane Cove, Hunters Hill), it was resolved that the group support in principle the merger of NSROC and SHOROC and that the GMs be asked to investigate (a) a structure that would make the ROC more effective and ( b) to identify further shared services possibilities.

Feedback will be sought on the NSROC workshop for verbal advice at the Board meeting.

SHOROC has already started collaborating more closely with NSROC councils: meeting to discuss transport proposals; the Metropolitan Strategy; and planning to manage joint procurement activities for NSROC councils.

The primary drivers for a potential merger or stronger collaboration are to enhance the strategic capacity of the councils and regional organisation to:

- play a stronger role in the subregional planning process and enable councils to lead the integration of land use and infrastructure planning across northern Sydney through their regional organisation by aligning with the proposed North and Inner-north subregions and Boards
- provide a stronger voice for regional advocacy with greater strength in numbers
- enable closer partnerships with state and federal governments on infrastructure and service delivery planning by aligning with state government regional boundaries including for the State Plan, planning, health and education.
- enable greater scope, economies of scale and flexibility for resource sharing, joint services, purchasing and projects.

Potential negatives include increased difficulty of coordination and agreement by eleven councils with a greater variation in common issues, and a reduction in priority of advocacy for the transport infrastructure priorities for the current SHOROC councils.

On balance it is considered there is value for the councils in potentially merging SHOROC and NSROC or establishing another alternative grouping of northern Sydney councils as these and other governance issues can be addressed under appropriate structures.

GMAC has endorsed for recommendation to the SHOROC Executive and Board that SHOROC actively seek to explore opportunities to merge with NSROC, or to establish and transition to an alternative grouping of northern Sydney councils.

Subject to Board endorsement of this recommendation, it is considered that if discussions identify value in merging or forming a new organisation that this be implemented in stages through a step by step approach. High level stages proposed include:

1. Facilitated workshops of Mayors and GMs to agree overarching strategic directions
2. Merger or formation of new organisation with preliminary constitution based on current arrangements with minor amendments such as Board representation
3. Strategic planning and review of governance operational options
4. Development of business plan and endorsement by member councils
5. Commissioning of new governance structures and business model/s

**Item 3 Review of ROCs**

The SHOROC Board resolved:

- That SHOROC actively seek to explore opportunities with NSROC councils to establish a new regional entity comprising SHOROC and NSROC councils.
- That the SHOROC President and Executive Director initiate formal discussions between SHOROC and NSROC Mayors and General Managers to discuss the proposals and, if positive, seek to agree a staged project plan for progress further.

*Moved Cr Michael Regan/Seconded Jean Hay*

*Carried unanimously*

## Item 4 Draft Metropolitan Strategy Submission

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| <p><b>SHOROC Corporate Plan project:</b></p> | <p><b>1. Health:</b> Continue coordination of Mayor-led lobbying of state and federal government to construct the Northern Beaches Hospital and retain Mona Vale Hospital in a complementary role.</p> <p><b>2. Transport:</b> Continue coordination of Mayor-led lobbying of state and federal government to commit to construct Bus Rapid Transit and identified road upgrades.</p> <p><b>3. Planning:</b> Participate in the development and provide submissions on NSW planning documents and legislative reviews including NSW 2021, NSW Long Term Transport Masterplan, Metropolitan Strategy, State Infrastructure Strategy, Local Government Review and Planning Legislation Review.</p> |
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The NSW Government has released a Draft Metropolitan Strategy for Sydney. The SHOROC Board resolved at its 1 May 2013 meeting:

- That SHOROC prepare a draft SHOROC submission in conjunction with council planning directors for endorsement of the SHOROC Board.

### Submission overview

A Draft SHOROC submission ([Tab A](#)) has been prepared in conjunction with council planning directors and DGMs. Submissions are due 28 June 2013.

Major proposals and comments included in the draft submission include advocating:

- That the council-adopted subregional plan for the Northern Beaches and Mosman, *Shaping Our Future*, form the base for the planned Subregional Delivery Plan as the high-level strategy for transport, health, housing and jobs.
- That SHOROC's major infrastructure priorities identified in *Shaping Our Future* be raised in profile and clearly identified in the Metropolitan Strategy, particularly the subregional priorities sections and maps, for subsequent inclusion and implementation under the Subregional Delivery Plan. The major transport and health priorities agreed by councils are detailed in the submission.
- For phased and integrated land use and infrastructure planning, so that the new Subregional Delivery Plans truly integrate and phase infrastructure construction by the NSW Government together with housing and employment delivery by councils.
- For proposed new subregional groupings to best achieve the objectives of the Metropolitan Strategy and the new Planning System and to maximise council voice and role in development and implementation of the Subregional Delivery Plans:
  - Supporting the new proposed Northern Sydney Subregion (Manly, Warringah, Pittwater, Ku-ring-gai and Hornsby councils) (See [Tab B](#))
  - Strongly opposing the proposed Central Subregion (See [Tab C](#))
  - Arguing that a new 'Inner-North' Subregion be established (Mosman, North Sydney, Ryde, Willoughby, Lane Cove and Hunters Hill councils).
- That the state government works in partnership with councils to deliver the strategy, with an opportunity for the joint strategic subregional planning by councils and the Subregional Boards to be facilitated by regional organisations of councils, and a need to ensure the Subregional Boards provide a fair and equitable forum for each council to provide meaningful representative input into decision-making.

