



PITTWATER COUNCIL

# Agenda

## Council Meeting

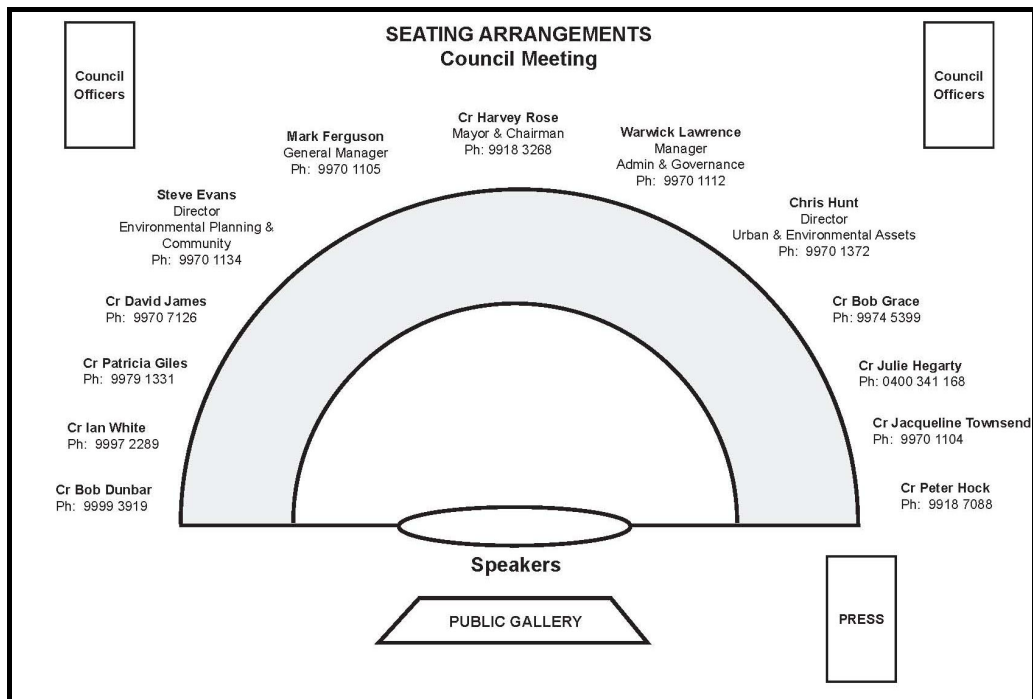
Notice is hereby given that a Council Meeting of Pittwater Council will be held at Mona Vale Memorial Hall on

***21 March 2011***

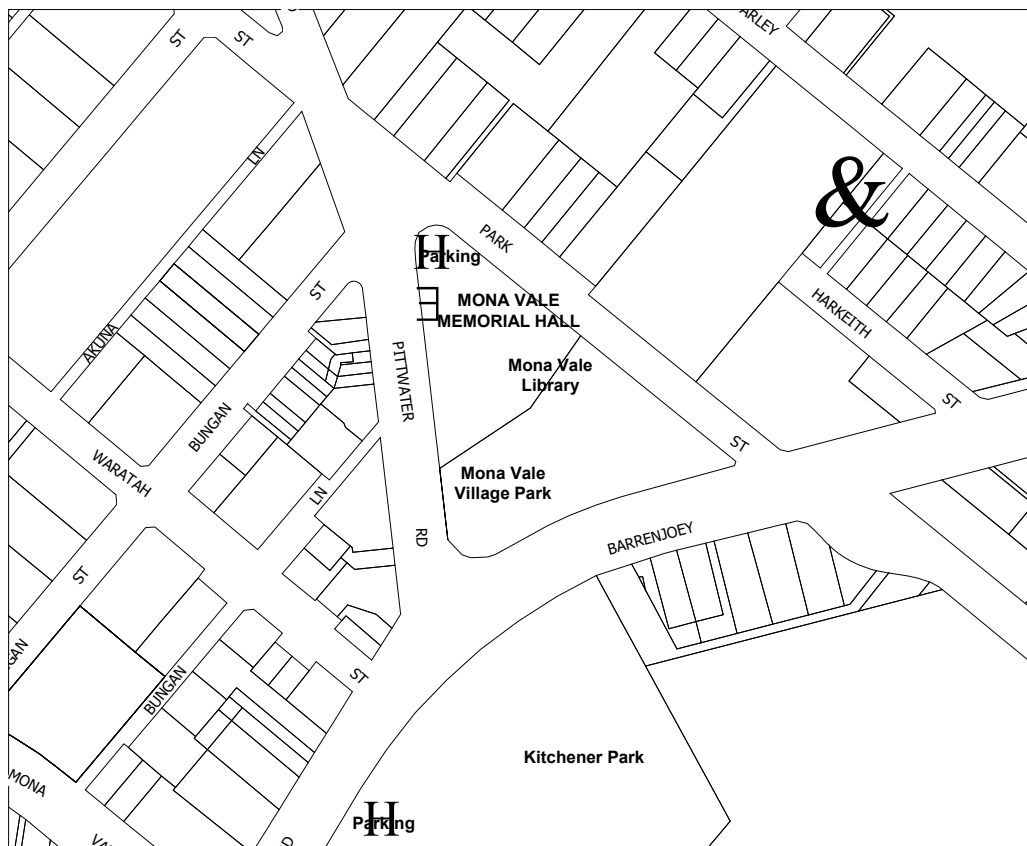
Commencing at 6.30pm for the purpose of considering the items included on the Agenda.

Mark Ferguson  
**GENERAL MANAGER**

## Seating Arrangements



## Meeting Location



All Pittwater Council's Agenda and Minutes are available on the Pittwater website at [www.pittwater.nsw.gov.au](http://www.pittwater.nsw.gov.au)



# Council Meeting

## Acknowledgement of Country

Pittwater Council honours and respects the spirits of the Guringai people.  
Council acknowledges their traditional custodianship of the Pittwater area

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**The Senior Management Team  
has approved the inclusion of  
all reports in this agenda.**

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## Council Meeting

### Statement of Respect

Pittwater Council promotes and strives to achieve a climate of respect for all and endeavours to inspire in our community shared civic pride by valuing and protecting our unique environment, both natural and built, for current and future generations

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## 1.0 Public Forum

### GUIDELINES FOR RESIDENTS - PUBLIC FORUM

#### Objective

**The purpose of the Public Forum is to gain information or suggestions from the community on new and positive initiatives that Council can consider in order to better serve the Pittwater community.**

- The Public Forum is not a decision making forum for the Council;
- Residents should not use the Public Forum to raise routine matters or complaints. Such matters should be forwarded in writing to Council's Customer Service Centres at Mona Vale or Avalon where they will be responded to by appropriate Council officers;
- There will be no debate or questions with, or by, councillors during/following a resident submission;
- Council's general Meeting procedures apply to Public Forums, in particular, no insults or inferences of improper behaviour in relation to any other person/s is permitted;
- No defamatory or slanderous comments will be permitted. Should a resident make such a comment, their submission will be immediately terminated by the Chair of the Meeting;
- Up to 20 minutes is allocated to the Public Forum;
- A maximum of 1 submission per person per Meeting is permitted, with a maximum of 4 submissions in total per Meeting;
- A maximum of 5 minutes is allocated to each submission;
- Public Submissions will not be permitted in relation to the following matters:
  - Matters involving current dealings with Council (eg. development applications, contractual matters, tenders, legal matters, Council matters under investigation, etc);
  - Items on the current Council Meeting agenda;
- The subject matter of a submission is not to be repeated by a subsequent submission on the same topic by the same person within a 3 month period;
- Participants are not permitted to use Council's audio visual or computer equipment as part of their submission. However, photographs, documents etc may be circulated to Councillors as part of the submission;
- Any requests to participate in the Public Forum shall be lodged with Council staff by 12 noon on the day of the Council Meeting. To register a request for a submission, please contact Warwick Lawrence, phone 9970 1112.

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## **2.0 Resident Questions**

### **RESIDENT QUESTION TIME**

#### **Objective**

**The purpose of Resident Question Time is to provide the community with a forum to ask questions of the elected Council on matters that concern or interest individual members of the community.**

- Resident questions are to be handed up on the form located at the back of the Meeting room to Council staff in attendance at the Meeting prior to the commencement of the Meeting;
- A period of up to 10 minutes is allocated to Resident Question Time. A limit of 2 resident questions per person per Meeting is permitted;
- Residents are asked to keep their questions precise to allow the opportunity for clear responses. Questions may be taken on notice depending on the complexity of the question and the need to refer to relevant Council documents;
- There will be no debate or questions with, or by, councillors during/following a resident question;
- No defamatory or slanderous questions will be permitted. Should a resident make such a comment, their question will be immediately terminated by the Chair of the Meeting;
- Questions will not be permitted in relation to the following matters:  
Matters involving current dealings with Council (eg. development application, contractual matters, tenders, legal matter, etc);
- Council's general Meeting procedures apply to Resident Question Time, in particular, no insults or inferences of improper behaviour in relation to any other person/s is permitted.

Mark Ferguson  
**GENERAL MANAGER**

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## **3.0 Apologies**

Apologies must be received and accepted from absent Members and leave of absence from the Council Meeting must be granted.

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## **4.0                      Declarations of Pecuniary and Conflict of Interest including any Political Donations and Gifts**

**Councillors are advised of the following definitions of a "pecuniary" or "conflict" of interest for their assistance:**

- \*        Section 442 of the Local Government Act, 1993 states that a "pecuniary" interest is as follows:

*"(1) [Pecuniary interest] A Pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.*

*(2) [Remoteness] A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter."*

**Councillors should reference the Local Government Act, 1993 for detailed provisions relating to pecuniary interests.**

- \*        Council's Code of Conduct states that a "conflict of interest" exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest when carrying out your public duty.

**Councillors are also reminded of their responsibility to declare any Political donation or Gift in relation to the Local Government & Planning Legislation Amendment (Political Donations) Act 2008.**

- \*        A reportable political donation is a donation of:
  - \$1,000 or more made to or for the benefit of the party, elected member, group or candidate; or
  - \$1,000 or more made by a major political donor to or for the benefit of a party, elected member, group or candidate, or made to the major political donor; or
  - Less than \$1,000 if the aggregated total of the donations made by the entity or person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) is \$1,000 or more.

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## 5.0 Confirmation of Minutes

“Councillors are advised that when the confirmation of minutes is being considered, the only question that can arise is whether they faithfully record the proceedings at the meeting referred to. A member of a council who votes for the confirmation of the minutes does not thereby make himself a party to the resolutions recorded: **Re Lands Allotment Co (1894) 1 Ch 616, 63 LJ Ch 291.**”

Minutes of the Council Meeting held on 7 March 2011.

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## 6.0 Business by Exception (All items on the Agenda)

Items that are dealt with by exception are items where the recommendations contained in the reports in the Agenda are adopted without discussion.

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## 7.0 Public Addresses

### Statement of Respect

Pittwater Council promotes and strives to achieve a climate of respect for all and endeavours to inspire in our community shared civic pride by valuing and protecting our unique environment, both natural and built, for current and future generations.

The following guidelines apply to any person addressing a Council / Committee meeting in relation to an item on the Council / Committee meeting agenda:

1. *A member of the public may be granted leave to address a meeting of Council or a Committee, where such a request is received by the General Manager no later than 3.00pm on the day of the meeting. This is subject to:*
  - (a) *A maximum of up to four speakers may address on any one item, with a maximum of two speakers in support of the recommendation in the report, and two speakers in opposition.*
  - (b) *A limitation of three minutes is allowed for any one speaker, with no extensions.*
  - (c) *An objector/s to a development application is to speak first with the applicant always being given the right to reply.*

*Exceptions to these requirements may apply where:*

- (a) The Meeting specifically requests that a person be interviewed at a meeting.*
  - (b) The Meeting resolves that a person be heard at the meeting without having given prior notice to the General Manager*
- 2. Once a public/resident speaker has completed their submission and responded to any Councillor questions, they are to return to their seat in the public gallery prior to the formal debate commencing.*
  - 3. No defamatory or slanderous comments will be permitted. Should a resident make such a comment, their address will be immediately terminated by the Chair of the meeting.*
  - 4. Council's general meeting procedures apply to Public Addresses, in particular, no insults or inferences of improper behaviour in relation to any other person is permitted.*
  - 5. Residents are not permitted to use Council's audio visual or computer equipment as part of their address. However, photographs, documents etc may be circulated to Councillors as part of their address.*
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<b>8.0</b>	<b>Mayoral Minutes - Nil</b>
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<b>9.0</b>	<b>Council Meeting Business - Nil</b>
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## **Governance Committee**

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### **10.0 Governance Committee Business**

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<b>C10.1</b>	<b>Financial Report for the Period ending 28 February 2011 of the 2010/2011 Financial Year</b>
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**Meeting:** Governance Committee

**Date:** 21 March 2011

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**STRATEGY:** Business Management

**Action:** To provide monthly, quarterly and annual budgets and financial statements

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## **PURPOSE OF REPORT**

To provide Council with the financial results for the period ending 28 February 2011 of the 2010/2011 Financial Year.

### **1.0 BACKGROUND**

1.1 The Original 2010/2011 Budget was adopted by Council as part of the 2010-2014 Delivery Program & Budget on 21 June 2010. The Revised 2010/11 Budget was adopted by Council on 21 February 2011, and have been transferred to the Revised budget column in this report.

1.2 Councils Monthly reporting structure includes the following;

- **Consolidated Position**
  - Graphical Representation
  - Commentary
  - Consolidated Financial Statement
- **Operating Position**
  - Graphical Representation
  - Commentary
  - Operating Financial Statement
- **Balance Sheet**
- **Cash Flow Statement**
- **2010/11 Major Projects**

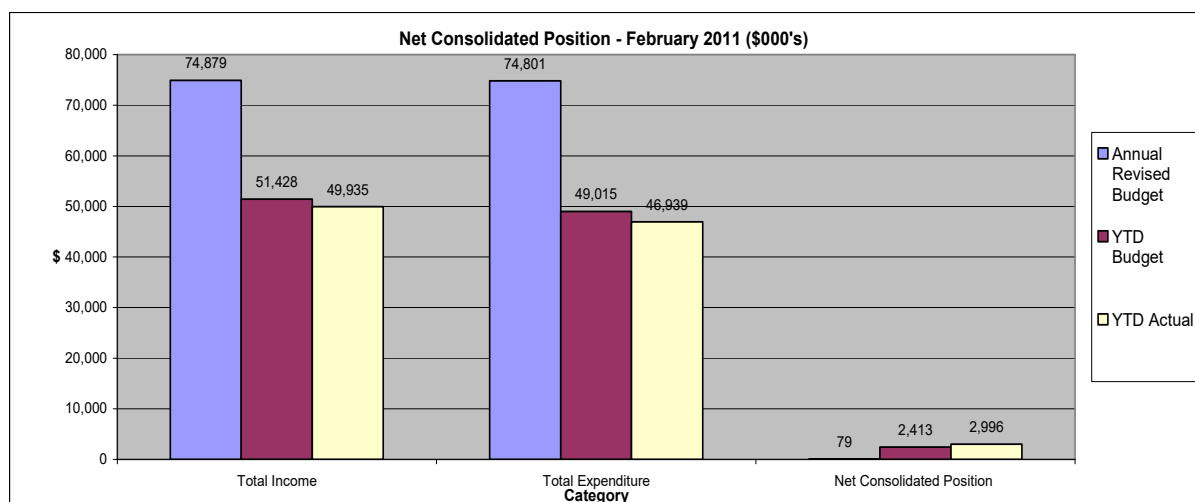
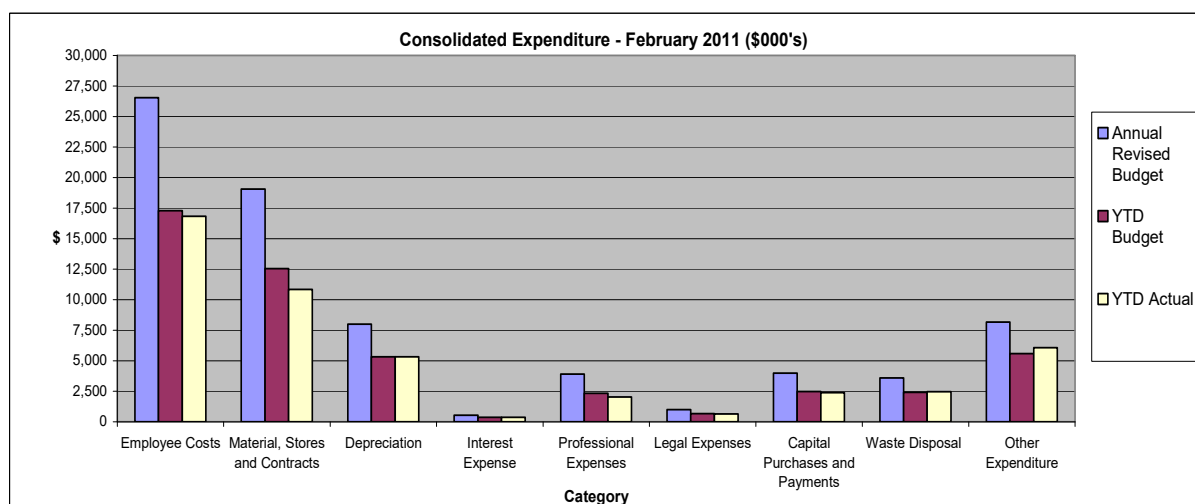
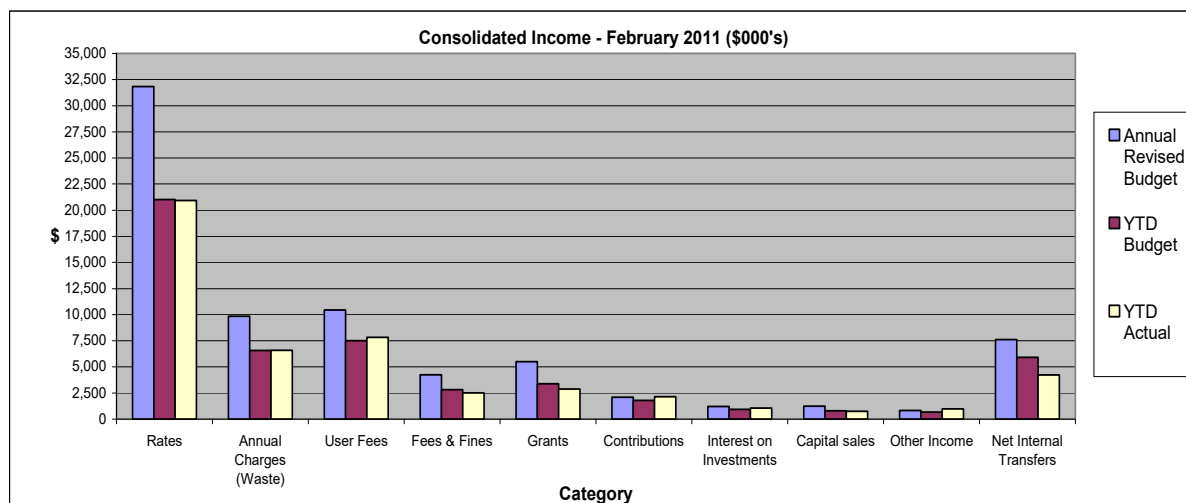
### **2.0 ISSUES**

#### **2.1 Consolidated Financial Statement**

The Original 2010/2011 Budget was adopted by Council as part of the 2010-2014 Delivery Program & Budget on 21 June 2010. The Revised Budgets have been amended to reflect the December quarterly review figures as adopted by Council on 21 February 2011.

The year to date consolidated financial result for the period ending 28 February 2011 is a increase on Council funds of \$2.996 million. Compared to the year to date budget of \$2.413 million this represents a positive variance of \$582,000.

The graphical representation below outlines Council's major categories of consolidated income and expenditure.



## 2.2 Commentary - Consolidated YTD Budget Versus Actual – 28 February 11

<b>YTD Consolidated Budget as at 28 February 2011 - Increase of Council Funds</b>	<b>\$ 2,413,000</b>
<b>INCOME</b>	
Increased User Fees mainly relating to Rental, Parking & Cemetery Income	\$ 318,000
Reduced Regulatory Fees & Fines mainly relating to Infringements & Fines	-\$ 307,000
Reduced Capital & Operating Grant Transfers mainly relating to timing of the Works Program	-\$ 483,000
Increased Capital & Operating Contributions mainly relating to S94 Contributions	\$ 338,000
Reduced Capital Sales Income mainly relating to Plant vehicle Sales	-\$ 48,000
Additional Return on Investments & Other Interest Income mainly due to to the Net Appreciation of CDO's (this includes the loss of funds associated with the CBA CDO) & Improved Interest Rates	\$ 122,000
Additional Other Income mainly relating to Legal & Insurance Costs Recovered	\$ 296,000
Reduced Transfers from Reserve - S94 mainly relating to the timing of the Capital Works Program	-\$ 371,000
Reduced Transfers from Reserve - Other mainly relating to the timing of the Capital Works Program	-\$ 1,307,000
<b>EXPENDITURE</b>	
Reduced Salaries, Wages & On costs mainly due to the use of temporary staff & contractors in lieu of wages & Salaries	\$ 465,000
Reduced Materials & Contract Services mainly due to timing of the Capital Works Program with a Corresponding reduction in Funds Transfers	\$ 1,719,000
Additional Professional, Legal, Commissions & Other Expenses	-\$ 165,000
Reduced Capital Purchases mainly due to timing of Plant & Vehicle Purchases	
Additional Transfers to Reserve - S94 mainly relating to S94 Contributions	-\$ 352,000
Reduced Transfers to Reserve - Other mainly relating to Telco & Road Reserve Income	\$ 358,000
<b>YTD Consolidated Actual as at 28 February 2011 - Increase of Council Funds</b>	<b>\$ 2,996,000</b>

The above financial analysis represents the variations between the February 2011 YTD Budget and the actual flow of Income, Expenditure and the utilisation of associated funds as at 28 February 2011.

The overall difference in the February 2011 YTD Budget to Actual is a positive variance of \$582,000.

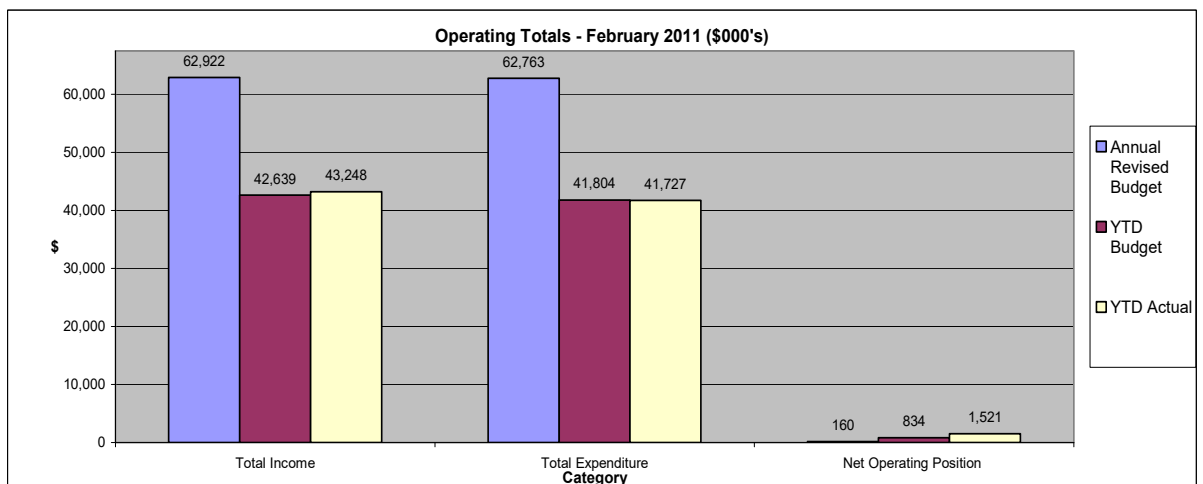
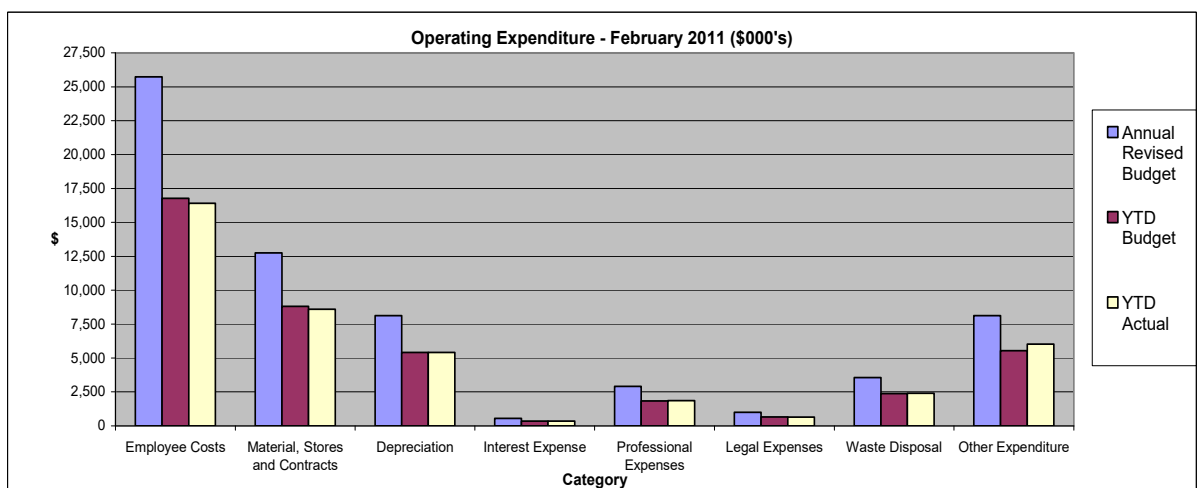
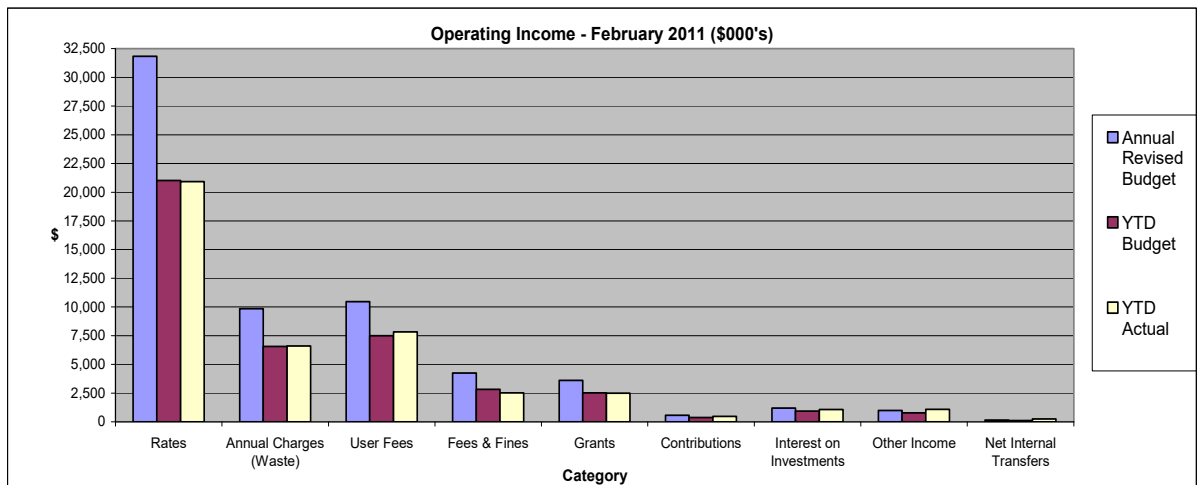
# CONSOLIDATED STATEMENT

<b>Pittwater Council</b> <b>Consolidated Statement</b> <b>For Period 8 Ending 28 February 2011</b>							
Year to Date - \$000's			Annual Budget - \$000's				
Budget	Actual	Variance		Original	Revised	Projected	Variance
			Direct Income				
7,509	7,827	318	User Fees	10,319	10,461	10,461	0
1,033	1,061	28	Regulatory Fees	1,535	1,560	1,560	0
1,793	1,458	-335	Regulatory Fines	2,691	2,691	2,691	0
2,517	2,254	-262	Operating Grant Transfers	2,768	3,606	3,606	0
856	635	-221	Capital Grant Transfers	4,527	1,898	1,898	0
1,422	1,660	238	Capital Contributions	3,175	1,536	1,536	0
378	478	100	Operating Contributions	355	571	571	0
21,016	20,932	-85	Rates Income	31,827	31,827	31,827	0
6,563	6,600	37	Domestic Waste Charges	9,849	9,849	9,849	0
940	1,062	122	Return on Investments & Other Interest Income	1,210	1,210	1,210	0
288	288	0	Rebates Income	252	288	288	0
389	685	296	Other Income	485	539	539	0
810	762	-48	Capital Sales	1,239	1,239	1,239	0
<b>45,513</b>	<b>45,702</b>	<b>189</b>	<b>Total Direct Income</b>	<b>70,231</b>	<b>67,275</b>	<b>67,275</b>	<b>0</b>
			Indirect Income				
1,725	1,531	-194	Plant Hire Recovery	2,577	2,588	2,588	0
2,058	2,058	0	Notional Rental Income	3,088	3,088	3,088	0
546	821	275	Service Agreement Income	809	819	819	0
4,772	4,772	0	Overhead Recovery	7,162	7,162	7,162	0
1,020	1,105	86	Contract Internal Income	1,883	1,530	1,530	0
5,323	5,325	2	Transfer From Reserve-Depreciation	7,988	7,988	7,988	0
444	72	-371	Transfer From Reserve-S94	2,119	1,170	1,170	0
3,740	2,433	-1,307	Transfer From Reserve-Other	4,743	5,553	5,553	0
<b>19,628</b>	<b>18,118</b>	<b>-1,510</b>	<b>Total Indirect Income</b>	<b>30,369</b>	<b>29,898</b>	<b>29,898</b>	<b>0</b>
			Direct Expenditure				
12,664	12,376	288	Salaries & Wages	19,388	19,444	19,444	0
4,629	4,452	177	Other Employee Costs	7,024	7,085	7,085	0
971	794	177	Materials	1,597	1,386	1,386	0
228	224	4	Stores	287	324	324	0
62	45	17	Minor Plant Purchases	89	92	92	0
1,602	1,614	-12	Plant & Equipment	2,107	2,113	2,113	0
9,684	8,151	1,533	Contract Services External	17,652	15,146	15,146	0
5,323	5,323	1	Depreciation Expense	7,988	7,988	7,988	0
362	362	-1	Interest Expense	683	543	543	0
2,330	2,046	284	Professional Expenses	3,353	3,913	3,913	0
666	641	26	Legal Expenses	900	1,000	1,000	0
204	564	-360	Bad & Doubtful Debts	207	207	207	0
412	347	65	Leases/Rentals/Hire/Licences	485	579	579	0
956	974	-19	Public Utilities	1,386	1,434	1,434	0
205	227	-21	Communications	313	308	308	0
272	224	48	Advertising	428	403	403	0
687	731	-44	Insurance	971	1,011	1,011	0
127	135	-9	Banking	190	190	190	0
333	335	-1	Other Expenses	591	644	644	0
247	328	-81	Office Expenses	359	362	362	0
2,417	2,459	-42	Sundry Services/Waste Disposal	3,556	3,604	3,604	0
76	103	-26	Memberships	92	98	98	0
2,069	2,095	-26	Levies/Contributions/Subsidies	2,973	2,931	2,931	0
2,489	2,389	100	Capital Purchases/Payments	4,064	3,996	3,996	0
<b>49,015</b>	<b>46,939</b>	<b>2,075</b>	<b>Total Direct Expenditure</b>	<b>76,685</b>	<b>74,801</b>	<b>74,801</b>	<b>0</b>
			Indirect Expenditure				
680	680	0	Corporate Development Overhead	1,020	1,020	1,020	0
968	968	0	IT Services Overhead	1,453	1,453	1,453	0
1,278	1,278	0	Financial Services Overhead	1,918	1,918	1,918	0
2,058	2,058	0	Accommodation Overhead	3,088	3,088	3,088	0
740	740	0	Insurance Overhead	1,111	1,111	1,111	0
517	517	0	Records Overhead	776	776	776	0
589	589	0	Customer Service Overhead	884	884	884	0
1,725	1,525	199	Plant Hire Charge Internal	2,577	2,588	2,588	0
1,020	1,105	-86	Contract Services Internal Expense	1,883	1,530	1,530	0
512	804	-292	Service Agreement Expense	759	769	769	0
1,296	1,648	-352	Transfer To Reserve-S94	1,775	1,296	1,296	0
2,330	1,972	358	Transfer To Reserve-Other	6,597	5,861	5,861	0
<b>13,712</b>	<b>13,885</b>	<b>-172</b>	<b>Total Indirect Expenditure</b>	<b>23,840</b>	<b>22,293</b>	<b>22,293</b>	<b>0</b>
<b>2,413</b>	<b>2,996</b>	<b>582</b>	<b>Increase/(call) on Council Funds</b>	<b>75</b>	<b>79</b>	<b>79</b>	<b>0</b>

## 2.3 Operating Statement

The year to date Operating Result before Capital for the period ending 28 February 2011 is a profit of \$1.521 million. Compared to the Year to Date budget of a \$834,000 profit this amounts to a positive variance of \$686,000.

The graphical representation below outlines Council's major categories of Operating income and expenditure.



2.4 **Commentary – Operating YTD Budget Versus Actual – 28 February 11**

<b>YTD Operating Results before Capital Budget as at 28 February 2011</b>	<b>\$</b>	<b>834,000</b>
<b>INCOME</b>		
Increased User Fees mainly relating to Rental, Parking & Cemetery Income	\$	318,000
Reduced Regulatory Fees & Fines mainly relating to Infringements & Fines	-\$	307,000
Additional Operating Contributions Income mainly relating to Restorations Income	\$	100,000
Additional Return on Investments & Other Interest Income mainly due to to the Net Appreciation of CDO's (this includes the loss of funds associated with the CBA CDO) & Improved Interest Rates	\$	122,000
Additional Other Income mainly relating to Legal & Insurance Costs Recoverd	\$	296,000
<b>EXPENDITURE</b>		
Reduced Salaries, Wages & On costs mainly due to the use of temporary staff & contractors in lieu of wages & Salaries	\$	372,000
Reduced Materials, Stores & Contract Services External mainly relating to the timing of Bushland Management & Tree Works Expenditure	\$	220,000
Additional Bad & Doubtful Debts mainly relating to Fines Income	-\$	360,000
Additional Other Expenses	-\$	74,000
<b>YTD Operating Results before Capital Actuals as at 28 February 2011</b>	<b>\$</b>	<b>1,521,000</b>

The above financial analysis represents the variations between the February 2011 YTD Budget and the actual flow of Income and Expenditure as at 28 February 2011.

The overall difference in the February 2010 YTD Budget to Actual is a positive variance of \$686,000.

# OPERATING STATEMENT

<b>Pittwater Council</b> <b>Operating Statement</b> <b>For Period 8 Ending 28 February 2011</b>							
Year to Date - \$000's			Annual Budget - \$000's				
Budget	Actual	Variance		Original	Revised	Projected	Variance
			Direct Income				
7,509	7,827	318	User Fees	10,319	10,461	10,461	0
1,033	1,061	28	Regulatory Fees	1,535	1,560	1,560	0
1,793	1,458	-335	Regulatory Fines	2,691	2,691	2,691	0
2,517	2,499	-17	Operating Grant Income	2,768	3,606	3,606	0
378	478	100	Operating Contributions	355	571	571	0
21,016	20,932	-85	Rates Income	31,827	31,827	31,827	0
6,563	6,600	37	Domestic Waste Charges	9,849	9,849	9,849	0
940	1,062	122	Return on Investments & Other Interest Income	1,210	1,210	1,210	0
288	288	0	Rebates Income	252	288	288	0
389	685	296	Other Income	485	539	539	0
107	109	2	Profit / (Loss) on Sale of Assets	160	160	160	0
0	0	0	Gain from Joint Venture Assets	0	0	0	0
<b>42,532</b>	<b>42,999</b>	<b>467</b>	<b>Total Direct Income</b>	<b>61,451</b>	<b>62,762</b>	<b>62,762</b>	<b>0</b>
			Indirect Income				
1,725	1,531	-194	Plant Hire Recovery	2,577	2,588	2,588	0
546	821	275	Service Agreement Income	809	819	819	0
1,020	1,105	86	Contract Internal Income	1,883	1,530	1,530	0
<b>3,290</b>	<b>3,457</b>	<b>167</b>	<b>Total Indirect Income</b>	<b>5,269</b>	<b>4,937</b>	<b>4,937</b>	<b>0</b>
			Direct Expenditure				
12,300	12,081	219	Salaries & Wages	18,829	18,885	18,885	0
4,475	4,323	153	Other Employee Costs	6,789	6,849	6,849	0
569	594	-25	Materials	799	837	837	0
216	203	12	Stores	287	311	311	0
62	45	17	Minor Plant Purchases	89	92	92	0
1,574	1,552	22	Plant & Equipment	2,107	2,085	2,085	0
6,397	6,203	194	Contract Services External	8,891	9,436	9,436	0
5,417	5,418	0	Depreciation Expense & Ammortisation	7,988	8,129	8,129	0
362	362	-1	Interest Expense	683	543	543	0
1,848	1,867	-19	Professional Expenses	2,596	2,910	2,910	0
666	640	26	Legal Expenses	900	1,000	1,000	0
204	564	-360	Bad & Doubtful Debts	207	207	207	0
372	316	57	Leases/Rentals/Hire/Licences	485	539	539	0
956	973	-17	Public Utilities	1,386	1,434	1,434	0
205	227	-21	Communications	313	308	308	0
272	224	48	Advertising	428	403	403	0
687	731	-44	Insurance	971	1,011	1,011	0
127	135	-9	Banking	190	190	190	0
333	334	-1	Other Expenses	591	644	644	0
247	324	-76	Office Expenses	359	362	362	0
2,371	2,414	-43	Sundry Services/Waste Disposal	3,556	3,558	3,558	0
76	103	-26	Memberships	92	98	98	0
2,069	2,095	-26	Levies/Contributions/Subsidies	2,973	2,931	2,931	0
<b>41,804</b>	<b>41,727</b>	<b>77</b>	<b>Total Direct Expenditure</b>	<b>61,510</b>	<b>62,763</b>	<b>62,763</b>	<b>0</b>
			Indirect Expenditure				
1,651	1,478	173	Plant Hire Charge Internal	2,467	2,478	2,478	0
1,020	1,105	-86	Contract Services Internal Expense	1,883	1,530	1,530	0
512	624	-112	Service Agreement Expense	759	769	769	0
<b>3,183</b>	<b>3,207</b>	<b>-24</b>	<b>Total Indirect Expenditure</b>	<b>5,109</b>	<b>4,777</b>	<b>4,777</b>	<b>0</b>
<b>834</b>	<b>1,521</b>	<b>686</b>	<b>Operating Results before Capital</b>	<b>101</b>	<b>160</b>	<b>160</b>	<b>0</b>
2,277	2,025	253	Grants & Contributions - Capital	6,301	3,434	3,434	0
0	0	0	Material Public Benefits - S94	0	0	0	0
<b>3,112</b>	<b>3,546</b>	<b>434</b>	<b>Change in Net Assets - Resulting from Opera</b>	<b>6,402</b>	<b>3,594</b>	<b>3,594</b>	<b>0</b>

## 2.5 Balance Sheet

Council's actual change in equity for the period ending 28 February 2011 is a increase of \$3.546 (net change in assets resulting from operations) and now stands at \$2.002 billion as represented in Council's Balance Sheet below:

<b>Pittwater Council</b> <b>Balance Sheet</b> <b>For Period 8 Ending 28 February 2011</b>			
Actual 28/02/2011 \$'000's		Projected 30/06/2011 \$'000	Actual 30/06/2010 \$'000
<b>CURRENT ASSETS</b>			
4,238	Cash Assets	3,380	3,260
22,775	Investments	17,249	16,511
3,542	Receivables	3,000	3,461
58	Inventories	70	59
228	Other	850	958
4,598	Non Current Assets held for sale	4,500	4,597
<u>35,439</u>	<b>TOTAL CURRENT ASSETS</b>	<u>29,049</u>	<u>28,846</u>
<b>NON-CURRENT ASSETS</b>			
0	Investments	0	0
0	Receivables	600	733
0	Inventories	0	0
1,975,168	Infrastructure Property, Plant and Equipment	1,979,085	1,975,848
5,173	Investment Property	5,173	5,173
5,001	Investments Accounted for using the Equity Method	4,953	5,094
<u>1,985,342</u>	<b>TOTAL NON-CURRENT ASSETS</b>	<u>1,989,811</u>	<u>1,986,848</u>
<u><u>2,020,781</u></u>	<b>TOTAL ASSETS</b>	<u><u>2,018,860</u></u>	<u><u>2,015,694</u></u>
<b>CURRENT LIABILITIES</b>			
5,341	Payables	2,519	3,268
407	Interest Bearing Liabilities	865	828
6,084	Provisions	5,800	5,998
<u>11,832</u>	<b>TOTAL CURRENT LIABILITIES</b>	<u>9,184</u>	<u>10,094</u>
<b>NON-CURRENT LIABILITIES</b>			
0	Payables	0	0
6,386	Interest Bearing Liabilities	7,070	6,593
165	Provisions	160	155
<u>6,551</u>	<b>TOTAL NON-CURRENT LIABILITIES</b>	<u>7,230</u>	<u>6,748</u>
<u><u>18,383</u></u>	<b>TOTAL LIABILITIES</b>	<u><u>16,414</u></u>	<u><u>16,842</u></u>
<u><u>2,002,398</u></u>	<b>NET ASSETS</b>	<u><u>2,002,446</u></u>	<u><u>1,998,852</u></u>
<b>EQUITY</b>			
2,002,398	Accumulated Surplus/ ( Deficit ) Asset Revaluation Reserve	2,002,446	1,998,852
<u><u>2,002,398</u></u>	<b>TOTAL EQUITY</b>	<u><u>2,002,446</u></u>	<u><u>1,998,852</u></u>



## 2.6 Cash Flow Statement

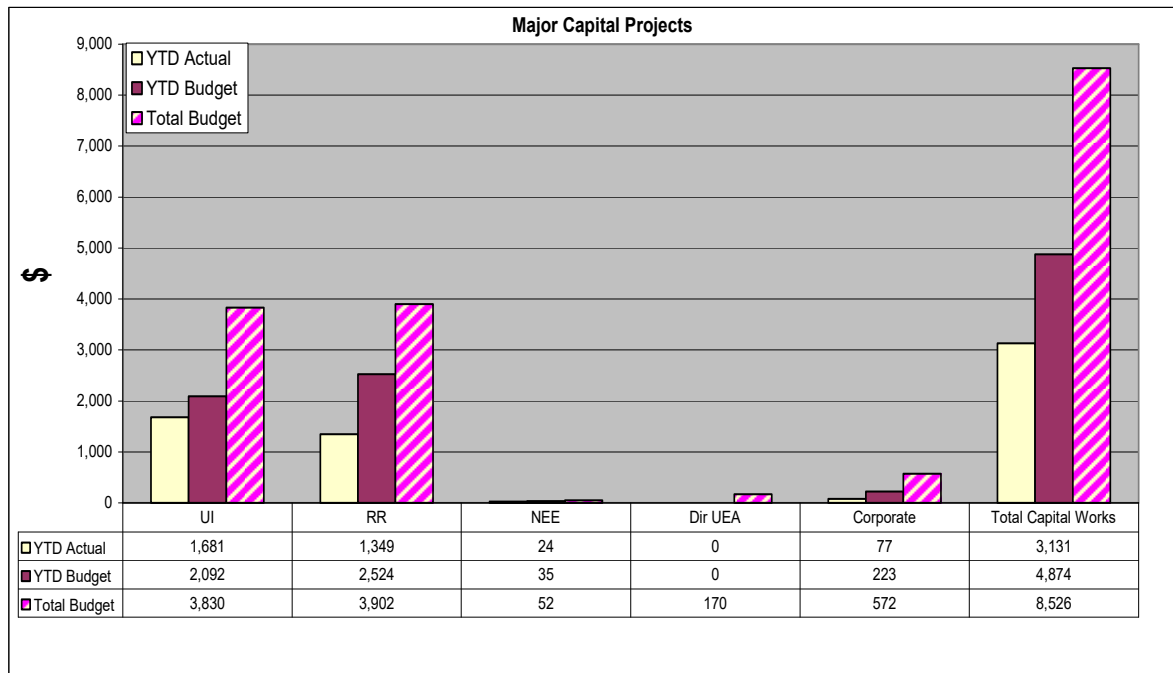
The actual Cash flow for the period ended 28 February 2011 is a net inflow of \$7.242 million. Compared to the year to date budget of \$5.067 million this amounts to a positive variance of \$2.175 million.

Following is a graphical representation of Council's cash position budget to actual:-

<b>Pittwater Council</b> <b>Cash Flow Statement</b> <b>For Period 8 Ending 28 February 2011</b>							
Year to Date - \$000's			Annual Budget - \$000's				
Budget	Actual	Variance		Original	Revised	Projected	Variance
<b>Cash Inflows</b>							
31,000	30,955	-45	Rates & Garbage	41,590	41,590	41,590	0
3,300	3,033	-267	Grants	7,294	5,407	5,407	0
7,300	7,485	185	User Charges	10,319	10,461	10,461	0
2,500	2,246	-254	Regulatory Fees & Fines	4,226	4,251	4,251	0
450	430	-20	Contributions & Donations	355	815	815	0
940	1,003	63	Return on Investments & Other Interest Income	1,210	1,210	1,210	0
810	762	-48	Sale of Assets (Excluding Land)	1,239	1,239	1,239	0
0	0	0	Sale of Land	0	0	0	0
800	1,426	626	Other	737	827	827	0
1,292	1,648	356	S94 Contributions Received	1,775	1,292	1,292	0
0	0	0	Proceeds from loan	1,400	0	0	0
0	296	296	GST Net Inflow	0	0	0	0
<b>48,392</b>	<b>49,284</b>	<b>892</b>	<b>Total Inflows</b>	<b>70,145</b>	<b>67,092</b>	<b>67,092</b>	<b>0</b>
<b>Cash Outflows</b>							
12,700	12,664	36	Employee Salary & Wages	19,388	19,444	19,444	0
4,600	4,376	224	Employee Other Costs	6,480	6,497	6,497	0
580	578	2	Insurance Claims/Premiums	971	1,011	1,011	0
2,100	2,328	-228	Levies & Contributions	2,973	2,931	2,931	0
20,000	18,870	1,130	Materials/Stores/Contracts	32,692	30,804	30,804	0
666	641	25	Legal Expenses	900	1,000	1,000	0
286	286	0	Loan Interest Repayments	622	552	552	0
393	393	0	Loan Principal Repayments	866	824	824	0
2,000	1,907	93	Purchase Of Assets	3,198	3,171	3,171	0
<b>43,325</b>	<b>42,043</b>	<b>1,282</b>	<b>Total Outflows</b>	<b>68,091</b>	<b>66,234</b>	<b>66,234</b>	<b>0</b>
5,067	7,242	2,175	Net Inflows/(Outflows)	2,054	858	858	0
19,771	19,771	0	Funds Carried Forward from Prior Year	18,676	19,771	19,771	0
<b>24,838</b>	<b>27,013</b>	<b>2,175</b>	<b>Total General Fund</b>	<b>20,730</b>	<b>20,629</b>	<b>20,629</b>	<b>0</b>
5,995	6,719	-724	Less Restricted Assets	3,444	5,269	5,269	0
1,231	1,231	0	Less Unexpended Grants	1,400	800	800	0
11,809	12,758	-949	Less Internal Reserves	13,030	12,411	12,411	0
<b>5,803</b>	<b>6,305</b>	<b>502</b>	<b>Increase/(call) on Council Funds</b>	<b>2,856</b>	<b>2,149</b>	<b>2,149</b>	<b>0</b>

## 2.7 2010/2011 Major Projects

The total budget expenditure for Major projects amounted to \$8.526 million as amended in the December Quarterly Review. The actual Expenditure for the period ended 28 February 2011 amount to \$3.131 million. Budgeted Expenditure versus Actual Expenditure of the CIP is outlined below:



2010/2011 MAJOR PROJECTS		Revised	Projected	Gross	Percentage
PERIOD ENDING 28th February 2011		Total	Total	Exp	Complete
TOP TEN JOBS BY PROJECTED BUDGET	Comment	Budget	Budget	Actual	%
Deep Creek Pedestrian Bridge - Construction	RTA/Warringah/Pittwater Joint Funded	912,000	912,000	-	0%
Governor Phillip Park Landscape & Playground Upgrade	Grant, El Levy Works near completion	484,017	484,017	410,474	85%
Car/Trailer Park Upgrade Woorak Reserve PB	Grant, Marine Reserve Funded	355,000	355,000	2,492	1%
PB Ferry Wharf	Grant, Marine Reserve Funded	300,000	300,000	-	0%
Church Point Seawall (Works)	El Levy Works	267,136	267,136	-	0%
Dunbar Park remedial works	Trust & Grant Funded	260,000	260,000	3,125	1%
Billies Kiosk Bilgola Beach Design & Construction	Project Complete	236,980	236,980	247,725	105%
RTA Funding Traffic Signs & Linemarking	Ongoing works	194,000	194,000	126,096	65%
Avalon Golf Course - Tanks and Irrigation	Ongoing works	164,200	164,200	37,646	23%
Sydney Lakeside Improvements	Ongoing works	150,000	150,000	45,772	31%

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### **3.0 SUSTAINABILITY ASSESSMENT**

#### **3.1 Supporting & Connecting our Community (Social)**

3.1.1 The Report will have no impact on this strategy

#### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

3.2.1 The Report will have no impact on this strategy

#### **3.3 Enhancing our Working & Learning (Economic)**

3.3.1 The Report will have no impact on this strategy

#### **3.4 Leading an effective & Collaborative Council (Governance)**

3.4.1 The Report will have no impact on this strategy

#### **3.5 Integrating our Built Environment (Infrastructure)**

3.5.1 The Report will have no impact on this strategy

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### **4.0 EXECUTIVE SUMMARY**

4.1 In providing the Council with the financial results for the period ending 28 February 2011 the following information should be noted:

- The year to date Consolidated financial result for the period ending 28 February 2011 is an increase on Council funds of \$2.996 million. Compared to the year to date budget of \$2.413 million, this represents a positive variance of \$582,000.
- The year to date Operating Result before Capital for the period ending 28 February 2011 is a profit of \$1.521 million. Compared to the Year to Date Budget of \$834,000 profit this amounts to a positive variance of \$686,000.
- The Major Projects Program year to date expenditure stands as \$3.131 million as at 28 February 2011.
- The actual Cash flow for the period ended 28 February 2011 is a net inflow of \$7.242 million. Compared to the year to date budget of \$5.067 million this amounts to a positive variance of \$2.175 million.