Further detail is included in the submission ([Tab A](#)).

### Item 4 Draft Metropolitan Strategy Submission

The SHOROC Board resolved to:

- Endorse the SHOROC submission on the *Draft Metropolitan Strategy for Sydney* and forward to the Minister and Department of Planning and Infrastructure, subject to the removal of references to advocating that regional organisations be the default organisations coordinating subregional strategic planning.

*Moved Rik Hart/Seconded Mark Ferguson*

*Carried unanimously*

## Item 5 Draft NSW Planning Reform Submission

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| <b>SHOROC Corporate Plan project:</b> | <b>3. Planning:</b> Participate in the development and provide submissions on NSW planning documents and legislative reviews including NSW 2021, NSW Long Term Transport Masterplan, Metropolitan Strategy, State Infrastructure Strategy, Local Government Review and Planning Legislation Review. |
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The NSW Government has released a Planning Reform White Paper for comment. The SHOROC Board resolved at its 1 May 2013 meeting:

- That SHOROC prepare a draft SHOROC submission in conjunction with council planning directors for endorsement of the SHOROC Board.

### Submission overview

A Draft SHOROC submission (**Tab D**) has been prepared in conjunction with council planning directors and DGMS. Submissions are due 28 June 2013.

Major proposals and comments included in the draft submission include:

- The current planning system has become complex and cumbersome and there is need for reform. SHOROC is supportive of the focus on strategic planning at a regional and local level, the integration of infrastructure and land use planning, the proposed hierarchy of plans and the significant and meaningful community engagement. However some of the proposed changes are of concern and present significant risks which if unaddressed could have major negative implications for the future of NSW, its communities and environment.
- *Community participation:* Fully support focus on public participation and engagement to meaningfully involve and empower communities in the planning system with a focus on the up-front strategic planning process.
  - Major risk that it is a significant challenge engaging the community and stakeholders at a strategic level meaningfully and on a representative basis. A great example that emphasises this is the lack of meaningful community engagement in the development of the Metropolitan Strategy.
  - New framework will mean significant costs and resources for the state and councils which must be accounted for.
- *Subregional planning:* Support the intent and the proposed hierarchy of plans including the Metropolitan Plan, Sub-regional plans and Local plans, the proposal to integrate infrastructure and land-use planning.
  - Critical the new framework means Subregional Delivery Plans truly integrate, fund and phase infrastructure construction by the NSW Government together with housing and employment delivery by councils to address the risk that development occurs without the necessary infrastructure as it has in the past.
  - The difficulty with engaging the community on this subregional level and the limited council representation on the Subregional Boards present a risk that decisions will be made at a subregional level which go against the interests of the community in any given LGA.
  - Vital to ensure that Boards provide a fair and equitable forum for each council to provide meaningful representative input into decision-making. Robust process required led by councils, coordinated through their regional organisations of councils, that ensures concurrence of all councils before finalisation of Subregional Delivery Plans.
  - Argue the state government must work in partnership with councils to deliver the strategy, with an opportunity for the joint strategic subregional planning by

councils and the Subregional Boards to be facilitated by regional organisations of councils as SHOROC has done in the past.

- *Development assessment:* Support the need to progress development and streamline processes but this should not be at the expense of meaningful community involvement at this stage, the environment, or local character.
  - The proposed code assessment process creates significant concerns as a major risk for councils and government because the process goes too far by removing community consultation processes at development assessment level, as well as council's ability to offer a process to respond to community concerns regarding specific development in their area. Removing consultation completely at this stage is inconsistent with the centrepiece of the new planning system: the community participation charter.
  - The focus should be on streamlining processes including plan making, rezoning, and development assessment to provide certainty, clarity, and significant improvements in approval times but without removing community say completely for developments next door. Options are proposed in the submission to address this issue.
  - The intent of creating fewer and broader land use zones is not supported as the current proposals will leave communities vulnerable to inappropriate development.
- *Ministerial powers:* Significant concerns with the Minister's broad powers to amend strategic plans, codes and other planning instruments and remove council planning powers without community consultation or adherence to the community participation charter. While we understand the need for Ministerial capacity to step in to progress major developments and address significant issues, these should not be at odds with the strong focus of the new planning system on community participation and engagement.