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## **RECOMMENDATION**

That the Year to date financial results for the period ending 28 February 2011 be noted, including:

- Consolidated financial result being an increase on Council funds of \$2.996 million.
- Operating result before capital being a profit of \$1.521 million.
- Major Projects Program expenditure stands as \$3.131 million.
- Cash and investment position stands at \$27.013 million.

Report prepared by  
Myles Thana, Management Accountant

Mark Jones  
**CHIEF FINANCIAL OFFICER**

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## **C10.2 Investment Balances for the Month of February 2011**

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**Meeting:** Governance Committee

**Date:** 21 March 2011

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**STRATEGY:** Business Management

**ACTION:** To Provide Effective Investment of Council's Funds

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### **PURPOSE OF REPORT**

To advise on the status of Council's Investment Balances for the Month of February 2011

### **1.0 BACKGROUND**

- 1.1 As provided for in Regulation 212 of the Local Government (General) Regulation, 2005, a report listing Council's investments (**see Attachment 1**) must be presented.

### **2.0 ISSUES**

#### **2.1 MONTHLY RETURNS**

Investment return for the month of February 2011.

Term deposits interest income:	\$	110,812
Tradable CDO/FRNs interest income:	\$	926
Tradable CDO/FRNs capital movement:	\$	<u>22,354</u>
Net investment income for the month of November 2010	\$	134,092

#### **YEAR TO DATE RETURN**

Investment return year to date February 2011.

Term deposits interest income:	\$	926,218
Tradable CDO/FRNs interest income:	\$	89,026
Tradable CDO/FRNs capital movement:	\$	<u>(38,582)</u>
Net investment return year to date:	\$	976,662

Projected investment return budget for financial year.	\$	1,080,000
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#### **2.2 CDO DEFAULT (HSBC - Start Blue Gum)**

The final credit event has occurred in Council's Start Blue Gum CDO (arranging institution HSBC) triggering the full collapse of the remaining capital book value of \$1,110. All losses associated with this CDO (being the original face value of \$320,000) have now been crystallised in accordance with Australian Accounting Standards. This CDO will no longer form part of Council's investment portfolio. These losses have been reflected in Council's financial statements.

### 2.3 LEHMAN'S COURT CASE

Pittwater Council is currently involved in a class action against Lehman Brothers Australia in an effort to recoup failed investments placed under the Lehman Bros Individual Managed Portfolio (IMP). This class action is currently before the courts as attempts to mediate to date have failed. The three primary applicants in the class action, being Wingecarribee, City of Swan and Parkes Councils are currently giving evidence. Once the applicants evidence is concluded (by about Friday 18 March), the evidence of Lehman Australia will commence. It is estimated that the trial will conclude at the end of March after the expert evidence of both sides has been presented and finalised.

### 2.4 PERFORMANCE OF COUNCIL'S PORTFOLIO FOR THE LAST FIVE YEARS

Annual returns of Council's portfolio for the last five years:

Year to	Net Return	Return on average funds invested
June 2007	\$1,221,246	6.6%
June 2008	\$ 594,815	2.3%
June 2009	\$ 534,575	2.4%
June 2010	\$1,364,315	6.1%
February 2011	\$ 976,662	5.7%
Projected Budget	\$1,080,000	5.5%

**Note:** Net investment return includes interest income and capital movements.

### 2.5 RECONCILIATION TO BALANCE SHEET

In addition to cash held in investments securities (as per this Report) Council has cash held in its general bank account and in smaller accounts such as petty cash. The addition of all such cash accounts including investment securities totals the amount Council holds as Cash Assets and Investments in its Balance Sheet. The below table reconciles these cash amounts:

Cash Assets Reconciliation Table

Investment Balances as per this Report as at 28 February 2011	\$25,075,437
Cash held at Bank	\$1,929,916
Petty Cash and Floats	\$7,746
<b>Total Cash Assets and Investments as per Council's Balance Sheet as at 28 February 2011</b>	<b>\$27,013,099</b>

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### RESPONSIBLE ACCOUNTING OFFICER CERTIFICATION

The Responsible Accounting Officer certifies that all investments have been made in Accordance with Section 625 of the Local Government Act (1993), the Local Government (General) Regulations and Council's Investment Policy (No 143).

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### **3.0 SUSTAINABILITY ASSESSMENT**

#### **3.1 Supporting & Connecting our Community (Social)**

3.1.1 The Report will have no impact on this strategy

#### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

3.2.1 The Report will have no impact on this strategy

#### **3.3 Enhancing our Working & Learning (Economic)**

3.3.1 The Report will have no impact on this strategy

#### **3.4 Leading an Effective & Collaborative Council (Governance)**

3.4.1 The Report ensures that Council's Investments are made and presented on a diversified basis ensuring sound returns to Council.

#### **3.5 Integrating our Built Environment (Infrastructure)**

3.5.1 The Report will have no impact on this strategy

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### **4.0 EXECUTIVE SUMMARY**

4.1 The net investment return as at 28 February 2011 is a gain of \$ 976,662

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### **RECOMMENDATION**

That the information provided in the report be noted, including the year to date (February) net investment return of \$ 976,662.

Report prepared by  
David Miller, Project Accountant

Mark Jones  
**CHIEF FINANCIAL OFFICER**



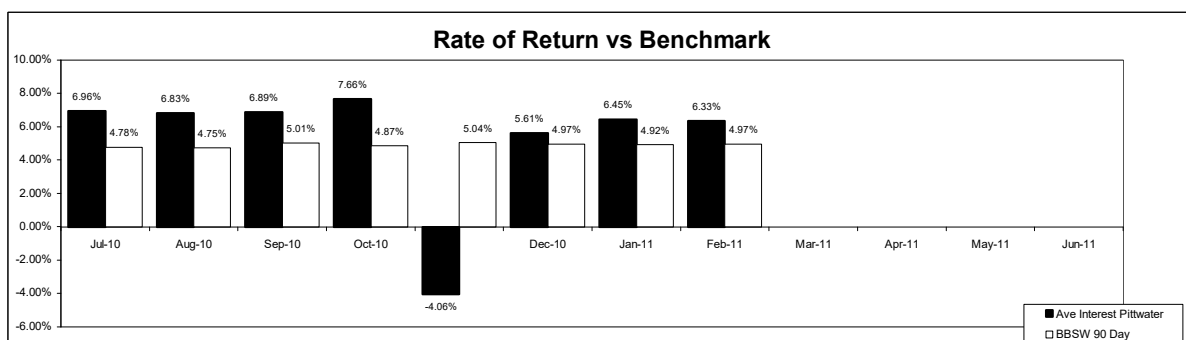
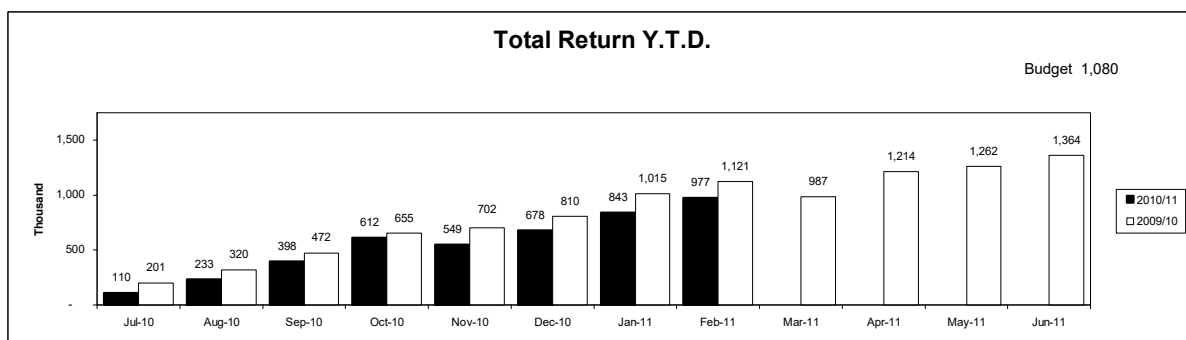
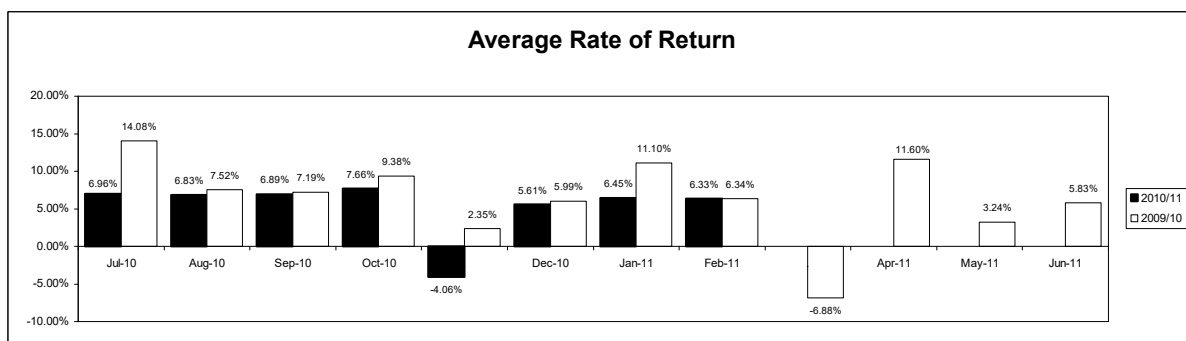
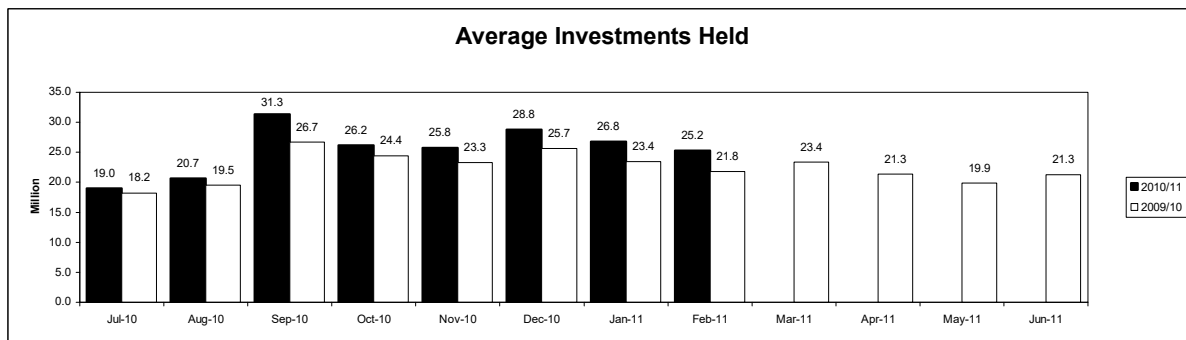
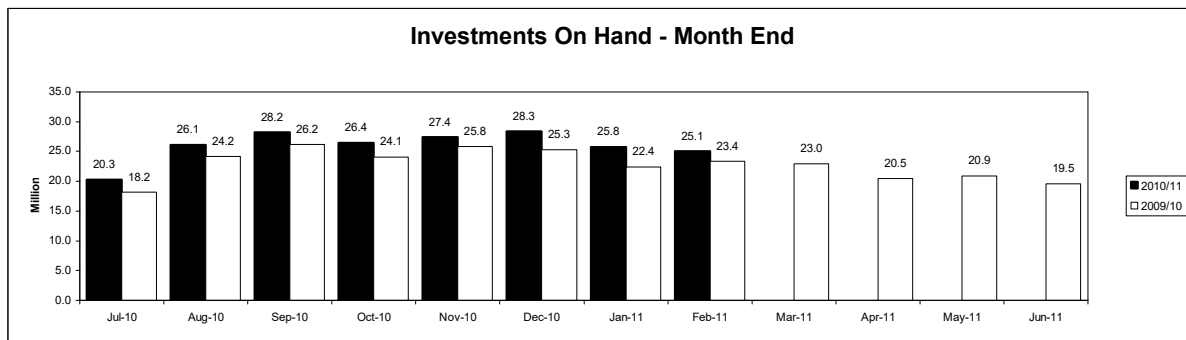
# PITTWATER COUNCIL

## INVESTMENT BALANCES

As at 28th February 2011

TYPE	INSTITUTION	Rating	AMOUNT \$	DATE INVESTED	MATURITY DATE	TERM (DAYS)	INTEREST RATE
At Call	CBA	AA	300,000.00	At Call	At Call	1	4.70%
<b>At Call Total</b>			<b>300,000.00</b>				
Term Dep	IMB Society	BBB	1,000,000.00	2-Sep-10	2-Mar-11	181	6.07%
Term Dep	IMB Society	BBB	1,000,000.00	22-Nov-10	23-May-11	182	6.20%
Term Dep	IMB Society	BBB	1,000,000.00	10-Jan-11	11-Jul-11	182	6.20%
Term Dep	IMB Society	BBB	1,000,000.00	15-Feb-11	16-Aug-11	182	6.10%
Term Dep	IMB Society	BBB	750,000.00	28-Jan-11	30-Jan-12	367	6.30%
<b>Investee Total</b>			<b>4,750,000.00</b>				
Term Dep	Metway	A+	1,000,000.00	10-Nov-10	11-Apr-11	152	6.05%
Term Dep	Metway	A+	1,000,000.00	3-Nov-10	2-May-11	180	6.02%
Term Dep	Metway	A+	1,000,000.00	1-Dec-10	30-May-11	180	6.12%
Term Dep	Metway	A+	1,000,000.00	2-Dec-10	31-May-11	180	6.12%
Term Dep	Metway	A+	1,000,000.00	3-Feb-11	3-Aug-11	181	6.03%
<b>Investee Total</b>			<b>5,000,000.00</b>				
Term Dep	Bankwest	AA	1,000,000.00	16-Mar-10	16-Mar-11	365	6.25%
Term Dep	Bankwest	AA	1,000,000.00	21-Feb-11	21-Jun-11	120	5.85%
Term Dep	Bankwest	AA	1,000,000.00	10-Feb-11	9-Aug-11	180	5.95%
Term Dep	Bankwest	AA	1,000,000.00	28-Feb-11	28-Feb-12	365	6.05%
<b>Investee Total</b>			<b>4,000,000.00</b>				
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	4-Jan-11	4-Apr-11	90	6.00%
Term Dep	Newcastle Permanent	BBB+	500,000.00	27-Jul-10	21-Apr-11	268	6.10%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	24-Aug-10	23-May-11	272	6.10%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	16-Nov-10	15-Aug-11	272	6.10%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	2-Dec-10	29-Aug-11	270	6.15%
Term Dep	Newcastle Permanent	BBB+	1,000,000.00	1-Dec-10	1-Dec-11	365	6.25%
<b>Investee Total</b>			<b>5,500,000.00</b>				
Term Dep	ING Bank	A+	1,000,000.00	30-Nov-10	30-May-11	181	6.15%
Term Dep	ING Bank	A+	1,000,000.00	14-Sep-10	14-Sep-11	365	6.08%
Term Dep	ING Bank	A+	1,000,000.00	3-Feb-11	3-Feb-12	365	6.17%
<b>Investee Total</b>			<b>3,000,000.00</b>				
Term Dep	CBA	AA	1,000,000.00	31-Jan-11	2-Mar-11	30	5.32%
<b>Investee Total</b>			<b>1,000,000.00</b>				
<b>Longreach Capital Markets</b>							
<b>Portfolio Manager</b>							
Structured Note	Citigroup (see investment information)	A+	500,000.00	28-Jun-07	28-Jun-14		0.00%
<b>Investee Total</b>			<b>500,000.00</b>				
Floating Rate Note	HSBC	AA	502,675.00	06-Feb-07	22-Sep-11		bbsw + 0.28%
	<b>* Arranging Institution</b>						
Floating Rate CDO	* Lehman Bros	under review	130,000.00	07-Apr-08	20-Mar-13		suspended
Floating Rate CDO	* J P Morgan	CCC-	3,350.00	06-Jul-06	20-Jun-13		bbsw + 1.20%
Floating Rate CDO	* J P Morgan	CCC	140,915.00	13-Oct-05	20-Mar-14		bbsw + 1.00%
Floating Rate CDO	* Merrill Lynch	CCC-	16,242.00	25-Feb-07	23-Jun-14		bbsw + 1.30%
Floating Rate CDO	* Lehman Bros	under review	178,000.00	20-Mar-07	20-Sep-14		suspended
Floating Rate CDO	* Morgan Stanley	CCC-	54,255.00	15-Aug-06	20-Jun-15		bbsw + 2.00%
<b>Investee Total</b>			<b>1,025,437.00</b>				
							February bbsw close
							4.97%
<b>TOTAL INVESTMENTS</b>			<b>\$25,075,437.00</b>				





## Investment Information:

### Types of Investments

**At Call** refers to funds held at a financial institution and can be recalled by Council either same day or on an overnight basis.

A **Term Deposit** is a short term deposit held at a financial institution for a fixed term and attracting interest at a deemed rate.

A **Bank Bill** is a short term investment issued by a bank representing its promise to pay a specific sum to the bearer on settlement. The amount payable to Council at maturity is the face value which represents the purchase price and interest earned.

A **Floating Rate Note** is a longer term investment issued by a financial institution with a variable interest rate. The adjustments to the interest rate are usually made every three months and are tied to a certain money-market index such as the BBSW.

A **Floating Rate CDO** or Collateralised Debt Obligation is an investment backed by a diversified pool of one or more classes of debt. These investments are for longer terms and offer a higher rate of interest. Credit Ratings are assigned to these investments as detailed in the investment balances listing.

### Credit Rating Information

Credit ratings are generally a statement as to the institutions credit quality.

Ratings ranging from BBB- to AAA (long term) are considered investment grade.

A general guide as to the meaning of each credit rating is as follows:

AAA	<i>Extremely strong capacity to meet financial commitments (highest rating)</i>
AA	<i>Very strong capacity to meet financial commitments</i>
A	<i>Strong capacity to meet financial commitments, but somewhat more susceptible to adverse economic conditions and changes in circumstances</i>
BBB	<i>Adequate capacity to meet financial commitments with adverse economic conditions or changing circumstances more likely to lead to a weakened capacity of the obligor to meet its financial commitments</i>
BB	<i>Less vulnerable in the near term, but faces major ongoing uncertainties and exposures to adverse business, financial, and economic conditions</i>
B	<i>More vulnerable to non-payment than obligations rated 'BB', but the obligor currently has the capacity to meet its financial commitment on the obligation</i>
CCC	<i>Currently vulnerable, and is dependent upon favourable business, financial, and economic conditions to meet its financial commitments</i>
CC	<i>Currently highly vulnerable</i>
C	<i>Highly likely to default</i>
D	<i>Defaulted</i>

The **Bank Bill Swap Rate (BBSW)** is the average mid rate, for Australian Dollar bills of exchange, accepted by an approved bank, having regard to a designated maturity.

**Note:** Council's Longreach structure product is shown at face value, as required by international accounting standards as it was purchased on a hold to maturity basis, unlike Council's CDOs within the ex - Lehman Bros portfolio that are considered tradable.

Current market value of this structure product is: - Longreach Structured Note \$436,050

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## **C10.3 Legal Expenditure as at 28 February 2011**

**Meeting:** Governance Committee

**Date:** 21 March 2011

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**STRATEGY:** Business Management

**ACTION:** To produce monthly, quarterly and annual budgets and statements

---

### **PURPOSE OF REPORT**

To advise on the status of Council's Legal Expenditure for the period ending 28 February 2011.

### **1.0 BACKGROUND**

- 1.1** In providing Council with an accurate picture of Pittwater's Legal Expenditure, current data and a graphical representation of Council's Legal Expenditure are presented (**see Attachment 1**).

### **2.0 ISSUES**

- 2.1** Gross Annual Legal Budget for 2010/11: \$ 1,000,000

Gross Legal Expenditure Breakdown:

- Total Solicitor Fees at 28/2/11: \$ 405,603
- Total Other Associated Expenditure at 28/2/11: \$ 235,000

Total Gross Legal Expenditure at 28/2/11: \$ 640,603

Year to Date Budget for Legal Expenses at 28/2/11: \$ 666,400

---

### **3.0 SUSTAINABILITY ASSESSMENT**

**3.1 Supporting & Connecting our Community (Social)**

- 3.1.1 The Report will have no impact on this strategy

**3.2 Valuing & Caring for our Natural Environment (Environmental)**

- 3.2.1 The Report will have no impact on this strategy

**3.3 Enhancing our Working & Learning (Economic)**

- 3.3.1 The Report will have no impact on this strategy

**3.4 Leading an effective & Collaborative Council (Governance)**

- 3.4.1 The Report will have no impact on this strategy

**3.5 Integrating our Built Environment (Infrastructure)**

- 3.5.1 The Report will have no impact on this strategy

---

#### **4.0 EXECUTIVE SUMMARY**

- 4.1 The Gross Legal Expenditure to 28 February 2011 is \$ 640,603 which is lower than the Year to Date Budget for 2010/11.

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#### **RECOMMENDATION**

That the information provided in the report and graphical representation (**see Attachment 1**) be noted.

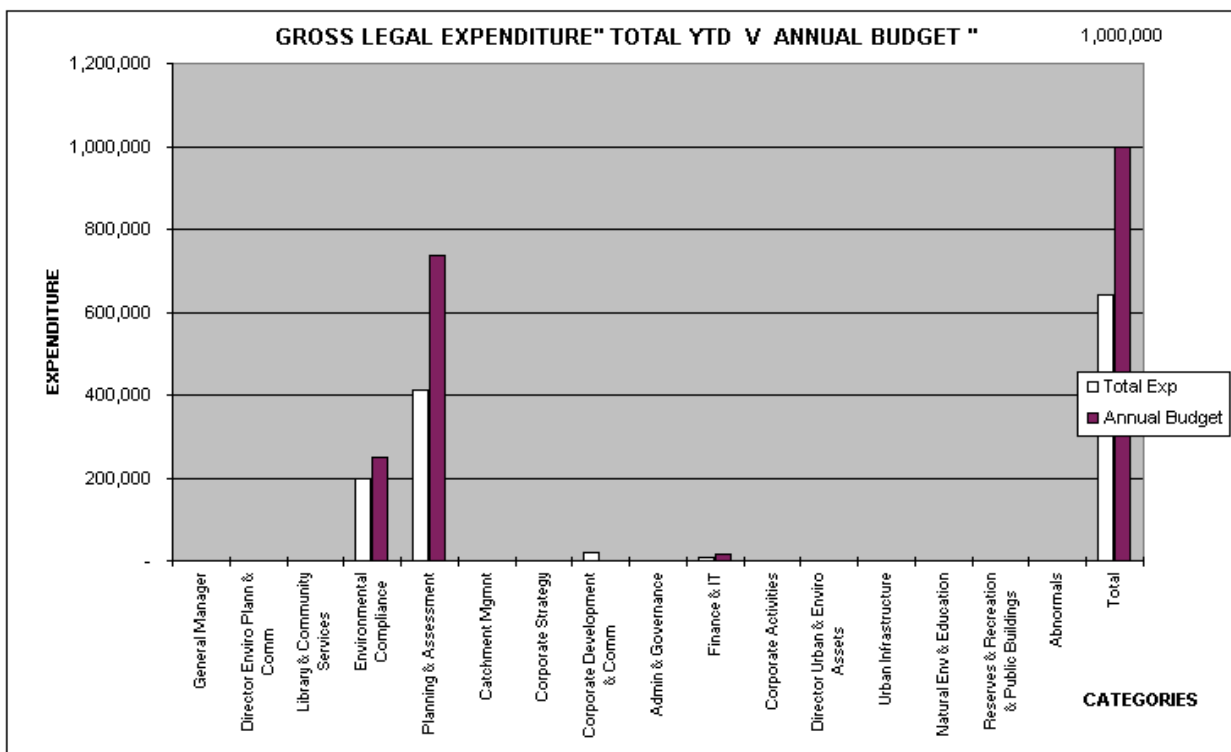
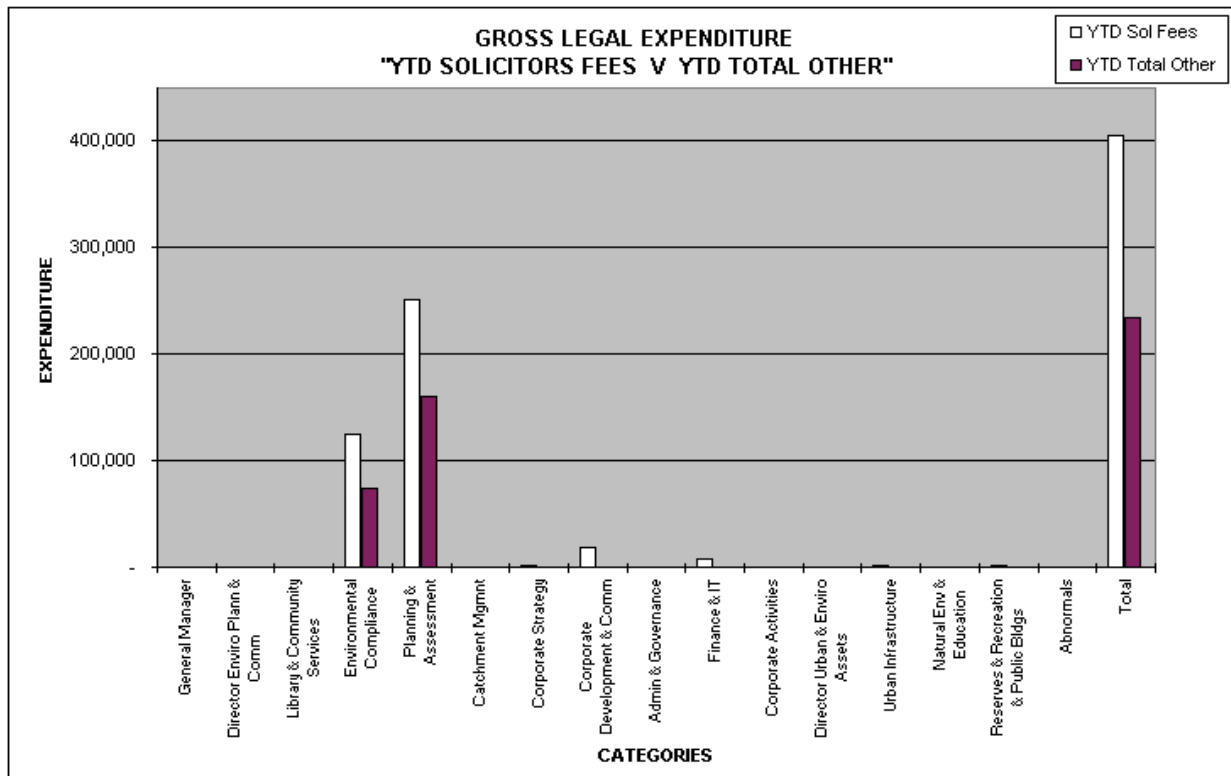
Report prepared by  
Renaë Wilde, Senior Project Accountant

Mark Jones  
**CHIEF FINANCIAL OFFICER**

## LEGAL EXPENDITURE TOTALS AND GRAPHICAL REPRESENTATION

*as at 28th February 2011*

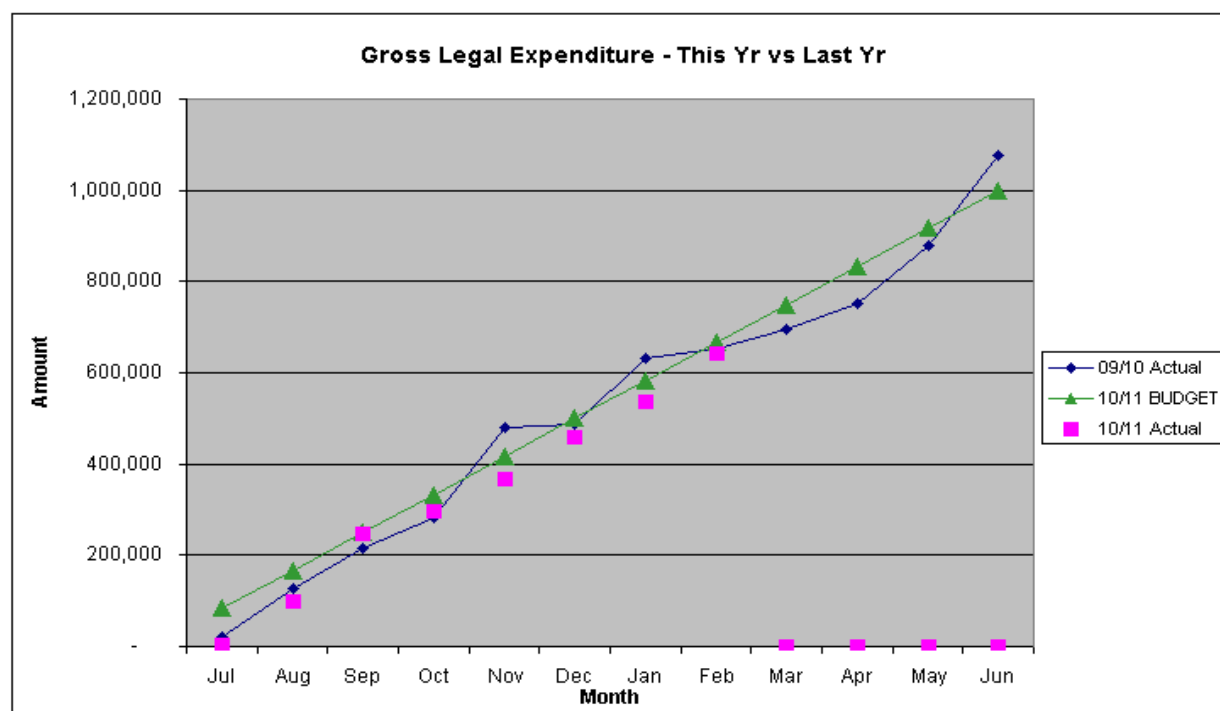
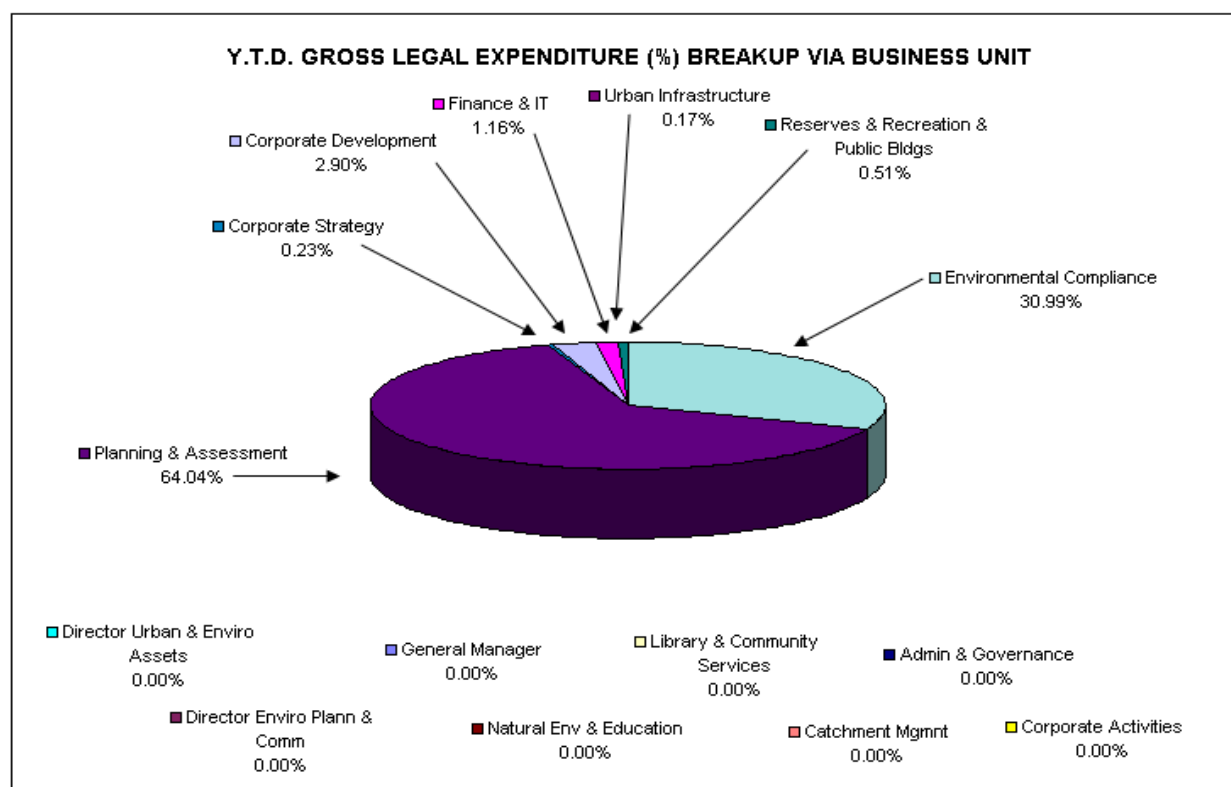
Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
23,379	405,603	211,620	640,603	1,000,000	156,935



## LEGAL EXPENDITURE TOTALS AND GRAPHICAL REPRESENTATION

*as at 28th February 2011*

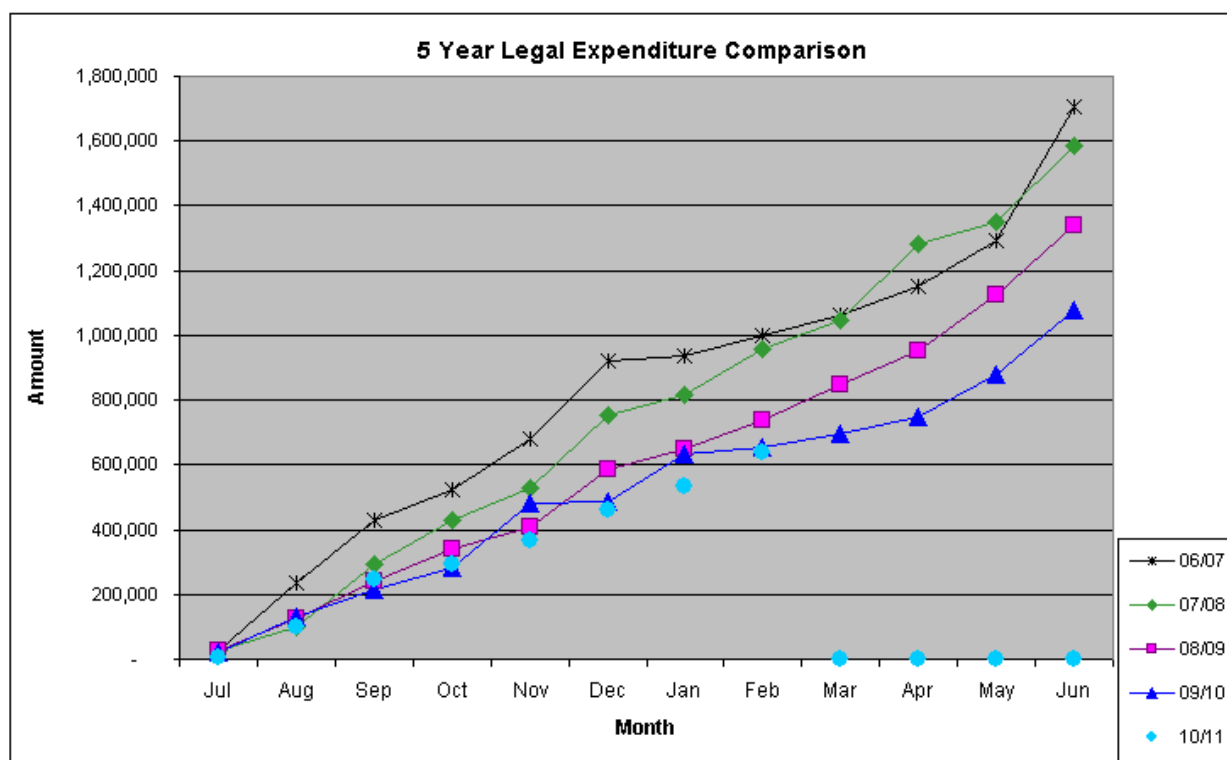
Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
23,379	405,603	211,620	640,603	1,000,000	156,935



## **LEGAL EXPENDITURE** **TOTALS AND GRAPHICAL REPRESENTATION**

*as at 28th February 2011*

Solicitors Other Expenditure	Solicitors Fees Expenditure	Third Party Expenditure	Total Expenditure	Current Year Budget	Current Year Inc/Recov/Reversal
23,379	405,603	211,620	640,603	1,000,000	156,935



### **Top Ten Legal Matters by 2010/11 Expenditure**

Property	Description	2010/11 Expenditure	Prior years Expenditure	Expenditure Life to Date All Years
23B MacPherson Street Warriewood	Refusal	\$ 139,551	\$ 46,152	\$ 185,703
1858 Pittwater Road Church Point	Modification to Court Consent	\$ 92,339	\$ -	\$ 92,339
263 Whale Beach Road Whale Beach	Non-Compliant Pool Fence	\$ 53,193	\$ 7,060	\$ 60,253
5 - 7 Careel Head Road Avalon	Building Site Works	\$ 43,703	\$ -	\$ 43,703
232 / 234 Barrerjoey Road Newport	Deemed Refusal	\$ 40,651	\$ -	\$ 40,651
14 - 18 Boondah Road Warriewood	Refusal	\$ 24,652	\$ 29,328	\$ 53,980
14A Prince Alfred Parade Newport	Deemed Refusal	\$ 17,529	\$ -	\$ 17,529
2129 Pittwater Road Church Point	Appeal on Refusal	\$ 16,508	\$ 68,874	\$ 85,382
62 Annam Road Bayview	Unauthorised Works	\$ 15,194	\$ -	\$ 15,194
161 McCarrs Creek Road Church Point	Unauthorised Works	\$ 14,065	\$ 128,579	\$ 142,644
		<b>\$ 457,384</b>	<b>\$ 279,994</b>	<b>\$ 737,377</b>

---

## **C10.4 Monthly Contractors and Staff Report - January 2011**

**Meeting:** Governance Committee

**Date:** 21 March 2011

---

**Strategy:** **Business Management**

**Action:** Produce monthly, quarterly and annual budgets and statements

---

### **PURPOSE OF REPORT**

To report on new staff appointments and contract engagements for the month of January 2011.

#### **1.0 BACKGROUND**

On 7 September 2009 Council resolved:

*“In light of the current economic crisis and financial constraints of Council,  
Council resume the monthly reporting of all staff and contractor appointments.”*

Accordingly, a monthly report in respect of all new appointments of staff and engagement of new contractors is submitted to Council.

In order to gain a more precise and meaningful understanding of contractor engagements on a month by month basis, all Monthly Contractors and Staff Reports will list new staff appointments and terminations and contractor engagements for each month that exceed \$2,000 and are ongoing for greater than one month.

#### **2.0 ISSUES**

The information at **Attachment 1** of this Report has been provided by the Business Unit Managers and is broken into the following sub-sections:

- Appointment of Council staff
- Termination of Council Staff
- Contracts (greater than \$2,000 and ongoing for greater than one month)

---

#### **3.0 SUSTAINABILITY ASSESSMENT**

##### **3.1 Supporting & Connecting our Community (Social)**

3.1.1 The Report will have no impact on this strategy

##### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

3.2.1 The Report will have no impact on this strategy



### 3.3 **Enhancing our Working & Learning (Economic)**

3.3.1 The Report will have no impact on this strategy

### 3.4 **Leading an effective & Collaborative Council (Governance)**

3.4.1 The Report will have no impact on this strategy

### 3.5 **Integrating our Built environment (Infrastructure)**

3.5.1 The Report will have no impact on this strategy

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## 4.0 EXECUTIVE SUMMARY

The movements of Council staff for the months of January 2011 are as follows:

- 10 appointments that refill existing vacancies
- 6 terminations

A summary of new contractor engagements are outlined in **Attachment 1** of this Report.

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## RECOMMENDATION

1. That the information provided on the engagement of new contracts for the month of January 2011 as provided by the Business Unit Managers at **Attachment 1** be noted.
2. That the terminations and appointments of staff during January 2011 be noted.

Report prepared by

Mark Jones  
**CHIEF FINANCIAL OFFICER**

**Appointments of Council Staff in January 2011**

<b>Business Unit</b>	<b>Position</b>	<b>Status (PFT,TFT,PPT,TPT, Secondment)</b>	<b>Start Date</b>	<b>Reason for Appointment</b>
EC	Administration Officer	PFT	4/01/11	Recruitment vacancy
RR&BS	Tradesperson/Gardener	PFT	4/01/11	Recruitment vacancy
RR&BS	Reserves Gardener	PFT	4/01/11	Recruitment vacancy
UI	Traffic Facilities Supervisor	PFT	4/01/11	Recruitment vacancy
RR&BS	Landscape Construction Labourer	PFT	10/01/11	Recruitment vacancy
RR&BS	Reserves Gardener	PFT	11/01/11	Recruitment vacancy
RR&BS	Bush Care Officer	PFT	17/01/11	Recruitment vacancy
CS&C	Sustainability Officer	TPT	24/01/11	Recruitment vacancy
RR&BS	Reserves Cleansing Labourer	PFT	24/01/11	Recruitment vacancy
CS&C	Corporate Planner	TPT	25/01/11	Recruitment vacancy

**Terminations of Council Staff in January 2011**

<b>Business Unit</b>	<b>Position</b>	<b>Status (PFT,TFT,PPT,TPT, Secondment)</b>	<b>Start Date</b>	<b>Finish Date</b>
A&G	Group Leader - Records	PFT	27/10/08	7/01/11
RR&BS	Reserves Cleansing Labourer	PFT	6/05/80	14/01/11
UI	Traffic Facilities Supervisor	PFT	2/05/88	14/01/11
P&A	Senior Planner	PFT	17/11/92	21/01/11
P&A	Senior Planner	PFT	21/06/04	28/01/11
RR&BS	Reserves Cleansing Labourer	PFT	4/01/11	31/01/11

## Contract Engagements – January 2011

Division/Unit	Name of Approved Consultant/Contract or/ Agency	Position Type of Work	Terms of Engagement	Cost to Council	Term
Corporate Development	Tempnet	Casual Educators – CEC	Contract Agreement	\$2,601	1 Year
Corporate Development	Tempnet	Casual Parking Officers –EC	Contract Agreement	\$11,721	1 Year
Corporate Development	Tempnet	Assistant Development Officers – P&A	Contract Agreement	\$2,813	1 Year
Urban Infrastructure	InfoMaster Pty. Ltd.	Development fee for Cemetery Web search function on existing InfoMaster software	One-off	\$13,119	One Month
Urban Infrastructure	Guidance Road Management	Line marking in Nullaburra Rd, Wallumatta Rd, Cheryl Cres, Raymond Rd, Samuel St, Cabbage Tree Rd	One-off	\$4,122	One Month
Urban Infrastructure	Finer Turf	Supply and lay buffalo turf at Garden St, Valley View Rd, Samuel St, and the Cemetery	Contract	\$4,400	One Month
Urban Infrastructure	J & B Murphy Pty Ltd	Hire of 5-tonne Excavator for Garden St, the Cemetery and Scotland Is.	SHOROC	\$6,049	One Month
Urban Infrastructure	Kelpie Concrete	Complete concrete restoration of concrete path in Park St, Mona Vale	One-off	\$5,313	One Month

<b>Division/Unit</b>	<b>Name of Approved Consultant/Contract or/ Agency</b>	<b>Position Type of Work</b>	<b>Terms of Engagement</b>	<b>Cost to Council</b>	<b>Term</b>
Urban Infrastructure	A&J Paving	Asphaltic concrete road restorations (re-sheeting) in Plateau Rd and Whale Beach Rd.	Contract	\$8,468	One Month
Urban Infrastructure	Downer EDI	Road pavement rehabilitation in Waratah St, Mona Vale	SHOROC	\$52,139	One Month
Urban Infrastructure	Downer EDI	Road pavement rehabilitation in Park St, Mona Vale	SHOROC	\$93,764	One Month
Urban Infrastructure	A&J Paving	Asphaltic concrete road restorations (re-sheeting)in Plateau Rd	Contract	\$9,771	One Month
Urban Infrastructure	Pan Civil	Drainage and embankment stabilisation in Sybil Street, Newport	One-off	\$25,300	One Month
Urban Infrastructure	KK Civil Engineering	Supply and install granite sets at Roundabouts at Jackson Road, Foamcrest Avenue and Gondola Road.	One-off	\$6,732	One Month

<b>Division/Unit</b>	<b>Name of Approved Consultant/Contract or/ Agency</b>	<b>Position Type of Work</b>	<b>Terms of Engagement</b>	<b>Cost to Council</b>	<b>Term</b>
Urban Infrastructure	Stabilised Pavements of Australia	Sealing at Parklands Road, Mona Vale	One-off	\$23,327	One Month
Urban Infrastructure	Rollex Industries	Supply and install handrail at roundabout in Foamcrest Ave, Newport	One-off	\$2,843	One Month
Urban Infrastructure	Bell Environmental Services	Clean GPT's as per schedule, clean trash racks and litter boom as per monthly schedule – at various locations.	Contract	\$2,420	One Month
Urban Infrastructure	Civil Certification	Investigation and design at Nareen Creek – progress claim No. 3	One-off	\$2,466	One Month
Urban Infrastructure	Morrison Low Consultants	Development of Asset Management Strategy	One-off	\$5,500	One Month
Urban Infrastructure	South West Kerbing	Installation of kerbing, gutters and laybacks at Grenfell Ave, North Narrabeen	One-off	\$3,249	One Month
Urban Infrastructure	Perma Liner Industries	High pressure water jet and CCTV inspection at Belinda Cres, Newport	Contract	\$2,200	One Month

<b>Division/Unit</b>	<b>Name of Approved Consultant/Contract or/ Agency</b>	<b>Position Type of Work</b>	<b>Terms of Engagement</b>	<b>Cost to Council</b>	<b>Term</b>
Urban Infrastructure	Perma Liner Industries	High pressure water jet and CCTV inspection at Baroona Rd, Church Point	Contract	\$4,400	One Month
Urban Infrastructure	Perma Liner Industries	High pressure water jet and CCTV inspection at 276 Hudson Pde, Clareville	Contract	\$2,200	One Month
Urban Infrastructure	Cardno Australian Underground Services Pty Ltd.	Utility investigation works in Foamcrest Ave & Seaview Ave, Newport	One-off	\$2,255	One Month

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## **C10.5      Special Rate Variation Update**

**Meeting:**            Governance Committee

**Date:**              21 March 2011

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**STRATEGY:**      **Business Management**

**ACTION:**            Investigate additional funding opportunities to assist in the delivery of all strategies

---

### **PURPOSE OF REPORT**

To provide Council with an update on the community engagement process in relation to the Special Rate Variation (SRV) application and to seek endorsement for submitting an application to IPART.

### **1.0      BACKGROUND**

After developing a program to deliver on the community aspirations in *Pittwater 2020* and modelling our long-term financial position Council has determined that it needs additional funds to address ageing infrastructure, implement programs that will maintain the natural environment and maintain Council services for the community.

In the past Council has structured its financial planning around a balanced budget and a small operating surplus. This is becoming harder to achieve with escalating costs, ageing infrastructure, government cost shifting and limited sources of revenue. The reality is that costs are increasing at a rate above our current rate peg which currently stands at 2.6% for 2010/11. Council believes that the most prudent strategy for Pittwater Council to remain strong and independent is to apply for a special rate variation.

The proposed increase in rate income would support the financial sustainability and independence of Pittwater Council. It would enable council to focus on capital works and services which our community have highlighted as important. Further to this, another benefit of upgraded infrastructure is a reduction in the long-term maintenance costs for future generations.

The proposal for a special rate variation was first introduced to the community during the public meeting and exhibition of the 2010-2014 Delivery Program & Budget in April 2010. Following on from this, Council has conducted two community surveys, one regarding resident's satisfaction with existing council services and the second survey dealt with the proposed spending priorities and the proposal for a special rate increase. To date feedback from the majority of residents has been favourable.

At its meeting on 7 February 2011, Council resolved that;

1. That Council adopt the draft 10-year, \$38 million works program that will form part of the Special Rate Variation Application.
2. That the Special Rate Application process be opened for community consultation till 11 March 2011.
3. That Council note that the finalised Special Rate Application and the themes from the community consultation be brought back to Council for final consideration on 21 March 2011.

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## **2.0 ISSUES**

### **2.1 Financial Objectives**

In 2009, Morrison Low Consultants assisted Pittwater Council to develop a Long Term Financial Strategy (LTFS). The LTFS was a long term financial projection, based on Council's current financial budget, modified for the impact of realistic forward assumptions, changes in operational service levels and delivery, and the impact of proposed future strategic initiatives and risks.

The LTFS assesses the financial sustainability of council by forecasting the operating position, capital position and cash and infrastructure asset base over time based on a range of scenarios.

The purpose of undertaking a LTFS is to annunciate the financial sustainability of Council over the long term, hence providing a platform for decision making in regard to operational service delivery, the implementation of strategic initiatives, future capital projects and funding options.