Further detail is included in the submission ([Tab D](#)).

#### **Item 5 Draft NSW Planning Reform Submission**

The SHOROC Board resolved to:

- Endorse the SHOROC submission on the *A New Planning System For NSW White Paper* and forward to the Minister and Department of Planning and Infrastructure, subject to the removal of references to advocating that regional organisations be the default organisations coordinating subregional strategic planning.

*Moved Cr Jean Hay/Seconded Rik Hart*

*Carried unanimously*

***Cr Abelson arrived at 12.30pm***

## Item 6 Draft Independent Local Government Review Submission

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| <p><b>SHOROC Corporate Plan project:</b></p> | <p>3. <i>Planning: Participate in the development and provide submissions on NSW planning documents and legislative reviews including NSW 2021, NSW Long Term Transport Masterplan, Metropolitan Strategy, State Infrastructure Strategy, Local Government Review and Planning Legislation Review.</i></p> <p>20. <i>Investigate alternative governance structures &amp; policies in conjunction with investigation of shared services &amp; manage phased implementation as appropriate.</i></p> |
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The Minister for Local Government has appointed an Independent Local Government Review Panel to review local government. The Panel has released a report as the next stage of its consultation process titled 'Future Directions for NSW Local Government'.

The Board resolved at its 20 February 2013 meeting:

- To agree, subject to confirmation by individual councils, to a policy that SHOROC member councils should continue to collaborate regionally on policy and operational issues as an alternative to forced amalgamations.

The SHOROC Board resolved at its 1 May 2013 meeting to:

- Note the update on the Independent Local Government Review, including the 'Future Directions for NSW Local Government' report, regional considerations and comments from the Executive Director.
- Refer the matter back to individual councils for consideration on their positions on the 'Future Directions for NSW Local Government' report.
- Hold an Extraordinary Meeting of the SHOROC Board following the Independent Local Government Review Panel meetings in June to further discuss the report.
- Agree that SHOROC prepare a draft SHOROC submission for consideration of the Board at the Extraordinary Meeting.

As noted by the Board previously, there is a need to pro-actively consider how we as a region manage any future changes that may occur, improve the way we do things to maximise the value for councils and the region, as well as position SHOROC strongly to be able to manage and adapt to any future changes.

### Submission overview

A Draft SHOROC submission ([Tab E](#)) has been prepared. Submissions are due 28 June 2013. GMAC at its 5 June 2013 meeting agreed that in view of the diversity of opinion among the councils about the report, the SHOROC submission should be largely of a regional focus and note that member councils are unanimously opposed to forced amalgamations.

The draft submission is of a regional focus and:

- Provides an overview of SHOROC, its structure, objectives and major achievements
- Comments on the current ROC arrangements and the Panel's report:
  - States that SHOROC opposes forced amalgamations and the Board has adopted a policy that member councils should continue to collaborate regionally on policy and operational issues as an alternative to forced amalgamations.
  - Endorses that there is a need for reform in the local government sector, for improvements to the whole system of local government and the strategic capacity of councils to support their communities.
  - Welcomes the Panel's recognition of the importance of regional organisations as essential elements of an effective system of local government.
  - Summarises the achievements of councils through SHOROC in recent years, particularly in regional planning, advocacy, partnering with the state government, waste management, joint procurement and business reform.

- Acknowledges the need to improve the form and function of regional organisations, that there is scope to significantly improve the effectiveness of SHOROC and in turn the strategic capacity of our member councils.
- Outlines current plans for improving regional performance and governance, including considerations of a potential merger with NSROC and alignment with metropolitan subregional boundaries to establish a stronger regional organisation with greater capacity for regional planning, advocacy and intergovernmental relations, providing the scale to achieve greater economies of scale for joint services and procurement, and an improved governance structure.
- Highlights concerns with the proposed County Council model as a solution
- Proposes building stronger regional organisations:
  - Endorses the need to strengthen the regional governance model, as identified by the Panel to *support the work of councils and facilitate more efficient and effective state-local relations, especially in strategic planning, economic development, infrastructure provision and service delivery.*
  - Supports the creation of a *more robust, statutory framework at the regional level*, providing flexibility for councils to determine the best approach depending on the varying needs of communities and regions.
  - Proposes principles that should underpin the building of stronger regional organisations, including: establishing a strong legal basis for a range of regional organisations for and by councils; establishing a range of flexible regional governance models; providing more stability and capacity to be an effective partner with state and federal governments; and facilitating joint service delivery to support councils' financial sustainability.
  - Recommends the Panel define a range of incorporation models for regional organisations, with options included in the submission, and propose amendments to the NSW Local Government Act that facilitate the transitioning of existing ROCs to stronger regional organisations and the formation of new organisations as determined by councils. Options are outlined in the submission and include *Council of Mayors; Regional Services Organisation, a revised county council framework, and Corporations.*
- Provides regional comments on some of the other proposals from the Panel, particularly in regard to initiatives to improve council financial sustainability.