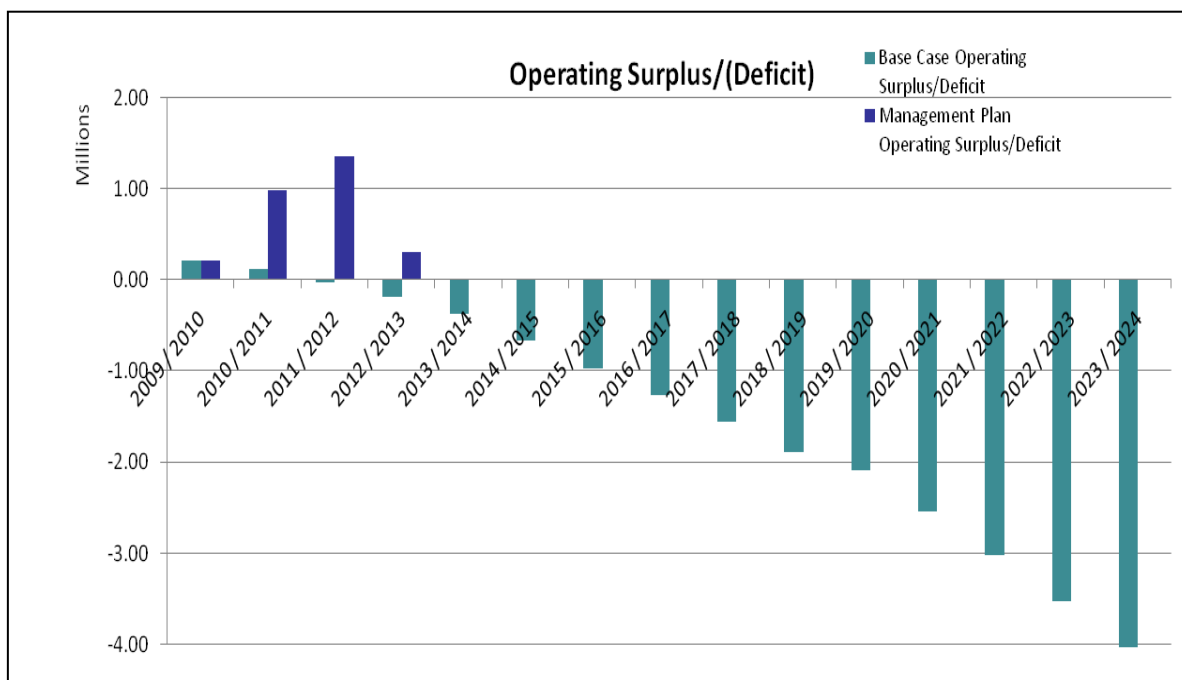
A financially sustainable Council can demonstrate that it can meet it's financial commitments in the short, medium and long-term, are likely to be able to manage major unforeseen financial shocks and any adverse changes in its business and in general economic conditions with minor to moderate revenue and expense adjustments and have the capacity to manage core business risks to an acceptable standard.

To date Council has been able to manage such shocks including those related to the Global Financial Crisis and have been able to remain financially sustainability, maintaining a positive operating statement, fully funded capital and has a strong balance sheet with healthy cash investments.

However, Morrison Low highlighted that the current operating path of Council over the longer term will be more difficult to maintain in positive territory as the annual increase in costs, driven by price indexes, is greater than the constrained capped rate increase, and Pittwater Council cannot continue to accommodated this "income" gap by efficiency gains and the stretching of service delivery. Council will need to consider where it can reduce the delivery of services, and shift the burden of the cost of the service to the direct users or source new funding opportunities including a special rate variation.

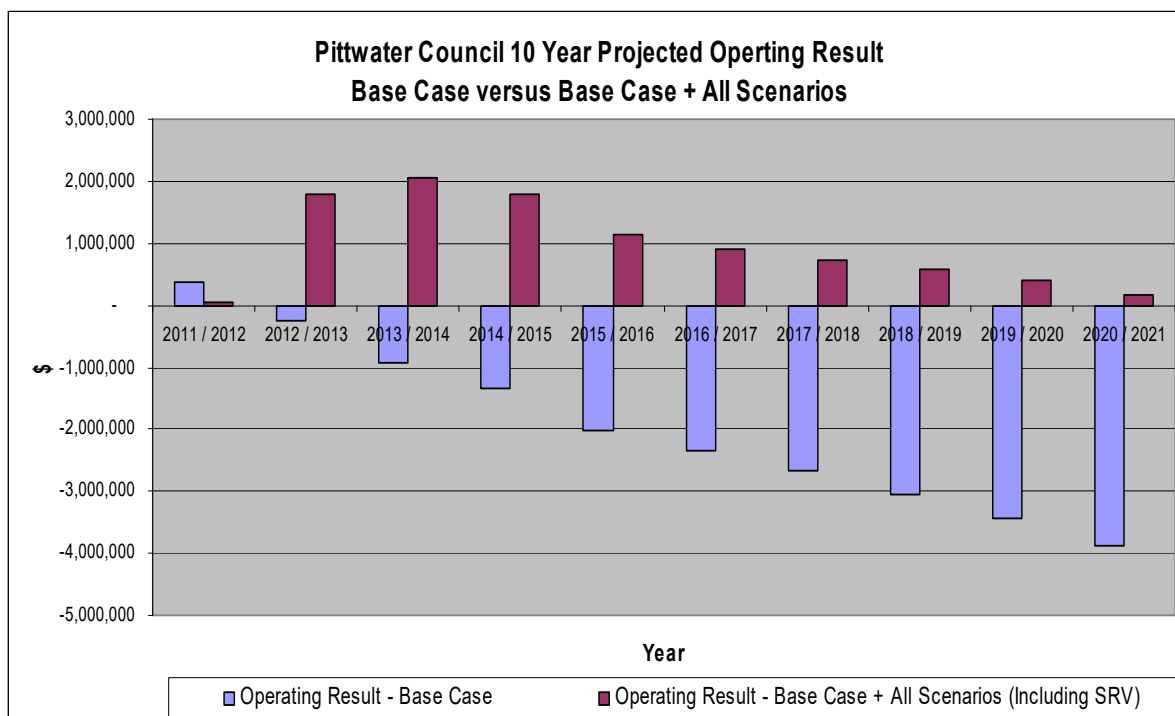
As indicated below, Morrison Low's Report (issued to Council on 17 August 2009) identifies that although Council's four year Management Plan indicates moderate to small operating surpluses in the short term, in the long term without any variation to its major income streams such as Council Rates, a positive operating surplus would be extremely difficult to maintain.





Source: Morrison Low – Pittwater Council Long Term Financial Strategy 2009

In preparing the 2011-12 budget and long term modelling, this fiscally tight trend has been re-iterated within Council's financial data. The Graph below outlines Council's Operating Result with and without the Special Rate Variation



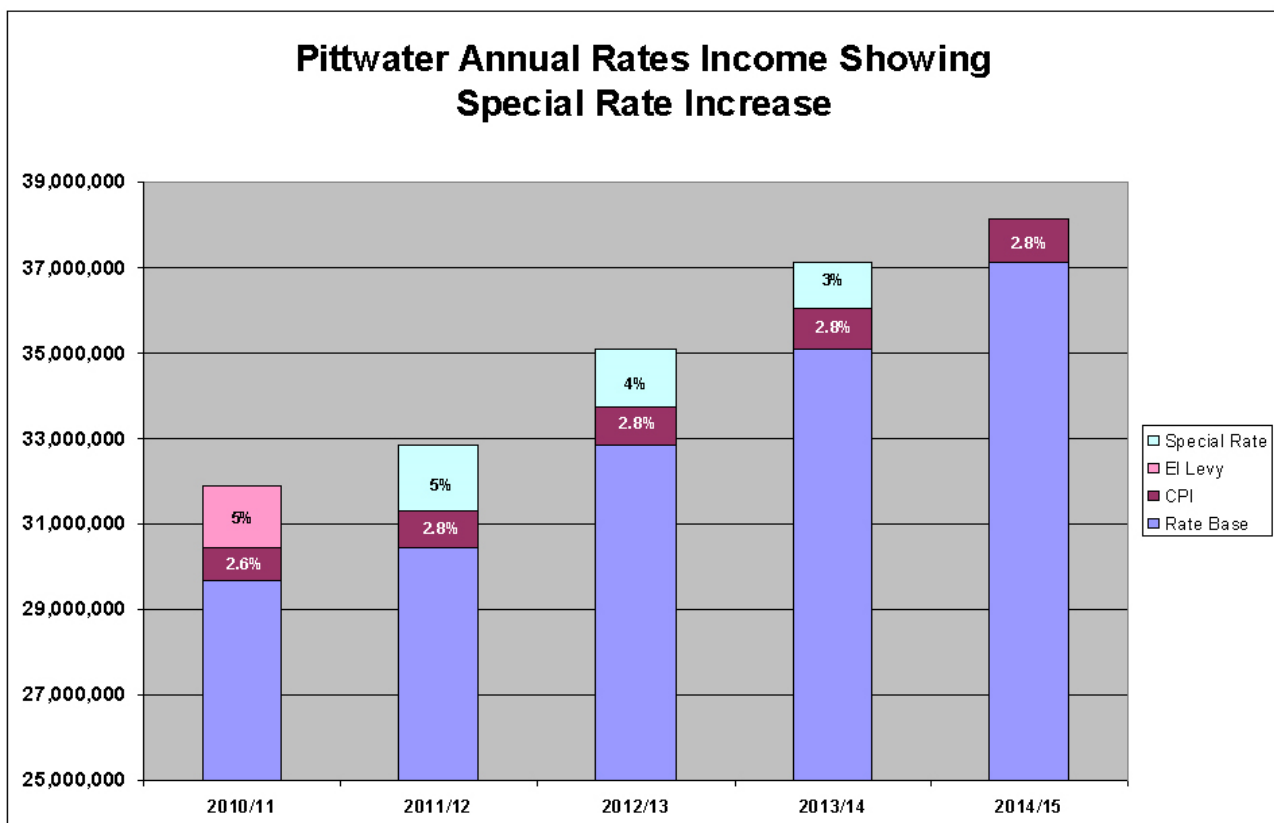
In addition to an improved Operating Result a significant injection in capital funding of between \$1.5 million (first year) and \$3.8 million (third year and continuing thereafter) per annum will be experienced by Council seeing a significant boost to capital programs including road rehabilitation, wharf restoration, surf club improvements, public amenities improvements, extensions to natural environments programs etc.

Finally, further to the above, upon constructing the 2011/12 Budget and projecting indicative long term Operating Results of Council, Council's current Long Term Financial Model, similar to those results produced by Morrison Low in 2009 indicated that only minor to moderate operating surpluses will be experienced by Council and from 2017/18 and beyond, without any adjustment to Council income patterns, Operating Deficits will be experienced annually by Council. Such a forward financial platform does not allow adverse financial shocks to be managed efficiently and without corrective measures now, Pittwater Council may find itself in an unsustainable financial position in the future.

## 2.2 Structure of the Special Rate Variation & SRV Works Program

The proposed special rate increase beginning in 2011 will be 5%, 4% and 3% per annum (over and above CPI) and will generate approximately \$38 million over a ten year period. The proposed rate variation has allowed council to develop a fully-costed \$38 million program of infrastructure and on-ground works planned for Pittwater over the next ten years **(see Attachment 1)**. The current EI Levy has one year remaining 2011/12. It is proposed that the final year of the EI levy (2011/12) be replaced by the first year of the rate variation of 5%. It should be noted that the EI Levy works proposed in the final year (2011/12) will be completed as planned.

The graph and table below represents council's total annual rate income showing the impact of CPI, the Environmental Infrastructure Levy (EI) and the special rate variation over a 3 year period. The current EI Levy has one year remaining 2011/12. It is proposed that the final year of the EI levy (2011/12) be replaced by the first year of the rate variation of 5%.



As indicated in the above graph, CPI to date has been estimated at 2.8%. Council upon finalising its long term financial plan and subsequently advised by IPART, CPI for years 2012/13 and 2013/14 (being the final two years of Council's proposed Special Rate Variation) will be 3.0%.

Accordingly, when Council submits its Special Rate Variation application to IPART the figures used for CPI will be 2.8% for 2011/12, 3.0% for 2012/13 and 3.0% for 2013/14. The increase in CPI will add approximately \$260,000 to the SRV program over the 10 year term. The table below shows the actual figures relating to the graph above and highlights CPI, the EI Levy and the Special Rate Variation impact on the overall rate base of council.

### 2.3 SRV Application

	2010/11	2011/12	2012/2013	2013/2014	2014/2015
<b>CPI</b>	771,836	855,476	985,086	1,054,042	1,117,285
<b>EI Levy</b>	1,432,803	-1,432,803	0	0	0
<b>Special rate</b>	0	1,522,892	1,313,448	1,054,042	0
<b>Total Rate Base</b>	31,890,634	32,836,199	35,134,733	37,242,817	38,380,182

The final application to IPART, including the DRAFT 2011-2015 Delivery Program & Budget, is due on 25 March 2011.

IPART will also be looking at the extent of council's integrated planning and reporting framework. Council currently has the full suite of strategic documents in place. Council is well placed in this regard.

Once the SRV application is submitted to IPART they will determine all SRV applications by 10 June 2011.

### 2.4 Community Engagement

One of the major tenants and assessment criteria of the SRV Application is the involvement of the community in the process. IPART will be looking at how the community has been informed and the methods with which the community has been communicated with and the extent of this engagement.

The council embarked on an extensive process of community engagement between 2005-2008, working with the community to capture the community aspirations of residents that culminated in council's first Community Strategic Plan, '*Pittwater 2020 – Our Sustainable Future*'. This long-term document that was created, in partnership with community and includes a range of activities, initiatives and aspirations of the community, of what Pittwater could be in the future. Subsequently council has developed a long-term detailed delivery program in response to *Pittwater 2020*. This delivery program has recently been reinforced by the community survey results.

In July 2010 Council commissioned an independent research company to undertake a community survey. This was the first comprehensive survey in Pittwater that examined resident's satisfaction with Council and council services as well as obtaining feedback about the areas of service delivery most important to residents. Following the survey four workshops were then undertaken in October for residents to gather further detail about the priorities identified in the community survey.

In January 2011 a separate Special Rate Variation Survey was completed with ratepayers in Pittwater. An independent research company undertook a telephone survey with 400 participants to gauge their views about a rate increase and importance of spending priorities. The broad program of works was outlined and the cost of the increase was explained. Residents were then asked whether they were in favour of a rate increase with 69% of respondents agreeing to a rate increase.

It should be noted that 400 survey respondents is the accepted sample size for statistically valid research outcomes with a maximum sampling error of +/- 4.9% at 95% confidence. The research company also ensured that the sample taking part in the survey were representative of the demographics of Pittwater.

## 2.5 Community Engagement Activities Explained

2.5.1 Most recently, Council embarked on a community engagement process to achieve a number of objectives which included:

- To reach the broadest cross-section of the Pittwater community especially those who are harder to reach and less likely to be involved in regular consultation activities;
- To build on the knowledge and views of residents currently involved in consultation mechanisms
- To be flexible and responsive to the questions raised by the community in relation to the SRV proposal.

Highlights of the recent elements of community engagement strategy are:

### **Special Edition of Pittwater Report**

A Special Edition of the Pittwater Report about the Special Rate Variation was sent to every ratepayer. It was deemed that the Special Rate Variation was of such significant importance to the community that a separate edition was created in addition to the normal publication of the quarterly Pittwater Report.

Copies of the Special Edition were distributed through the Customer Service areas, Mona Vale Library and through Council's Out of School Hours program to ensure that young busy families were aware of the rate proposal.

### **Expansion of Council's website**

A webpage was developed for Pittwater Council's website (accessible through the home page) providing comprehensive information about the proposal. The information was provided over a number of linked but clearly identified pages such as:

*Special Rate Variation* – A brief overview of the rationale and benefits to the community resulting from an increase in rates

*The Special Rate Variation Explained* – Identification of broad funding programs resulting from the SRV proposal.

*Community Consultation* – Description of the consultation process so far and the research undertaken along the way to clarify community needs and aspirations.

*The Program of Works* – An explanation of the works to be carried out with attached detailed works program and expenditure under each key direction of the strategic plan.

*The Bottom Line* – Further explanation of the rates structure including the fact that the rates increase is in addition to CPI and will be cumulative over three years.

*Your Rates Change* – Specific calculation of the dollar amount according to land value brackets incurred by ratepayers as a consequence of the rate increase.

*Your Questions Answered* – Interactive web page where key questions and themes posed by residents were answered in detail for others to see and be informed.

*Have Your Say* – Explanation of the range of ways in which the community can have a say.

An additional Fact Sheet with common questions and answers was developed for the website.

### **The General Manager's Blog**

The General Manager's blog was published on 8 February encouraging residents to provide feedback about the SRV proposal. Responses have also been posted on the blog to answer resident's questions where appropriate.

### **Two Public meetings**

Extensive advertising through media releases, the Community Noticeboard and Mayoral Column, social media (Twitter and Facebook) as well as the Special Edition were utilised to inform the community about these public meetings held at Avalon Recreation Centre and Mona Vale Memorial Hall on the 1<sup>st</sup> and 2<sup>nd</sup> March respectively. All reference group members were informed about the SRV report to Council and invited to attend the public meetings.

The public meeting format incorporated a presentation by the General Manager about elements of the SRV proposal and the remainder of the meeting time was given to hearing questions and feedback from those who attended the meeting.

Submission sheets were circulated at each meeting so that attendees could, in addition to raising matters at the meeting, also provide a written comment.

Notes were taken at each meeting and posted to the consultation projects webpage. All participants were informed about the location of these minutes. The minutes summarised the key issues raised at the meetings during the open question session.

## **2.6 Themes and Outcomes from the Community Engagement Process**

### **2.6.1 Public Meetings**

Approximately 80 participants attended the public meetings (40 at Avalon Recreation Centre and 40 at Mona Vale Memorial Hall).

Participants were requested to sign the attendance list which sought demographic data of those attending including postcode and age (18-34, 35-54, over 55).

Of those who did provide their details:

#### **Age category**

18-34 y.o	1	(0.02%)
35-54 y.o.	10	(16%)
Over 55	53	(83%)
<b>Total</b>	<b>64</b>	<b>(100%)</b>

#### **Postcode**

2103 (Mona Vale)	4	(6%)
2104 (Bayview)	4	(6%)
2105 (Church Pt., Lovett Bay, Scotland Island)	6	(9%)
2106 (Newport)	8	(13%)
2107 (Avalon, Whale Beach)	33	(52%)
2108 (Palm Beach, Mackerel Beach)	9	(14%)
<b>Total:</b>	<b>64</b>	<b>(100%)</b>

Of note, the demographic data collected at the public meetings indicated that over 80% of participants were aged over 55 years of age and a large proportion of residents (52%) were living in Avalon, Bilgola, Careel Bay, Newport and Whale Beach.

#### **2.6.2 Key issues discussed at the meetings were:**

- Clarification of the rating structure and the exact cost to ratepayers.
- A number of people were not happy that they would be paying more in comparison to those with lesser land values. This issue dealt with the advalorem rating structure that is currently in place.
- Increasing financial pressures due to increased cost of living expenses including state land tax, especially for those who are asset rich cash poor. Rebates for pensioners and those suffering financial hardships were highlighted as available options.
- Support for the works program, especially the upgrade of facilities such as surf clubs.
- The need to protect and preserve the natural environment and A recognition that residents need to be prepared to pay if they want to continue living in an area of beauty such as Pittwater.
- That the program of works outlined in the Special Rate Variation proposal is in addition to Council's existing Capital Improvement Program. The SRV proposal will present the opportunity for additional works to be undertaken on the backlog of roads and footpaths as well as upgrade of community facilities and amenities.
- That council do more with respect to future costing savings initiatives and productivity gains.
- Concern that loss on investments such as CDOs necessitated an increase in rates. Residents were assured that the return on the broad investment portfolio has remained in positive figures (approximately 4.4% averaged over the last 4 years 2007 to 2010 inclusive) even during the global financial crisis.
- Cost shifting from the state government which has contributed to the widening gap between income and required expenditure, upkeep of key roads in Pittwater.
- The preference to pursue a Special Rate Variation rather than an infrastructure levy, the Division of Local Government with the Integrated Planning & Reporting Framework are encouraging councils to develop longer term 10 year planning cycles.
- Accountability of Council to deliver on the works program with the initiation of a contract with the community and the establishment of a monitoring committee with community representation. Reporting to the community will occur every six months.
- Assurance that the funds raised through the SRV will go projects as highlighted and not to administrative costs.
- Questions about the priorities of the works program which have been determined by the Community Strategic Plan, the Community Survey and the assessment of the condition of our assets. Some specific requests were made in relation to minor works that could be included, e.g. footpaths in certain streets.

## 2.7 Written Submissions

- 2.7.1 Ratepayers were given nearly 5 weeks to provide submissions with their comments/questions about the SRV proposal. Submissions opened on 8 February 2011 and closed on Friday 11 March 2011.
- 2.7.2 Council received over two hundred and fifty submissions. These were comments received via the General Manager's blog, the on-line comment option from the SRV web page, paper submission sheets from the public meetings, from emails received through the Pittwater Council email address and letters addressed to the General Manager.
- 2.7.3 It is difficult to determine the true representativeness of submissions received as research principles such as ensuring a sample reflects the demographic nature of Pittwater cannot be applied. However, it is noted that the submissions are a reflection of the broad range of issues of importance amongst ratepayers.
- 2.7.4 Of the 256 submissions, 52% of respondents were in favour of the rate increase and 48% were against.
- 2.7.5 There was a predominance of submissions from the northern areas of Pittwater with approximately 70% of submissions received from Newport, Whale Beach, Avalon and Palm Beach postcodes.
- 2.7.6 Two key issues emerged from submissions:
1. Overwhelming support for the injection of money to upgrade Avalon Surf Club (58 submissions)
  2. A criticism of the current rate system (advalorem rating structure) which meant that those with high land values will see a proportional increase in their rates (50 submissions)
- 2.7.7 In addition to these submissions a number of other themes were apparent.
- Ratepayers would like assurance that Council will spend the money in the areas identified in the works program and they would like to be informed about the progress of these projects.
  - Questions were raised about the equity of project priorities with some resistance articulated about expenditure on Scotland Island.
  - Overall support for the rates increase with comments such as "a commendable list of projects", "prepared to pay for better infrastructure"
  - Request for pensioner rebate to be adjusted upwards
  - Would like to see evidence of more efficiency and more detail about how cost savings have been achieved.
  - Belief that Council should work within its current budget, given broader economic climate and financial losses
  - Increase user fees especially for those who don't live in Pittwater

- Specific requests for small works carried out in their area to be included in the works program (e.g. footpaths and roads)
- Other requests included a request for seed funding for a Pittwater Aquatic Centre and progression of youth infrastructure such as a performance space and PCYC facility to be implemented sooner.
- Belief that Council should further increase rates for businesses in Pittwater.

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### **3.0 ISSUES**

- 3.1 Despite a number of specific requests regarding small works to be included in the works program it does appear that there is general support for the overall works program identified. It has been reiterated that project priorities have been determined on principles of equity and have been driven largely by what the community have told us they want.
- 3.2 There is ongoing criticism of a rates structure based on ad valorem system. Whilst in many respects this is a separate issue to the Special Rate Variation proposal, the notion that those with high land values will continue to pay more under the rate increase has been highlighted as an issue of concern to these ratepayers.
- 3.3 The current financial context is an issue for some households, especially pensioners.
- 3.4 Council can be satisfied that every effort has been made to reach the broadest cross-section of the community to inform them about the rates increase and proposal of works. Comprehensive information has been circulated via the Special Edition of the Pittwater Report and detailed website pages contained within Council's website. The public meetings were well attended.
- 3.5 Council has been responsive to the questions raised by residents by way of two public meetings and the on-line comment and blog formats.
- 3.6 Whilst a proportion of ratepayers have indicated they are supportive of the rate increase there is clearly an expectation that Council will need to communicate regularly to the community about the progress of works projects to ensure trust and accountability to the community.

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### **4.0 SUSTAINABILITY ASSESSMENT**

#### **4.1 Supporting & Connecting our Community (Social)**

The community will benefit from \$8.1 million, over ten years, for improvements to surf clubs, rock pool upgrades and beach facilities, wharves, sports fields and other recreational reserves.

#### **4.2 Valuing & Caring for our Natural Environment (Environmental)**

The SRV will enable council to spend \$10.5 million, over ten years, for beach, coastline and flood protection, water and energy saving initiatives, bushland protection/regeneration and weed eradication and wildlife protection.



#### **4.3 Enhancing our Working & Learning (Economic)**

The SRV will provide \$675,000 worth of enhancements to council's existing library network.

#### **4.4 Leading an Effective & Collaborative Council (Governance)**

During the SRV process council will provide a range of community engagement opportunities so that all residents of Pittwater can have their say. A benefit of the SRV will be \$2.7 million for managing bushfire and flood risk as well as providing emergency management.

#### **4.5 Integrating our Built Environment (Infrastructure)**

The SRV will enable council to start working toward providing long-term lifecycle benefits from its existing assets across the LGA. By developing advanced asset management procedures Council will be able to extend the life of its assets from developing, funded, strategic maintenance programs. \$16.5 million over ten years has been allocated to building new roads and repairing existing ones, providing more car parking, developing new footpaths and upgrades to drainage and roads for Scotland Island.

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### **5.0 EXECUTIVE SUMMARY**

After developing a program to deliver the community aspirations in *Pittwater 2020* and modelling our long-term financial position Council has determined that it needs additional funds to address aging infrastructure, implement programs that will maintain the natural environment and maintain Council services for the community.

In short, the proposed increase in rate income would ensure the financial sustainability of Pittwater Council. It would enable council to focus on capital works which our community have told us they want. Another benefit of upgraded infrastructure is a reduction in the long-term maintenance costs for future generations.

The proposed increase beginning in 2011 will be 5%, 4% and 3% per annum (excluding CPI) over the existing rate structure. The current EI Levy has one year remaining 2011/12. It is proposed that the final year of the EI levy (2011/12) be replaced by the first year of the rate variation of 5%. It should be noted that the EI Levy works proposed in the final year (2011/12) will be completed as planned.

The proposed special rate variation has in turn allowed council to develop a fully-costed \$38 million program of infrastructure and on-ground works planned for Pittwater over the next ten years.

Council has conducted an extensive community engagement process since the development of *Pittwater 2020* around the proposed SRV as highlighted above.

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## RECOMMENDATION

1. That Council adopt the proposed special rate variation (SRV) beginning in 2011. The SRV will be 5% (2011/2012), 4% (2012/13) and 3% (2013/14) per annum, over and above CPI. When Council submits its Special Rate Variation application to IPART the figures used for CPI will be 2.8% for 2011/12, 3.0% for 2012/13 and 3.0% for 2013/14
2. That Council adopt the 10-year, \$38 million SRV works program that will form part of the Special Rate Variation Application and that will be incorporated into the 2011-2015 Draft Delivery Program & Budget.
3. That the Special Rate Application be submitted to IPART for consideration and evaluation.

Report prepared by

Paul Reid, Team Leader Corporate Strategy & Commercial  
Mark Jones, Chief Financial Officer

Mark Ferguson  
**GENERAL MANAGER**

## 10 Year SRV Works Program by Key Direction

Key Direction	Projects & Programs	Strategy	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	TOTAL
KD1 - Supporting & Connecting our Community	PCYC (Police, Citizen and Youth Club) (Council Component)	Recreation/Build Comm									638,321		638,321
	Mona Vale Village Park Outdoor Performance Space	Recreation/Build Comm									319,161	658,109	977,270
	Sports Field and Open Space Improvements	Recreation/Build Comm	55,500	44,622	47,200	48,649	50,142	51,682	53,268	54,904	56,590	58,328	520,885
	Avalon Stage 1	Recreational		299,506	999,183								1,298,689
	Mona Vale Surf Club	Recreational							480,410				480,410
	Newport Surf Club	Recreational				100,002							100,002
	South Palm Beach Pavilion	Recreational					451,954						451,954
	North Palm Beach Surf Club	Recreational							60,051	371,477			431,528
	North Narrabeen Rock Pool	Recreational				383,569	56,494						440,064
	Warriewood Beach	Recreational						186,386					186,386
	South Palm Beach Rock Pool	Recreational						116,491					116,491
	Palm Beach Wharf	Recreational		500,035									500,035
	Newport Wharf	Recreational				458,913							458,913
	Bennetts Wharf	Recreational					180,782						180,782
	Mackeral Beach Wharf	Recreational					282,472						282,472
	Bayview Wharf	Recreational						291,228					291,228
	Taylors Point Wharf	Recreational						87,368					87,368
	Scotland Island Wharf	Recreational						122,316	384,747				507,063
	Boating Infrastructure	Recreational		103,100	106,296								209,396
<b>TOTAL</b>			<b>55,500</b>	<b>947,263</b>	<b>1,152,679</b>	<b>991,134</b>	<b>1,021,844</b>	<b>855,472</b>	<b>978,477</b>	<b>426,381</b>	<b>1,014,072</b>	<b>716,437</b>	<b>8,159,258</b>
KD2 - Valuing & Caring for our Natural Environment	Facilities and Services at Beaches (Dune Restoration)	Beach & Coastal		51,550	106,296	109,591	112,989	116,491	120,102	123,826	127,664	131,622	1,000,131
	Pittwater Estuary and Coastaline Rehabilitation	Beach & Coastal	223,857	103,100	106,296	131,510	135,586	139,790	144,123	148,591	153,197	157,946	1,443,996
	Facilities and Services at Beaches (Extension of Lifeguard Services)	Beach & Coastal		103,100	106,296	109,591	112,989	116,491	120,102	123,826	127,664	131,622	1,051,681
	Cleanliness of Beaches and Ocean pools	Beach & Coastal		41,240	42,518	43,837	45,195	46,597	48,041	49,530	51,066	52,649	420,673
	Bushland Reserve Regeneration	Biodiversity	125,000	119,495	175,389	202,744	225,977	256,281	264,225	272,416	280,861	289,568	2,211,957
	Ingleside Chase (Escarpment) Bushland Restoration	Biodiversity		25,775		27,398		29,123		30,956		32,905	146,158
	Reconnection and Enhancement of Wildlife Corridors	Biodiversity			31,889	32,877	33,897	34,947	36,031	37,148	38,299	39,487	284,574
	Community Bushcare Program	Biodiversity		10,620	21,259	21,918	22,598	23,298	24,020	24,765	25,533	26,324	200,336
	Energy Saving Initiatives and Retrofits	Sustainability		103,100	106,296	109,591	112,989	116,491	120,102	123,826	127,664	131,622	1,051,681
	Water Saving and Re-Use Initiatives	Sustainability		41,240	53,148	54,796	56,494	58,246	60,051	61,913	63,832	65,811	515,531
	Protecting Native Plants and Animals	Biodiversity		51,550	53,148	54,796	56,494	58,246	60,051	61,913	63,832	65,811	525,841
	Noxious and Environmental Weed Eradication	Vegetation		30,930	31,889	32,877	33,897	34,947	36,031	37,148	38,299	39,487	315,504
	Flood Mitigation and Stormwater Rectification	Water			116,926	153,428	158,184	163,088	168,143	173,356	178,730	184,271	1,296,125
	<b>TOTAL</b>		<b>348,857</b>	<b>681,700</b>	<b>951,350</b>	<b>1,084,954</b>	<b>1,107,288</b>	<b>1,194,035</b>	<b>1,201,025</b>	<b>1,269,213</b>	<b>1,276,643</b>	<b>1,349,124</b>	<b>10,464,189</b>
KD3 - Enhancing our Working & Learning	Refurbishment of Library	Community Learning				71,234	61,014	132,218	27,624	123,207	126,771	130,964	673,030
<b>TOTAL</b>						<b>71,234</b>	<b>61,014</b>	<b>132,218</b>	<b>27,624</b>	<b>123,207</b>	<b>126,771</b>	<b>130,964</b>	<b>673,030</b>
KD4 - Leading an Effective & Collaborative Council	Managing Natural Hazards	Risk Management	134,884	154,650	159,444	164,387	169,483	174,737	180,154	185,738	191,496	197,433	1,712,406
	Managing and Protecting Creeks and Waterways	Risk Management		103,100	106,296	109,591	112,989	116,491	120,102	123,826	127,664	131,622	1,051,681
<b>TOTAL</b>			<b>134,884</b>	<b>257,750</b>	<b>265,740</b>	<b>273,978</b>	<b>282,472</b>	<b>291,228</b>	<b>300,256</b>	<b>309,564</b>	<b>319,161</b>	<b>329,055</b>	<b>2,764,088</b>
KD5 - Integrating our Built Environment	Carpark and Access Improvement Program	Town & Village		85,131	138,185	142,469	146,885	151,439	156,133	160,973	165,964	171,108	1,318,286
	Keeping Villages and Surrounding Areas Beautiful	Town & Village		85,573	88,226	90,961	93,781	96,688	99,685	102,775	105,961	109,246	872,896
	Scotland Island road and Drainage Infrastructure	Town & Village	100,000	103,100	106,296	109,591	112,989	116,491	120,102	123,826	127,664	131,622	1,140,047
	Road Rehabilitation Program	Transport	684,619	457,764	751,358	853,659	826,481	1,040,330	990,925	1,226,360	1,100,559	1,425,932	9,357,987
	Footpath and Verge Rehabilitation	Transport	199,032	61,860	74,407	76,714	79,092	81,544	84,072	86,678	89,365	92,135	924,899
	Footpath and Multi Purpose Access Networks	Transport		156,200	362,140	312,399	395,460	291,680	420,359	433,390	446,825	460,676	3,279,130
	<b>TOTAL</b>		<b>983,651</b>	<b>949,628</b>	<b>1,520,612</b>	<b>1,585,793</b>	<b>1,654,688</b>	<b>1,778,172</b>	<b>1,871,276</b>	<b>2,381,653</b>	<b>1,908,674</b>	<b>2,259,098</b>	<b>16,893,245</b>
<b>GRAND TOTAL</b>			<b>1,522,892</b>	<b>2,836,340</b>	<b>3,890,382</b>	<b>4,007,093</b>	<b>4,127,305</b>	<b>4,251,125</b>	<b>4,378,657</b>	<b>4,510,018</b>	<b>4,645,319</b>	<b>4,784,678</b>	<b>38,953,810</b>

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<b>C10.6</b>	<b>2011-2015 Draft Delivery Program &amp; Budget</b>
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**Meeting:** Governance Committee

**Date:** 21 March 2011

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**STRATEGY:** Business Management

**ACTION:** Develop a structure/framework for integrated corporate planning.

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## **PURPOSE OF REPORT**

To report to Council on the preparation of Pittwater Council's 2011-2015 Draft Delivery Program & Budget (as tabled) and to seek Council's approval to place the Delivery Program on public exhibition.

### **1.0 BACKGROUND**

- 1.1 Section 404 & 405 of the Local Government Act 1993 requires councils to develop a Delivery Program and Operational Plan for four years and adopt this Plan on or before 30 June each year.
- 1.2 Pittwater Council's 2011-2015 Delivery Program & Budget incorporates both the Delivery Program and Operational Plan in one document. It has been produced in accordance with the Local Government Act and identifies key actions that will be undertaken by Council over the coming four-year period to meet the community's needs.
- 1.3 The Delivery Program & Budget are in line with the 2020 Strategic Plan. Council has kept with the format of previous formats to ensure consistency of approach and ease of use.

### **2.0 ISSUES**

#### **2.1 Review of Pittwater Council's 2011-2015 Draft Delivery Program and Budget**

- 2.1.1 Pittwater Council's Draft Delivery Program and Budget has been reviewed in light of the changes from the Department of Local Government to move towards an integrated planning and reporting framework.
- 2.1.2 Following on from the development of the 2020 Strategic Plan the Delivery Program & Budget has been reviewed and updated to flow on from the Strategic Plan and provide a four-year delivery program to provide the delivery mechanism to achieve the community's aspirations and to translate strategic initiatives into yearly actions.
- 2.1.3 Council's Delivery Program and Budget continue to be structured along the same lines of the Strategic Plan which includes having 20 strategies under five key directions.
- 2.1.4 The way in which Council's budget is presented has also been updated to reflect these 20 strategies and five key directions. Financial information is still presented in the traditional format in terms of the consolidated statement but a budget has also been presented for each of the five key directions and 20 strategies.

2.1.5 In the 2011-2015 Delivery Program we have kept with the same streamlined approach of the existing introductory information and document section to make the document more accessible for the community. Hence there is a move towards avoiding duplication and directing residents to the relevant documents on the internet.

2.1.6 Key Highlights include;

- Narrabeen Creek corridor rehabilitation & cycleway upgrades
- Conduct the biennial Youth Forum
- Improvements to Pittwater's roads, footpaths and boardwalks
- Implementation of the Mona Vale Cemetery Plan of Management
- Continuation of the village graffiti removal program that has been going for two years
- Major upgrades to Palm Beach and Mackerel Beach wharves
- Construction of a regional playground in Warriewood (Sector 8)
- Elanora commercial centre upgrade
- Continuation with the Revolving Energy Fund to retrofit energy efficient equipment into Council buildings

## 2.2 **IPART Advice on General Revenue Increase**

2.2.1 A rate increase of 2.8% has been advised for 2011–2012.

2.2.2 This general-purpose rate income increase has been incorporated in the 2011-2012 Budget.

## 2.3 **Rates and Charges**

2.3.1 The Local Government Act 1993 requires that Council resolve to make and levy its rates and domestic waste management charge each year. The draft Delivery Program incorporates the proposed rates and domestic waste charges for 2011-2012.

2.3.2 The Schedule of Fees and Charges has been revised for 2011-2012 to reflect variations in the CPI and other economic factors.

2.3.3 For the purposes of the 2011-2015 Draft Delivery Program & Budget, all income and associated projects relating to the Environmental Infrastructure Levy and the Special Rate Variation have been included in the 2011-2012 Budget and all 4 year budget projections.

2.3.4 Domestic Waste Charge for 2011/12 will be \$450

## 2.4 Budget Overview

2.4.1 The full set of financials for 2011/2012 and the projected financials for 2012-2015 can be found in Section 2 in the Draft 2011-2015 Delivery Program & Budget.

2.4.2 In formulating Council's 2011-2012 Budget the following major financial indicators are outlined below (including historical comparative data):

Performance Indicator	2011/2012 Proposed Budget*	2010/11 Reviewed (Dec Budget Review)	2009/10 Actual	2008/09 Actual	2007/08 Actual	Local Government Bench Mark
Operating Result (before Capital amounts)	\$41,855 Surplus	\$160,000 Surplus	\$2.128m Surplus	\$62,000 Surplus	\$1.182m Surplus	Surplus
Consolidated Result	\$81,758 Surplus	\$79,000 Surplus	\$278,000 Surplus	\$76,000 Surplus	\$373,000 Surplus	N/A
Unrestricted Current Ratio	3.08:1	3.21:1	3.81:1	2.92:1	3.24:1	> 100% or 1:1
Debt Service Ratio	2.49%	2.37%	2.71%	1.82%	1.77%	<10%
Rates & Annual Charges Coverage Ratio	64.42%	62.96%	63.01%	63.22%	51.49%	>50%
Rates, Annual Charges Outstanding %	5%	5%	4.95%	4.65%	4.53%	<5%
Building & Infrastructure Renewals Ratio	1.01:1	1.05:1	0.64:1	1.56:1	1.74:1	>100% or 1:1

Note: \*All 2011/2012 budget figures include the Special Rate Variation income and expenditure  
< represents less than  
> represents greater than

### 2.4.3 Special Rate Variation

After developing a program to deliver on the community aspirations in *Pittwater 2020* and modelling our long-term financial position Council has determined that it needs additional funds to address aging infrastructure, implement programs that will maintain the natural environment and maintain Council services for the community.

In the past Council has structured its financial planning around a balanced budget and a small operating surplus. This is becoming harder to achieve with escalating costs, ageing infrastructure, government cost shifting and limited sources of revenue. The reality is that costs are increasing at a rate above our current rate peg which currently stands at 2.6% for 2010/11. Council believes that the most prudent strategy for Pittwater Council to remain strong and independent is to apply for a special rate variation.

The proposed increase in rate income would support the financial sustainability and independence of Pittwater Council. It would enable council to focus on capital works and services which our community has highlighted as important. Further to this, another benefit of upgraded infrastructure is a reduction in the long-term maintenance costs for future generations.

The proposal for a special rate variation was first introduced to the community during the public meeting and exhibition of the 2010-2014 Delivery Program & Budget in April 2010. Following on from this council have conducted two community surveys, one regarding resident's satisfaction with existing council services and the second survey dealt with the proposed spending priorities and the proposal for a special rate increase. To date feedback from the majority of residents has been favourable.

The proposed increase beginning in 2011 will be 5%, 4% and 3% per annum (over and above CPI). The current EI Levy has one year remaining (2011/12). It is proposed that the final year of the EI levy be replaced by the first year of the rate variation of 5%. It should be noted that the EI Levy works proposed in the final year (2011/12) will be completed as planned.

All works associated with the 10-year \$38million program have been incorporated into the 2011-2015 Delivery Program and Budget. The SRV works program has been separated out from the CIP programs but all income and expenditure from the Special Rate Variation have been included into all budgets.

## **2.5 Public Exhibition of Pittwater Council's 2011-2015 Draft Delivery Program & Budget**

2.5.1 The Local Government Act requires Council to give public notice of the draft Plan and place it on exhibition for 28 days.

2.5.2 Public exhibition of the draft Plan will include:

- The public exhibition of the Delivery Program advertised in local papers
- Copies of the Draft Delivery Program made available at Council offices, Mona Vale and Avalon Community Library and on the Pittwater website
- A Public Meeting to be held in Mona Vale on 1 June 2011 at 6.30pm.

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## **3.0 SUSTAINABILITY ASSESSMENT**

### **3.1 Supporting & Connecting our Community (Social)**

3.1.1 The Delivery Program outlines a number of actions that help to support and connect our community through the Building Communities and Recreational Management Strategies.

### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

3.2.1 The Delivery Program outlines a number of actions that help to value and care for our natural environment through the Beach & Coastal Management, Biodiversity, Sustainability & Climate Change Coordination, Vegetation, Waste Management & Pollution Control and Water Management Strategies.

### **3.3 Enhancing our Working & Learning (Economic)**

3.3.1 The Delivery Program outlines a number of actions that help to enhance our working and learning through the Community Learning and Economic Development Strategies.

### **3.4 Leading an Effective & Collaborative Council (Governance)**

3.4.1 The Delivery Program outlines a number of actions that helps to lead an effective and collaborative through the Business Management, Community Engagement, Education & Awareness, Disaster & Emergency Management, Information Management and Risk Management Coordination Strategies.

The 2011-2012 budget included in the Draft Delivery Program provides a Consolidated (Operating plus Capital) surplus of \$81,758.

### 3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The Delivery Program outlines a number of actions that help to integrate our built environment through the Asset Management, Energy Efficiency, Land Use & Development, Town & Village and Transport and Traffic Strategies.

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## 4.0 EXECUTIVE SUMMARY

- 4.1 Pittwater Council's 2011-2015 Draft Delivery Plan & Budget has been developed in accordance with the Local Government Act and the new Integrated Planning & Reporting legislation introduced in October 2009. It identifies key actions that will be undertaken by Council over the coming four-year period to meet the community's needs.

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## RECOMMENDATION

1. That Pittwater Council's 2011-2015 Draft Delivery Program, as tabled, be placed on public exhibition for a period of 28 days for community feedback.
2. That a public meeting be held on the 1 June 2011 at 6.30pm in relation to the Draft Delivery Plan & Budget.
3. That following the public exhibition period a further report be brought to Council outlining any submissions received.

Report prepared by

Paul Reid - Team Leader Corporate Strategy  
Mark Jones - Chief Financial Officer

Mark Ferguson  
**GENERAL MANAGER**



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## **C10.7      Pittwater Asset Management Policy - Adoption**

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**Meeting:**            Governance Committee

**Date:**            21 March 2011

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**STRATEGY:**    **Asset Management Coordination**

**ACTION:**            Further develop and implement the Total Asset Management strategy

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### **PURPOSE OF REPORT**

To recommend adoption of the Pittwater Asset Management Policy.

#### **1.0      BACKGROUND**

- 1.1    The draft Pittwater Asset Management Policy has been developed in response to the Division of Local Government's planning and reporting framework requiring the preparation of a Resourcing Strategy.
- 1.2    The Resourcing Strategy sets out the resource planning to achieve the community long-term aspirations as set out in the Community Strategic Plan, ie time, money, assets and people.
- 1.3    The Resourcing Strategy is required to have three components, being:
  - Long Term Financial Planning
  - Workforce Management Planning
  - Asset Management Planning
- 1.4    Asset Management Planning is likewise, split into three components, being:
  - Asset Management Policy
  - Asset Management Strategy
  - Asset Management Plan
- 1.5    The Pittwater Asset Management Policy is to be a Council endorsed document which sets the broad framework for undertaking asset management in a structured and co-ordinated way.
- 1.6    The Pittwater Asset Management Strategy is a 'living' document and the first version has been prepared examining the current asset management situation, assessing the direction as to where Council seeks to be placed, based on the direction set in the Community Strategic Plan and then defining actions to achieve the strategic direction over a time period. The Asset Management Strategy will be required to be reviewed annually for the initial years then on a 3-5 year cycle.

The first strategy – Pittwater Asset Management Strategy (PAMS1) has been prepared in line with the Integrated Planning and Reporting Guidelines.

- 1.7 The Pittwater Asset Management Plan is also to be a 'living' document, comprising sections based on asset class eg, Roads, Footpaths, Wharves, etc. It is anticipated that it will take 3 to 5 years to fully complete the asset planning requirements for all asset classes and therefore the plan is to be completed in sections.

As an initiative to commence the process, the first Plan – Pittwater Asset Management Plan (PAMP1) – Core Approach, has been prepared also in line with the Integrated Planning and Reporting Guidelines.

## **2.0 ISSUES**

- 2.1 The Draft Pittwater Asset Management Policy was placed on public exhibition between 8 February 2011 and 7 March 2011.
- 2.2 The public exhibition of the Policy was advertised in the Community Noticeboard and the Policy was available on Council's web site.
- 2.3 No submissions to the exhibition were received.
- 2.4 Amendments have been made to the Policy to add a section 5.4.5 – Climate Change.

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## **3.0 SUSTAINABILITY ASSESSMENT**

### **3.1 Supporting & Connecting our Community (Social)**

- 3.1.1 The Asset Management Policy establishes the link to the Community Strategic Plan and in doing so, provides assurance that decisions are made based on community expectations.

### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

- 3.2.1 The Asset Management Policy establishes sustainability as one of the key elements in management of the assets.

### **3.3 Enhancing our Working & Learning (Economic)**

- 3.3.1 The Asset Management Policy is the basis of providing asset valuation together with asset maintenance and renewal costs into the decision making process.

### **3.4 Leading an Effective & Collaborative Council (Governance)**

- 3.4.1 The Asset Management Policy will provide transparency in the decision making process and align with the Community Strategic Plan.

### **3.5 Integrating our Built Environment (Infrastructure)**

- 3.5.1 The Asset Management Policy, together with the Asset Management Strategy and Plan, will provide long term planning so that infrastructure is appropriately managed based on priority requirements balanced against available funding.

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#### **4.0 EXECUTIVE SUMMARY**

- 4.1 The draft Pittwater Asset Management Policy has been developed in response to the Division of Local Government's planning and reporting framework requiring the preparation of a Resourcing Strategy.
- 4.2 The Resourcing Strategy sets out the resource planning to achieve the community long-term aspirations as set out in the Community Strategic Plan, ie time, money, assets and people.
- 4.3 The draft Pittwater Asset Management Policy was placed on public exhibition between 8 February 2011 and 7 March 2011.
- 4.4 No submissions to the exhibition were received.
- 4.5 The Asset Management Policy is to be a Council endorsed document which sets the broad framework for undertaking asset management in a structured and co-ordinated way.
- 4.6 The Pittwater Asset Management Policy is recommended for adoption.

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#### **RECOMMENDATION**

That the attached Pittwater Asset Management Policy (refer **Attachment 1**) be adopted.

Report prepared by

James Payne  
**MANAGER, URBAN INFRASTRUCTURE**

<b>Council Policy – No. 184</b>  <b>Version: 1</b>	<b>Adopted:</b>	
	<b>Amended:</b>	

<b>TITLE:</b>	Pittwater Asset Management Policy
<b>STRATEGY:</b>	Asset Management Coordination Strategy
<b>BUSINESS UNIT:</b>	Urban Infrastructure
<b>RELEVANT LEGISLATION:</b>	Local Government Act 1993 No. 30 Local Government (General) Regulation 2005
<b>RELATED POLICIES:</b>	NSW Division of Local Government Planning & Reporting Manual (2010) International & Australian Standard AS/NZS/150/31000:2009 - Risk Management - Principles & Guidelines Australian Accounting Standard (AAS27)

## 1.0 Objectives

The Pittwater Asset Management Policy establishes the principles for Asset Management Planning activities by Pittwater Council.

The Asset Management Planning is to support the:

- Pittwater's Community Vision (2020 Pittwater Strategic Plan) 'To be a vibrant sustainable community of connected villages inspired by bush, beach and water'

and the goals set in the Strategic Plan:

- To encourage Pittwater's villages to be liveable and amenable
- To maintain public assets to an acceptable level
- To maintain relevant facilities and services with Pittwater.

## 2.0 Policy Statement

Pittwater Council acknowledges that:

Adopting an asset management planning approach that utilises best practice principles, processes and procedures for the management of all assets owned by the Council, is to help provide efficiency and transparency in achieving the strategic objectives of Council.

The elements of best practice applicable to asset management planning incorporate:

- An Asset Management process and procedure that fits within the Pittwater Community Strategic Planning Framework.

- Asset management planning that forms a component of the Pittwater Resourcing Strategy that inputs into the Pittwater Delivery Program.
- An asset management planning system that comprises three documents:
  - Pittwater Asset Management Policy (this document)
  - Pittwater Asset Management Strategy
  - Pittwater Asset Management Plan
- A sound asset management protocol that applies legislative requirements that addresses:
  - Governance
  - Value for money based on 'whole of life' cost
  - Sustainability
  - Management of risk
  - Building and maintaining capacity
  - Asset management responsibility
  - Financial management
  - Performance management

### **3.0 Application of this Policy**

This Policy applies to management, maintenance, renewal and provision of new assets which are the responsibility of Pittwater Council.

### **4.0 Definitions**

Act - Local Government Act 1993 No 30

Asset - a resource controlled by Council as a result of past events and from which future economic benefits are expected to flow to Council

Asset Management - the systematic and coordinated activities and practices through which an organisation optimally manages its physical assets and their associated performance, risks and expenditure over their lifecycle for the purpose of achieving its organisational strategic plan. *[Reference: Asset Management Standard Public Available Specification 55 (PAS55) published by the British Standards Institute]*

Regulation - Local Government (General) Regulation 2005

### **5.0 Asset Management Elements**

#### **5.1 Pittwater Community Strategic Plan**

The Strategic Plan establishes five (5) Key Directions supporting twenty (20) strategies as follows:

##### **Strategic Planning Framework**

Key Direction 1 - Supporting and Connecting our Community

- Building Communities Strategy
- Recreational Management Strategy

Key Direction 2 - Valuing and Caring for Our Natural Environment

- Beach & Coastal Management Strategy
- Biodiversity Strategy
- Sustainability and Climate Change Coordination Strategy
- Vegetation Strategy
- Waste Management and Pollution Control Strategy
- Water Management Strategy

Key Direction 3 - Enhancing our Working and Learning

- Community Learning Strategy
- Economic Development Strategy

Key Direction 4 - Leading an Effective and Collaborative Council

- Business Management Strategy
- Community Engagement, Education and Awareness Strategy
- Disaster & Emergency Management Strategy
- Information Management Strategy
- Risk Management Coordination Strategy

Key Direction 5 - Integrating our Built Environment

- Asset Management Coordination Strategy
- Energy Efficiency Strategy
- Land Use and Development Strategy
- Town and Village Strategy
- Traffic and Transport Strategy

The Asset Management Policy, Strategy and Plan come under the Asset Management Coordination Strategy.