Further detail is included in the submission ([Tab E](#)).

#### **Item 6 Draft Independent Local Government Review Submission**

The SHOROC Board resolved to:

- Endorse the SHOROC submission on the *Future Directions for NSW Local Government report* and forward it to the Independent Local Government Review Panel Chair, Minister and Division of Local Government, subject to the removal of the section titled *Key elements of stronger regional organisations* and the replacement of the heading *Building stronger regional organisations* with *Building stronger regional collaboration* and the heading *Governance options for regional organisations* with *Governance options for regional collaboration*.

*Moved Cr Jacqueline Townsend/Seconded Rik Hart  
Carried unanimously*

## Item 7 Draft Local Government Acts Taskforce Submission

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|---------------------------------------|---|
| <b>SHOROC Corporate Plan project:</b> | <b>3. Planning:</b> Participate in the development and provide submissions on NSW planning documents and legislative reviews including NSW 2021, NSW Long Term Transport Masterplan, Metropolitan Strategy, State Infrastructure Strategy, Local Government Review and Planning Legislation Review. |
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The Local Government Act 1993 and the City of Sydney Act 1988 are to be rewritten. The Minister for Local Government, the Hon Don Page MP, has appointed a four member Local Government Acts Taskforce which has now moved into Stage 2 of its consultation process. On 4 April 2013 it released a discussion paper "A New Local Government Act for NSW" which is available at [http://www.dlg.nsw.gov.au/dlg/dlghome/dlg\\_index.asp](http://www.dlg.nsw.gov.au/dlg/dlghome/dlg_index.asp).

The SHOROC Board resolved at its 1 May 2013 meeting to:

- Endorse that SHOROC prepare a submission on the A New Local Government Act for NSW discussion paper relating to regional issues plus any major issues that are common to all member councils in their submissions, for endorsement of the Board out-of-session.
- Agree that councils will provide their submissions in draft form to SHOROC for review prior to finalisation of the draft SHOROC submission

### Submission overview

A Draft SHOROC submission (**Tab F**) has been prepared. Submissions are due 28 June 2013. The review of the Local Government Act has significant implications for councils as well as the operation of SHOROC, including its operation and functions allowable.

The major proposals and comments included in the draft submission include:

- *Proposal 3.3.4: Formation and Involvement in Corporations and Other Entities.* The Taskforce has deferred further consideration of this issue until the work of the Independent Local Government Review Panel is completed. For input into these considerations a copy is included of SHOROC's Independent Local Government Review Panel, which includes proposed principles and potential governance options for facilitating stronger regional organisations that should be considered in defining the range of incorporation models for regional organisations in the Act.
- *Proposal 3.3.10: Procurement.* Support for the proposals of the Taskforce that the Act be revised so to facilitate improved procurement. Strong supports in particular for the proposed review of the delegations section of the Act to facilitate councils entering into collaborative procurement arrangements such as via ROCs and allowing councils to delegate procurement to general managers with a 'report back' mechanism.

Further detail is included in the submission (**Tab F**).

### Item 7 Draft Local Government Acts Taskforce Submission

The SHOROC Board resolved to:

- Endorse the SHOROC submission on the *A New Local Government Act for NSW discussion paper* and forward it to the Local Government Acts Taskforce Chair, Minister and Division of Local Government, subject to the submission being updated to reflect the changes to the Independent Local Government Review Submission (Item 6) and the deletion of the second last paragraph of the letter.

*Moved Cr Jacqueline Townsend/Seconded Cr Peter Abelson  
Carried unanimously*

## Item 8 General business

Nil

## Item 9 Confirm time and date of next meeting

7 August 2013 3-5pm at the SHOROC Offices.

# ATTACHMENTS

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- Tab A** Draft Metropolitan Strategy Submission
  - Tab B** Metropolitan Strategy 'North' sub-region overview
  - Tab C** Metropolitan Strategy 'Central' sub-region overview
  - Tab D** Draft NSW Planning Reform Submission
  - Tab E** Draft Independent Local Government Review Submission
  - Tab F** Draft Local Government Acts Taskforce Submission