## 5.2 Pittwater Resourcing Strategy

The Local Government Act 1993 requires that:

*'A Council must have a long term Resourcing Strategy for the provision of resources required to implement the strategies established by the Community Strategic Plan that Council is responsible for.'*

The Pittwater Resourcing Strategy consists of three components:

1. Long term financial planning
  2. Workforce management planning
  3. Asset management planning
- **Long Term Financial Planning component**  
The Long Term Financial Planning process is the basis for future funding for asset maintenance renewal and the provision of new infrastructure. The Long Term Financial Plan is a 10 year Plan.

The Long Term Financial Plan includes:

- Planning assumptions used to develop the plan
- Projected income and expenditure, balance sheet and cash flow statement
- Sensitivity analysis (factors/assumptions most likely to affect the plan)

- Financial modelling for different scenarios eg. planned/optimistic/conservative
- Methods of monitoring financial performance

The Long Term Planning process is built on four foundations:

- Planning assumptions
- Revenue forecasts
- Expenditure forecasts
- Sensitivity analysis

The Long Term Financial Planning relies upon input from the Asset Management Planning to determine the revenue and expenditure forecasts.

- **Workforce Management Planning component**

The Workforce Management Planning is to comprise a workforce strategy that addresses the human resourcing requirements of the Delivery Plan. The Workforce Management Planning relies upon input from the Asset Management Planning to determine the forward workforce requirements.

- **Asset Management Planning component**

The Asset Management Planning is the third tier of the Resourcing Strategy. The Asset Management Planning inputs into the:

- Long Term Financial Planning
- Workforce Management Planning

with all three planning documents forming the Pittwater Resourcing Strategy.

The Resourcing Strategy subsequently feeds into the Delivery Plan and Operational Plan.

### 5.3 Asset Management Planning

Asset Management Planning comprises three documents:

1. Pittwater Asset Management Policy (this document)
2. Pittwater Asset Management Strategy
3. Pittwater Asset Management Plan

- **Asset Management Strategy**

The Pittwater Asset Management Strategy (January 2011) is a 'living' document with a minimum timeframe of 10 years and is to be updated on a two to four year cycle.

The Asset Management Strategy includes the following items:

- Coverage - asset classes
- Strategic asset management
- Strategic plan initiatives and directions
- Community priorities

- 2020 strategic plan performance measures and targets
- Customer levels of service
- Technical levels of service
- Levels of service, current performance and performance targets
- Approach to future levels of service and performance targets
- Financial forecasts
- Organisational structure and asset management responsibilities
- Asset management system and software
- Data collection and validation
- Strategic objectives and asset management
- Gap analysis
- Issues identified by the gap analysis
- Improvement plan
- Asset management plan framework

The development of the asset management capacity of the Council is set out in the Strategy Improvement Plan providing timeframe objectives.

- **Asset Management Plan**

The Pittwater Asset Management Plan is to be a 'living' document outlining actions and resources to provide a defined level of service in the most cost effective way. The Plan is to be divided in sections based on asset class with the sections to be progressively built initially over a three year period with each section reviewed and updated on a regular basis.

The Pittwater Asset Management Plan for each asset class is to include:

- The best available information on condition/performance sampling
- A simple risk assessment to identify critical assets and strategies to manage those risks
- A description of existing levels of service
- Long term cash flow predictions for asset operation, maintenance and renewals based on local knowledge of assets and options for meeting current or improved levels of service and for serving the projected population
- Financial and critical service performance measures against which trends and Asset Management Plan implementation and improvement can be monitored.

The key components of the Plan are:

- Purpose of the Plan
- Description of asset group and services delivered
- Asset data information
- Condition assessment
- Level of Service



- Influence of future demand and impact of changing demand
- Lifecycle management strategies
- Financial summary including long term cash flow projections for each asset group
- Link to the Community Strategic Plan, Long Term Financial Plan, Capital works and maintenance programs.

## **5.4 Asset Management Protocol**

### **5.4.1 Governance**

#### **Structure**

The Council has established an asset management responsibility structure to ensure accountability and auditability of all asset management decisions made over the lifecycle of all Council assets.

The management of assets is based on a business unit model ensuring that the management of the asset is undertaken by the designated business unit and delegated the responsible manager to the Council officer responsible for the asset in accordance with the Asset Management Plan requirements.

The asset management system being the policy, strategy plan, asset management planning and asset management software system is managed on a centralised basis.

#### **Standards for Management of Assets**

The management of assets is to be carried out to the professional standards and in compliance with:

- Local Government Act 1993 No 30
- Local Government (General) Regulation 2005
- Roads Act 1993
- Australian Codes and Standards

#### **Standards for Asset Management System**

The key components or tools in a Council's asset management system are to include:

- Asset registers
- Asset condition assessments
- Asset maintenance and management systems
- Strategic planning capabilities
- Predictive modelling
- Deterioration modelling
- Risk analysis
- Lifecycle costing

and is to be undertaken in accordance with the International Infrastructure Manual (2000) IPWEA.

**Record Keeping**

Records for all activities relating to the management of assets must be kept and recorded in the Council record management system.

Records of all asset management activities must be kept in a centralised asset management system which must consist of a single database but may encompass several software systems best suited to manage the individual asset class.

**5.4.2 Achieving Value for Money**

The Council's asset management activities are to be carried out on the basis of obtaining value for money.

This means minimising the total cost of ownership over the lifetime of the asset through adopting a lifecycle costing combined with performance measurement approach.

**Lifecycle Costs**

The four phases of an asset management lifecycle of a Council asset is:

- Acquisition
- Operation and maintenance
- Renewal
- Disposal

The analysis of the asset investment options is to be based on the total lifecycle including ongoing operation and maintenance expenditure, future renewal and disposal of the asset.

**5.4.3 Sustainability**

Sustainability comprises an important component of the asset management process:

**Sustainable Objectives**

The specific objectives for sustainability are to:

- Minimise waste - manage assets in accordance with avoid, reduce, reuse and recycle strategies.
- Save water and energy - manage assets to save energy and/or water.
- Minimise pollution - manage assets to ensure that the activity does not pollute soils, air or waterways.
- Eliminate toxic products - manage assets to avoid hazardous chemicals that may be harmful to human health or ecosystems.
- Reduce greenhouse emission - manage assets to reduce greenhouse gas emissions
- Achieve biodiversity and habitat protection - manage assets to achieve biodiversity and conservation objectives.

## **Sustainable Actions**

In delivery of the specific objectives, Council is to pursue the following actions to:

- Eliminate unnecessary inefficiency, waste and expenditure.
- Contribute to the combined purchasing power of local government to further stimulate demand for sustainable products.
- Advance sustainability by participating in 'closing the lifecycle loop'.
- Increase awareness about the range and quality of asset options available.
- Delivery Council's commitments in relation to ecologically sustainable development (ESD) and other environmental and social objectives.
- Play a leadership role in advancing long term social and environmental sustainability.

Council acknowledges that it has a vital role to play in promoting sustainable infrastructure and can make a contribution towards meeting the global challenges of creating a sustainable society.

### **5.4.4 Management of Risk**

Risk Management is to be appropriately applied at all stages of the asset management process which must be properly planned and carried out in a manner that will protect and enhance the Council's assets.

Council's Risk Management Guidelines and Plan are to be applied to the asset management system generally.

The risk management process is to focus on identifying and mitigating threats (especially threats from natural hazards) whilst fully exploiting opportunities. The overarching context is the prudent management of Council property, assets and resources.

The Risk Management process for Asset Management is to:

- Adopt the risk management principles as set out in the International and Australian *Standard AS/NZS/ISO/31000:2009 - Risk Management - Principles and Guidelines*
- Identify agreed success measures for managing assets.
- Ensure that threats and opportunities are identified, evaluated, treated, monitored and communicated, in accordance with the processes described in ISO 31000 Risk Management.
- Ensure that the assets owned by Council are fit for their intended purpose.
- Ensure safe and secure systems or work are implemented and maintained.
- Ensure the Risk Management Program is effectively supported by consultation and communication with all stakeholders

### **5.4.5 Climate Change**

Potential climate change impacts on Council assets are to be considered and assessed in terms of the economic life cycle of assets.

Climate change impacts are to be addressed as part of ongoing risk management strategies for existing assets and in decision making on new assets.

Adaptation options for replacement or renewal of assets, including potential emission reduction aspects, are to be assessed within a standard cost benefit framework.

- Existing assets

Strategic risk assessments taking into account expected climate risks within relevant timeframes are to be appropriately applied at all stages of the asset management process.

- New assets

Assessments taking into account expected climate change impacts over the expected life cycle of the project.

#### **5.4.6 Building and Maintaining Asset Management Capacity**

Pittwater Council recognises that in order to achieve sustainable value, a strategic approach is required to maintain a system to manage the assets at an acceptable level.

Council must engage staff with high level expertise in asset planning management to lead the project which will be ongoing. It is through the engagement of high level expertise, that Council will commence to build capacity throughout all levels of staff.

##### **Communication**

Communication is very important in ensuring a healthy interest by the community and Council staff. The Pittwater Council website is to provide all relevant documents and be updated on a regular basis. The website is to provide:

- Pittwater Asset Management Policy
- Pittwater Asset Management Strategy
- Pittwater Asset Management Plan
- Links to other relevant sites

##### **Continual Improvement**

Pittwater Council is committed to continuous improvement with review of the asset management policy, strategy and plan on a regular basis to ensure Council's standards and processes comply with legislation and demand changes.

##### **Staff Training**

Pittwater Council is committed to training of Council staff in the asset management process from initiation of asset to the asset end of life.

The specific areas for training of Council staff are to build capacity in the process and deal in the issue of sustainability, risk management, probity issues and Occupational Health and Safety.

#### **5.4.7 Asset Management Responsibility**

The Mayor and Councillors' responsibility is to ensure that the Asset Management Policy is implemented and that the long term sustainability of assets within the Pittwater local government area is ensured.

The General Manager and Directors' responsibility is to ensure the ongoing implementation of the Asset Management Policy, Asset Management Strategy and Asset Management Plans across all asset classes.

The Business Unit Manager is responsible:

- As the manager, managing the asset on behalf of the Council
- To ensure that all Asset Management Plans (per asset class) are developed, updated and maintained
- To manage the ongoing improvement and update of the Asset Management Plans to reflect a long-term and sustainable approach to maintaining assets
- To monitor and report on the condition and financial cost of the assets on an annual basis

#### **5.4.8 Financial Management**

The principles of responsible financial management are to be applied to all asset management activities.

The financial management of the asset is managed through the designated business unit responsible for the asset.

Council funds are to be used efficiently and effectively to manage the assets and every attempt must be made to contain the costs of managing the asset without compromising any of the asset management principles set out in this Policy.

#### **5.4.9 Performance Management**

The performance measure of the asset is to be undertaken on a regular basis in line with the service level requirements. The impact of changes in demand over time on service levels are to be regularly established and accounted for to provide a clear understanding of cost implications across the whole lifecycle of a higher or lower service quality.

The performance management for asset management shall be based on:

##### **Quantitative Performance Measures**

- The cost effectiveness of asset delivery across Council
- The cost effectiveness of asset maintenance throughout the life of the asset
- The contribution of assets to the overall growth of the local government area of Pittwater

##### **Qualitative Performance Measures**

- Affordable and equitable access to community assets

- Transparency and accountability on decisions made regarding all asset classes throughout the life of the asset
- Sustainability and continuity of service provision throughout the assets lifecycle
- User satisfaction with the services delivered by Council relating to assets
- User satisfaction with the overall conditions of assets across Council

#### **Audit Process**

- All Asset Management Plans will be audited on a three to five year cycle to demonstrate compliance with the direction set in the Asset Management Strategy
- All Asset Management Plans will be financially audited annually during Council's corporate wide financial audit process

#### **Continuous Review Process**

- The Asset Management Policy will be reviewed as required
- The Asset Management Strategy will be reviewed on a two to four year cycle to reflect the review process of the Community Strategic Plan
- Asset Management Plans are to be progressively built over a three year period and as each component comes on line, the Plan is to be reviewed on an annual basis to set asset maintenance and renewal programs.

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## **C10.8      Joint Regional Planning Panel - Councillor Meeting Fee**

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**Meeting:**            Governance Committee

**Date:**              21 March 2011

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**STRATEGY:**      **Business Management**

**ACTION:**            To effectively manage Council's corporate governance responsibilities

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### **PURPOSE OF REPORT**

To reconsider the fee structure for Councillors attending meetings and briefings of the Joint Regional Planning Panel (JRPP).

#### **1.0      BACKGROUND**

- 1.1      A report was presented to Council on 15 June 2009 regarding the establishment of the Joint Regional Planning Panel (JRPP)
- 1.2      A further report was presented to the Council on 3 August 2009 on the procedures to be implemented to administer the Development Application process relevant to matters to be referred to the JRPP.
- 1.3      During September 2009 correspondence was received from the Minister for Planning providing Council with further information about the commencement and operation of the regional panels.
- 1.4      In that correspondence the Minister advised that the Department of Planning (DoP) would meet the remuneration of State members of the JRPP. The cost of Councillors attendance would be the responsibility of Council and the Minister suggested that a meeting fee of no more than \$600 appeared reasonable, recognising that membership of the JRPP will bring additional responsibilities.
- 1.5      Schedule 4 of the Environmental Planning and Assessment Act 1979 regulates the operation of JRPP's and Section 6 states *"A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member."*
- 1.6      Councillors Hegarty and Townsend were appointed to the JRPP with Councillor Rose the alternative delegate.
- 1.7      Council has adopted a meeting fee of \$600 (2 November 2009) for Councillor attendance at JRPP meetings.
- 1.8      Since adopting this meeting fee some confusion has arisen as to what constitutes a meeting of the JRPP as attendance is sometimes required for briefings and inspections prior to the determination meeting. According to the JRPP Secretariat, such briefings can be less than an hour and others may go longer and there may be several of both prior to the actual determination meeting. At this time however there has only been one briefing prior to a determination meeting and inspections carried out on the day of the determination meeting.

- 1.9 In the absence of an alternative meeting fee for briefings Councillors are being paid a \$600 allowance for attending each briefing and determination meeting regardless of how long the meeting may go.
- 1.10 It is considered that a more appropriate fee should be adopted for briefing meetings given that they are usually of shorter duration than the determination meetings. Clarification of payments for when a briefing meeting is held on the same day as a determination meeting is also required.
- 1.11 It is therefore proposed that the \$600 meeting fee for the determination meetings remain as is, (ie \$600 per meeting) however briefing meetings and any separate inspection day (not held on the same day as a determination meeting) attract a more equitable meeting fee of \$100 per hour to a maximum of \$600per day and prorated to the next quarterly hour.
- 1.12 To summarise, determination meetings will be paid a flat rate meeting fee of \$600. Briefing meetings and or inspections NOT held the same day as a determination meeting will attract a meeting fee of \$100 per hour. If a Councillor is required to attend a briefing and/or inspection on the same day as a determination meeting they will only receive the \$600 meeting fee.
- 1.13 Travelling to the venue of the meeting will continue to be paid a per kilometre allowance in accordance with Council's Policy on the Payment of Expenses and provision of facilities to the Mayor, Deputy Mayor and Councillors.

## **2.0 ISSUES**

- 2.1 Clarifying the meeting fee for determination meetings and meeting fee for briefings and inspections of the JRPP.

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## **3.0 SUSTAINABILITY ASSESSMENT**

### **3.1 Supporting & Connecting our Community (Social)**

- 3.1.1 No effect on this assessment

### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

- 3.2.1 No effect on this assessment

### **3.3 Enhancing our Working & Learning (Economic)**

- 3.3.1 Current costs of meeting attendance is absorbed in the current budget and a more equitable fee structure for briefing meetings and inspections would indicate prudent financial control of ratepayers money.

### **3.4 Leading an Effective & Collaborative Council (Governance)**

- 3.4.1 The Environmental Planning and Assessment Act currently provides Council with the authority to set meeting fees for attendance of JRPP briefing and determination meetings.



### 3.5 Integrating our Built Environment (Infrastructure)

3.5.1 No effect on this assessment.

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## 4.0 EXECUTIVE SUMMARY

- 4.1 Council has previously adopted a meeting fee of \$600 for attendance at JRPP meetings.
- 4.2 This report seeks to clarify the meeting fee for the different types of meetings of the JRPP and recommends a different fee for briefing meetings and inspections NOT held on the same day as a determination meeting.

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## RECOMMENDATION

- 1) That Council adopt its previously adopted meeting fee of a flat day rate of \$600 for determination meetings of the JRPP, including any briefing or inspection held on that day.
- 2) That briefing meetings and inspections of the JRPP not held on the same day as a determination meeting attract a meeting fee of \$100 per hour (and prorated to the next quarterly hour.) to a maximum of \$600 per day.

Report prepared by

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

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## **C10.9      Gifts & Benefits Policy**

**Meeting:**            Governance Committee

**Date:**              21 March 2011

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**STRATEGY:**      **Business Management**

**ACTION:**            To effectively manage Council's corporate governance responsibilities.

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### **PURPOSE OF REPORT**

To adopt a Policy to appropriately manage gifts and benefits offered to Council officials to ensure that the integrity and independence of the individual and the Council is not compromised.

#### **1.0      BACKGROUND**

- 1.1    A gifts and benefits guideline was developed for staff several years ago and made available on Council's intranet site.
- 1.2    The Department of Local Government's report on its "Better Practice Review" required Council to review its gifts and benefits guidelines using ICAC's "Managing Gifts and Benefits in the Public Sector Toolkit". The report also requires Council to provide training to all staff however it is intended to also provide suitable training to Councillors on the new policy.
- 1.3    Council's Internal Auditor reviewed the previous guideline and made specific recommendations to be considered when developing a new guideline.

Those recommendations included:-

- Adopting a value for token gifts and benefits
  - Guidance on how to manage a gift or prize as a result of entering a competition
  - Improvements to the gifts and benefits declaration form
  - Providing a flow chart as a tool to assist staff in the decision making process
  - Delegate the final decision regarding whether a gift can be kept or not to the Public Officer.
- 1.4    The Internal Auditor's report was presented to the Audit and Risk Committee on 17 November 2010 and the Internal Auditor's recommendations were supported.
  - 1.5    The new document has been now been finalised incorporating the internal auditor's recommendations and has been approved by the Senior Management Team as a formal policy requiring Council's adoption rather than approval as a staff guideline. **(Copy of Policy attached as Attachment 1)**

- 1.6 As the policy is a new policy and helps to guide the public and its customers in relation to this matter the policy was placed on public exhibition for a period of 40 days (given the Christmas Holiday period) to allow public input into the document. The new policy was also referred to the Governance Reference Group for comment on 23 February 2011.
- 1.7 An important requirement of the new policy is a need to report and declare every offer of a gift or benefit regardless of the value and the need for the recipient to determine the value of the gift to ensure that valuable gifts are not accepted.
- 1.8 The value considered as a token gift is \$50.00.
- 1.9 At this time the General Manager has not delegated the determination of which gift or benefit can be accepted and kept.
- 1.10 No submissions were received during the exhibition period however submissions were received from two (2) members of the governance reference group and a precis of their submissions are attached as **Attachment 2**.

## **2.0 ISSUES**

- 2.1 Consideration of any amendments suggested by the Governance Reference Group.
  - 2.3 The development of the document as a policy document rather than a staff guideline.
  - 2.4 Dissemination of the policy to all Council Officials
- 

## **3.0 SUSTAINABILITY ASSESSMENT**

### **3.1 Supporting & Connecting our Community (Social)**

- 3.1.1 The report has no affect on this assessment

### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

- 3.2.1 The report has no affect on this assessment

### **3.3 Enhancing our Working & Learning (Economic)**

- 3.3.1 The report has no affect on this assessment

### **3.4 Leading an Effective & Collaborative Council (Governance)**

- 3.4.1 This policy will ensure that there is a clear and consistent approach to dealing with offers of gifts and benefits which will ensure that the integrity and independence of the individual and the Council is not compromised and will help to identify and address possible corruption risks in the decision making processes of the Council.

### **3.5 Integrating our Built Environment (Infrastructure)**

- 3.5.1 The report has no affect on this assessment

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## **4.0 EXECUTIVE SUMMARY**

- 4.1 The Department of Local Government's Better Practice Review identified the need to review Council's Gifts and Benefits Guideline.
- 4.2 The new policy has been produced addressing the recommendations provided by the Internal Auditor and ICAC's "Managing Gifts and Benefits in the Public Sector Toolkit".
- 4.3 The policy affects every Council official and was placed on public exhibition for a period of 40 days and was referred to the Governance Reference Group at its meeting held on 23 February 2011.
- 4.4 No submissions were received as a result of the public exhibition however submissions were received from two members of the governance reference group.
- 4.5 Once adopted the new Policy will be made available to all Council Officials and they will be required to sign off initially, and then every two years, that they have read and understood their responsibilities in relation to the policy. New staff will be made aware of the policy as part of the induction process.
- 4.6 As a result of the submission received from the Governance reference group member the Gifts and Benefits Register will be made available to the public via Council's website.

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## **RECOMMENDATION**

- 1. That the Gifts and Benefits Policy as attached be adopted.
- 2. That the policy be disseminated to all Council officials for sign off on acceptance of their responsibilities.
- 3. That the Gifts and Benefits register be made available to the public via Council's Website.

Report prepared by

Warwick Lawrence  
**MANAGER, ADMINISTRATION & GOVERNANCE**

<b>Council Policy – No 181</b>  <b>Version: 1</b>	<b>Adopted:</b>	
	<b>Amended</b>	

<b>TITLE:</b>	<b>Gifts and Benefits Policy</b>
<b>STRATEGY:</b>	<b>Business Management</b>
<b>BUSINESS UNIT:</b>	<b>Administration and Governance</b>
<b>RELEVANT LEGISLATION:</b>	<b>Local Government Act 1993</b>
<b>RELATED POLICIES:</b>	<b>Council's Code of Conduct</b> <b>Policy No 114 - Sponsorship</b> <b>Policy No 171 - Procurement</b>

### **Objective**

1. To explain gifts and benefits, including token gifts and benefits and gifts and benefits of value.
2. To provide clear guidelines on how to deal with gifts and benefits.
3. To ensure that Council Officials understand and meet their obligations under Council's Code of Conduct so as not to be compromised or appear to be compromised because of a gift or benefit.
4. To demonstrate to anyone who may wish to offer a gift or benefit that the matter will be dealt with in an open and transparent manner.
5. To provide a reporting system to record all gifts or benefits offered/accepted/or declined in accordance with this guideline.

### **Policy Statement**

The Gift and Benefits Policy has been established to provide guidelines for dealing with gifts and benefits and establish transparent processes so that the integrity and independence of the individual and the Council is not compromised.

This policy applies to all Council Officials of Pittwater Council as defined in this Policy.

This policy does not deal with political donations and gifts that are dealt with under the Environmental Planning and Assessment Act 1979.

The policy operates in addition to all other obligations under the Local Government Act 1993 (the Act), any other legislation, or relevant codes and policies regarding the disclosure of any interests.

## **1. Purpose**

Sometimes people who deal with Pittwater Council wish to express appreciation for service or assistance given by a Council Official or wish to demonstrate good faith in a business relationship by the giving of some form of gift or benefit.

In some circumstances the giving of a gift or benefit has the potential to compromise a person by creating a sense of obligation and thereby affecting impartiality.

This is of particular significance for Councillors and for staff who have approval, regulatory or purchasing roles.

The policy operates in addition to all other obligations under the Local Government Act 1993 (the Act), any other legislation, or relevant codes and policies regarding the disclosure of any interests.

## **2. Definitions**

In this policy:

*council official* includes Councillors, members of staff, administrators appointed under section 256 of the Act, members of Council committees, conduct reviewers and delegates of Council

*delegate of Council* means a person or body, and the individual members of that body, to whom a function of Council is delegated

*gift or benefit* means any product or service (including hospitality) voluntarily provided to a Council Official, as further explained in this policy, at no charge or at a discounted charge or fee of any other consideration as a consequence of the recipient's role as a Council Official. It includes gifts or benefits received by family or associates of a Council Official. It includes any circumstance where there was no opportunity given to refuse the gift or benefit. It does not include a political donation or gift that is dealt with under the Environmental Planning and Assessment Act 1979

*staff* means all employees of Pittwater Council (full time, part time, temporary or casual). It also includes, for the purposes of this policy only, contractors. (who principally provide their labour)

*you and your* refers to Council Officials of Pittwater Council.

## **3. Code of Conduct**

Gifts and benefits are dealt with in clause 8 of the Code of Conduct (Personal Benefit). This Policy expands on the provisions of the Code and establishes a procedure for disclosing and, where necessary, surrendering or refusing certain gifts and benefits.

Clause 8.3 of the Code of Conduct states that you must not:

- seek or accept a bribe or other improper inducement
- seek gifts or benefits of any kind
- accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
- accept any gift or benefit of more than token value
- accept an offer of money, regardless of the amount

Clause 8.4 of the Code of Conduct states:

Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the General Manager.

The recipient, supervisor, Mayor or General Manager must ensure that any gifts or benefits of more than token value that are received are recorded in Pittwater Council's Gifts and Benefits Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

As a consequence of the Code of Conduct there are:

- certain gifts and benefits that are of token value that may be accepted and retained (General Manager approval required)
- gifts and benefits of more than token value that are required to be disclosed and surrendered
- gifts and benefits, irrespective of their value, that are required to be disclosed and surrendered.
- Gifts and benefits of more than token value that should be refused or returned
- totally inappropriate gifts and benefits

#### **4. Dealing with offers of a gift or benefit**

You must always consider the purpose and value of the gift or benefit before making a decision to accept it. Ask yourself:

*"Why is the person offering me this gift or benefit? If I accept this gift or benefit how will it be perceived by a reasonable person?"*

In addition to what is required under the Code of Conduct (clause 8.3) you must not:

- use your position to improperly influence others so as to receive a gift or benefit
- use your position to improperly influence others so as to obtain a gift or benefit for someone else
- accept anything from a potential supplier when you are involved or in assessing or deciding on quotes, expressions of interest or tenders
- accept anything from an applicant to Council when you are involved in assessing or deciding on their application.

You must decline any gift or benefit if:

- it would create a sense of obligation on your part to the person offering it
- it could be reasonably perceived by an impartial observer that there may be a sense of obligation to the person offering it.

An impartial observer's perception of a gift or benefit and any resulting sense of obligation may be influenced by:

- the scale, extravagance or value of the gift or benefit
- the frequency of occurrence of the giving of the gift or benefit
- the degree of openness surrounding the giving of the gift or benefit.

Where you are uncertain what action to take regarding the offer of a gift or benefit regardless of the occasion or purpose you should use the decision making guide (Attachment A) to help you decide.

In deciding whether to accept a gift or benefit, consideration should be given to whether refusal of the gift or benefit in the circumstances could be discourteous or cause offence to the person offering the gift or benefit.

Care should be taken in handling circumstances where there are cultural differences. In some circumstances it is recognized that declining a gift may be difficult, inappropriate or offensive.

Care should be taken where food or drink has been received (particularly if it has not been commercially produced, packaged and appropriately stored) and where its origin or suitability for consumption maybe uncertain.

Where you decide to decline a gift or benefit (**except where it is a bribe, see clause 9**) you should politely thank the person for the offer. You should also explain what your obligations are under this policy and the importance of impartiality and perceptions.

Staff should always seek advice from their Supervisor, Manager, Director, or the General Manager in any instances where a gift or benefit appears to be generous in the circumstances. You should also seek advice where the gift or benefit was received in circumstances where you were not given the opportunity to decline it and if you had that opportunity you would have declined it.

## **5. What is not a gift or benefit for the purposes of this policy?**

For the purpose of this policy, a gift or benefit is not:

- any product or service that genuinely has no connection to your role as a Council Official
- any product or service that is given to a Council Official by the Council or another Council Official (except a contractor) as an award, any other form of recognition or to celebrate an occasion
- any discounted product or service if the discount is reasonable and generally available or capable of being negotiated by others not connected with the Council and acceptance of the product or service will not compromise the Council or be seen to compromise the Council
- any discounted product or service if the discount is offered to staff generally (such as through a staff social club) and the arrangements will not compromise the Council or be seen to compromise the Council and the arrangements have the approval of the General Manager
- any product or service received in relation to your membership of any industrial or professional organization, club or other association or body
- any product or service received by your relative or associate from someone connected to Council if you genuinely did not know about it
- a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation
- any sponsorship arrangement that is dealt with in accordance with Council's Sponsorship Policy.



## **6. (a) What are token gifts and benefits?**

A gift or benefit of a value of less than \$50 is considered to be token value.

Something that you are given that is of small value (less than \$50.00) in gratitude for something done or to demonstrate good faith in a business relationship is likely to be a token gift or benefit for the purposes of this policy.

Generally speaking, token gifts and benefits include (clause 8.1 Code of Conduct):

- (a) free or subsidized meals, beverages or refreshments provided in conjunction with:
  - i) the discussion of official business (but not with a tenderer or service provider)
  - ii) council work related events such as training, education sessions, workshops
  - iii) conferences
  - iv) council functions or events
  - v) social functions organized by groups, such as council committees and community organizations.*
- (b) invitations to and attendance at local social, cultural or sporting events*
- (c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture / training session /address)*
- (d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers.*

## **6. (b) What are gifts and benefits of value?**

Gifts and benefits that have more than a token value are gifts and benefits of value. They include, but are not limited to (clause 8.2 Code of Conduct): tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL), corporate hospitality at a corporate facility or function including at major sporting events and Christmas luncheons, dinners or cruises, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel and corporate golf days (other than Council sponsored charity days).

It is a matter for each individual to determine whether or not a gift or benefit is of more than token value having regard to this Policy and the actual gift received.

Upon accepting a gift considered to be of token value it is the recipient's responsibility to obtain suitable information to properly assess the value of the gift or benefit received. A token gift or benefit can be accepted and may with the General Manager's approval be kept but has to be disclosed and reported and recorded in the Gifts and Benefits Register.

Councillors and designated persons must by law disclose a description of any gift or benefit totaling a value exceeding \$500 made by the same person during a period of 12 months or less (required to be included in the disclosures of interest returns – Sec 449 LGA)

## 7. What must be disclosed?

Sometimes gifts or benefits are offered in such a way that it is difficult to refuse them, they are provided without the opportunity to decline them or they are provided in a manner that makes it difficult to return them. Some offers of gifts or benefits must be declined.

For the purposes of this policy, **all gifts and benefits must be disclosed** including (but not limited to):-

- any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty, regardless of the value, and any offers of same that have been declined
- any gift or benefit of more than token value (\$50) as explained in clause 6 and any offers of same that have been declined
- any gift of money or anything readily exchanged/cashed in for money, regardless of the value, and any offers of same that have been declined.
- an expensive present received by you in appreciation of service to a customer of Council
- an expensive present received by your partner from someone connected to Council
- a restaurant meal (including drinks) provided by a consultant or service provider to Council
- an invitation to a sporting event including hospitality in a private room from a property developer or contractor or service provider who does or might work in the Pittwater local government area
- an invitation to a Christmas party hosted by a supplier or potential supplier to Council
- a free interstate trip to view a potential suppliers product
- any prize received in a raffle, competition or other game of chance in circumstances where you are engaging in your Council role, unless conducted by a registered charity or other non-profit group at a public event and drawn at that event
- preferential treatment, such as queue jumping, given by someone connected to Council
- contributions to a loyalty program from someone connected to Council, such as frequent flyer points
- a product or service received by an individual through a purchase incentive scheme operated by a supplier to Council, i.e. something given for free if something else is bought (not including bulk discounts provided to Council)
- a product or a service received from someone connected with the Council at a price that is less than that generally charged to the public.
- Lucky door prizes (includes business card draws at Council endorsed conferences or seminars or trade shows)

## **8. Gifts and Benefits Register, Disclosures and Surrenders**

Every gift or Benefit offered regardless of value must be disclosed and a disclosure form completed.

Disclosures must be made in accordance with clause 7 of this Policy by completion of a Gifts and Benefits Disclosure Form (Attachment B). The disclosure form must be completed within seven (7) days of receiving the offer or receiving the gift or benefit. If you received the offer or the gift or benefit when you are outside of the Pittwater local government area, you must complete the form within seven (7) days of your return.

If you receive a gift or benefit that could be distributed amongst other staff or it is intended for more than just yourself it is your responsibility to complete a disclosure form and nominate the recipients of the gift or benefit.

Also, to the extent that it is practical, the following gifts and benefits must be surrendered to the General Manager (the General Manager to the Mayor):

- any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty, regardless of the value
- any gift or benefit of more than token value
- any gift of money or anything readily exchanged/cashed in for money, regardless of the value
- any gift or benefit that was accepted by you on behalf of the Council.

The General Manager (or Mayor) will review all entries in the Gifts and Benefits Register and determine any action that may be considered appropriate in relation to any entry, including any action that maybe required if the offer of the gift or benefit appears to be a bribe.

Such action may include:

- the giving of advice or counselling
- removal of staff from a particular decision making, regulatory or purchasing role
- taking action to return the gift or benefit
- donating the gift or benefit to a charity or other non-profit organization
- retaining the gift or benefit as property of Council
- retaining the gift or benefit pending consideration of the matter by a relevant investigative authority.

The Gifts and Benefits Register is available for public inspection and will be made available on Council's website.

## **9. Bribes**

A bribe is any form of gift or benefit made with the direct intent to influence your behavior and public duty and to act other than with honesty and integrity. It may be money or anything else. It is a crime to offer, seek or accept a bribe.

If you think you have been offered a bribe, a corrupt inducement or a reward, it is important that you take appropriate action to minimize the possibility of negative consequences.

The following are steps you should take to protect yourself if you are offered a bribe:

**Immediately reject the offer**

Do not accept the offer, even to use as evidence of a bribe. If you accept the bribe for any reason, the person who offered it could subsequently allege that you were given more than you reported. It might also be argued that you handed in the bribe after accepting it because you feared getting caught or changed your mind about accepting it.

**Terminate the interaction with the person**

If the bribe was offered in relation to some activity you were undertaking for the person or his or her associates, cease that activity immediately.

For example, if an officer is involved in a long term interaction with a person that attempts to offer a bribe, such as conducting periodic inspections of that person's property, then the officer should ask to be reassigned so as to cease any further dealings with that person.

**Keep a record of the event**

It is important to have a clear record of what you believe happened. As soon as possible, make notes about what you saw and heard. As far as possible, state who said what, such as "I said ..." and "He said ..." to ensure clarity and accuracy. Such information may be used later as evidence to support your version of events.

**Inform your supervisor**

Inform your supervisor of the incident, including all relevant details, as soon as possible and confirm with your supervisor what action he or she will take. If your supervisor is involved in the incident, then report it to an appropriate senior officer.

**Make a formal report**

Prepare a formal report for the Council. Include:

- the date, time and place of the incident
- the circumstances of the offer (what it involved and what you think it was intended to persuade you to do).
- who offered it and their contact details (if known)
- what you said or did
- any other relevant details
- your signature and the date.

The report should be provided to your supervisor and you should keep a copy for your records.

**Discuss future relations**

Discuss with your supervisor (or appropriate senior officer) exactly how future relations with the person who offered the bribe should be conducted.

**Confirm what action your supervisor takes**

Your duty is to inform your supervisor about the incident. Your supervisor's duty is to inform his or her line manager. You should confirm with your supervisor that this has been done. If it has not, you should do this yourself. Alternatively, you can report the incident directly to the Independent Commission Against Corruption (ICAC).

## **10. Implementation**

The implementation of this policy is the responsibility of the General Manager.

Initial and refresher training at least every two years will be given in this policy.

The policy will be reinforced at critical times such as prior to Christmas. If at any time you are uncertain about your responsibilities you may discuss the matter confidentially with the Public Officer (Manager, Administration & Governance)

Council has a Statement of Business Ethics. This statement provides ethical guidance to individuals, organizations and companies that are in, or proposing to be in, a business relationship with Council. It sets out the standards of ethical behavior that will be followed by staff and what is expected from others in all Council business dealings.

The statement is made available in all circumstances where Council deals with suppliers of goods and services.

## **11. Breaches of this policy**

The obligation to comply with this policy rests with each individual Council Official.

Staff who believe that that this policy has been breached are encouraged to discuss the matter with their immediate Supervisor or Manager. Should you be dissatisfied with the outcome of the discussion and subsequent action you should raise the matter with your Director or the General Manager.

Councillors and Council Officials other than staff should raise any concerns with the General Manager. Any concerns about the General Manager should be raised with the Mayor.

The General Manager or Mayor as appropriate will investigate any report received and take such action as is considered necessary.

Breaches of this policy may result in:

- counseling
- censure motions for Councillors
- loss of reputation
- disciplinary action, including dismissal
- criminal investigation
- criminal charges
- referral to a Conduct Review Committee (or sole reviewer) for investigation and report

A serious breach of this policy may amount to corrupt conduct or maladministration.

Should you be concerned at any time that reprisal action may be taken against you for reporting a serious breach then you might consider making a protected disclosure. A protected disclosure allows you to report corrupt conduct, maladministration or serious and substantial waste of public money and be protected from any reprisal action. Further information on making a Protected Disclosure is available in Council's Code of Conduct (on Council's Intranet).

## **12. Associated Documents**

### Codes and Policies

Code of Conduct

Pittwater Procurement Policy No 171

Sponsorship Policy No 114

Statement of Business Ethics

### External References

Department of Local Government, Guidelines for the Model Code of Conduct for Local Councils in NSW, October 2008

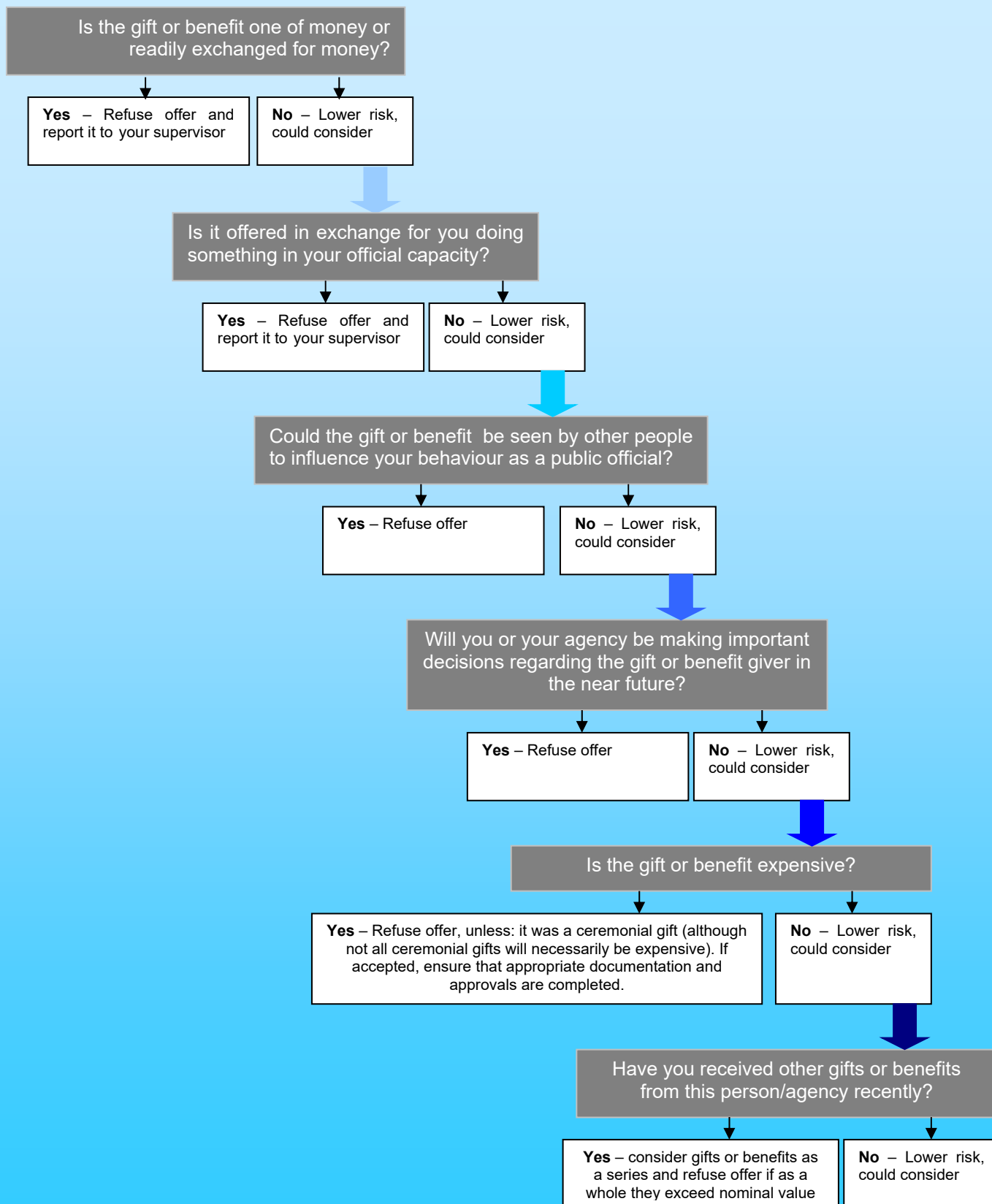
NSW Ombudsman Good Conduct and Administrative Practice Guidelines (2nd edition), May 2006

NSW Ombudsman, Public Sector Agencies Fact Sheet no. 7, Gifts and Benefits, March 2004

Independent Commission Against Corruption, Gifts, Benefits or Just Plain Bribes? Guidelines for Public Sector Agencies and Officials, June 1999

Independent Commission Against Corruption, Managing Gifts and Benefits in the Public Sector, Toolkit, June 2006

### **Decision-making guide – Gifts or Benefits**



Once a decision has been made about whether or not it might be appropriate to accept a gift, consult your supervisor as to the next steps regarding approvals and documentation.

## GIFTS AND BENEFITS REGISTER

### DISCLOSURE FORM

#### PERSONAL DETAILS

Name

Department

Position

#### GIFT OR BENEFIT DETAILS

To the General Manager of Pittwater Council, in accordance with the Gifts and Benefits Policy, I disclose the following: (tick whichever is appropriate below)

**1. An offer of a gift or benefit that has been declined that is required to be disclosed being:**

☐

- a gift or benefit that may create a sense of obligation on my part or maybe perceived to be intended or likely to influence the carrying out of my public duty, regardless of the value

☐

- a gift or benefit of more than token value

☐

or anything readily exchanged/cashed in for money, regardless of the value

**2. A gift or benefit that has been received and is required to be surrendered being:**

☐

- a gift or benefit that may create a sense of obligation on my part or maybe perceived to be intended or likely to influence the carrying out of my public duty, regardless of the value

☐

- a gift or benefit of more than token value

☐

- money or something readily exchanged/cashed in for money, regardless of the value

☐

- a gift or benefit received on behalf of the Council

**3. Other gift or benefit being:**

☐

- a gift or benefit that has been received that is required to be surrendered however it is impractical to surrender for the reasons stated in the comments below

☐

- a gift or benefit that has been received and retained that I wish to disclose voluntarily

**Gift or benefit received by**

☐

myself

☐

my relative / associate

Name

Relationship to self



Gift or benefit received from:

(name and address of person and organisation / company providing the gift or benefit – and ABN if not an individual)

--

Description of gift or benefit

--

Date/s gift or benefit received

/	/
---	---

Estimated retail value inc GST

\$
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Comments in relation to this disclosure (ie Why the gift or benefit was offered)

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## SIGNATURES AND ACTION

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I declare the above to be true and correct

Name

--

Signature

--

Date

/	/
---	---

Noted by Director (staff disclosure)

Name

--

Signature

--

Date

/	/
---	---

Noted by General Manager

Name

--

Signature

--

Date

/	/
---	---

Action as determined by General Manager (if applicable)

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**PRECIS OF SUBMISSIONS FROM GOVERNANCE REFERENCE GROUP MEMBERS**

<b>Representative</b>	<b>Precis of submission</b>	<b>Response</b>
1. Representative of Clareville and Bilgola Plateau Residents Committee	Strongly supported as a tool for enhancing the integrity of local government. In addition to the maintenance of a register, that at appropriate intervals ie annually, Council make the public aware of the number of gifts and benefits recorded in the register.	It is intended that the full register be made available to the public on an ongoing basis via Council's internet site.
2. Representative of Newport Residents Association	The policy provides detail for staff on how to deal with various situations that might arise and lets the public know their obligations to ensure that they don't contravene the policy. Is comprehensive although probably tough on staff members.	No action required

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<b>C10.10</b>	<b>Delegations over Christmas - New Year Recess 2010/2011</b>
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**Meeting:** Governance Committee

**Date:** 21 March 2011

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**STRATEGY:** Business Management

**ACTION:** Effectively manage Council's corporate governance responsibilities

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## **PURPOSE OF REPORT**

To report to the Council instances where the Mayor and/or the delegated Committee appointed by the Council on 20 December 2010 have been required to exercise delegated authority over the 2010/2011 Christmas - New Year recess period.

### **1.0 BACKGROUND**

1.1 At its meeting held on 20 December 2010 the Council noted and approved delegations to the Mayor (in relation to the policy making functions of the Council) and a Committee of Council (in relation to the regulatory functions of the Council) over the Christmas -New Year recess period. The Council resolved as follows:

- "1. That the Council note the delegation to the Mayor of its policy-making functions in accordance with section 226 of the Local Government Act, 1993 over the Christmas - New Year recess period.*
- 2. That the Council also note delegations to the Mayor as noted in paragraph 1.4 of the report.*
- 3. That pursuant to section 379(1) of the Act, authority be delegated to a Committee of the Council, comprising the Mayor (who shall be chairperson), the 3 relevant ward Councillors if available, and any other Councillor who has an expressed interest in a particular matter or application if available, to carry out and resolve upon the regulatory functions of the Council, including the determination of development applications, S96 modifications and S82A Review applications during the **2010/2011** Christmas - New Year recess period. The Committee shall be appointed for the recess period only.*
- 4. That all Councillors be provided with copies of any reports dealing with regulatory matters, including the determination of development applications, S96 modifications and S82A Review applications prior to the delegated Committee determining such matters.*
- 5. That a report be submitted to the first Council meeting of the new year outlining all matters and decisions taken by the Mayor (with respect to any policy making functions) and/or the above-mentioned Committee (with respect to any regulatory functions) under delegation during the Christmas / New Year recess period."*

## **2.0 ISSUES**

### **2.1 Exercise of delegation by the Mayor – Policy making functions**

There were no policy making functions of the elected Council that were exercised by the Mayor during the recess period.

### **2.2 Exercise of delegation by Committee of Council – Regulatory functions**

There were no regulatory functions of the elected Council that were exercised by a delegated Committee of Council during the recess period.

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## **3.0 SUSTAINABILITY ASSESSMENT**

A sustainability assessment is not required for this report.

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## **4.0 EXECUTIVE SUMMARY**

4.1 Historically Pittwater Council has delegated its policy-making functions during the Christmas - New Year Recess to the Mayor and a Committee of Council comprising delegated councillors.

4.2 A report therefore is submitted outlining all matters and decisions taken by the Mayor (with respect to any policy making functions) and/or the above-mentioned Committee (with respect to any regulatory functions) under delegation during the Christmas - New Year recess period.

4.3 There were no policy making or regulatory functions undertaken by the Mayor or delegated Committee of Council during the 2010/2011 recess period.

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## **RECOMMENDATION**

That Council note there were no policy making or regulatory functions undertaken by the Mayor or the delegated Committee of Council during the 2010/2011 recess period.

Report prepared by

Warwick Lawrence

**MANAGER, ADMINISTRATION & GOVERNANCE**

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<b>C10.11</b>	<b>Minutes of the Manly, Warringah, Pittwater Local Emergency Management Committee (MWPLEMC) Meeting held on 9 December 2010</b>
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**Meeting:** Governance Committee

**Date:** 21 March 2011

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**STRATEGY:** Disaster & Emergency Management

**ACTION:** Review and fulfil Council's statutory obligations

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## **PURPOSE OF REPORT**

To present to Council for consideration, the minutes of the meeting of the MWPLEMC of 9 December 2010 (**see Attachment 1**).

**Note:** This joint regionally based Committee requires confirmation of its minutes at a subsequent meeting prior to reporting of these minutes to the respective Councils.

## **1.0 BACKGROUND**

- 1.1 The MWPLEMC is a Joint Committee of the three councils established to meet their obligation under the *State Emergency and Rescue Management Act 1989*. It comprises representatives of all combat agencies (police, fire, etc), various State Government agencies, non government and volunteer agencies, council staff and councillors and meets four times a year. The Committee is tasked with managing Council's (on behalf of the community) preparedness for, response to and recovery from declared emergencies.

## **2.0 ISSUES**

- 2.1 **Item 3.1: "Bushfire Neighbourhood Safer Places – Places of Last Resort"**  
Erection of signs on all Council buildings and reserves to be completed by Christmas in all Council areas.
- 2.2 **Item 3.2: Review of SERM Act and DISPLAN**  
Preliminary review of DISPLAN to proceed and be finalised after reviewed SERM Act adopted in March 2011.

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## **3.0 SUSTAINABILITY ASSESSMENT**

This report does not require a sustainability assessment.

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## **4.0 EXECUTIVE SUMMARY**

- 4.1 To present to Council the minutes of the meeting of the MWPLEMC held on 9 December 2010 for Council's information.

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## **RECOMMENDATION**

That the minutes of the meeting of the Manly Warringah Pittwater Local Emergency Management Committee of 9 December 2010 be noted.

Report prepared by  
Paul Davies, Principal Engineer - Strategy, Investigation and Design and LEMO

James Payne  
**MANAGER, URBAN INFRASTRUCTURE**



## Minutes of Meeting

### MANLY – WARRINGAH – PITTWATER Local Emergency Management Committee

Date:	<b>9 DECEMBER 2010 AT 10AM</b>
At:	<b>Emergency Services Centre, Kamber Road, Terrey Hills</b>
Attendees:	Paul Davies, LEMO Pittwater Council (Chair LEMC) Ross Picard, LEMO Warringah Council Alex Chesser, NSW Rural Fire Service Gordon Aspinall, Ambulance Service Kevin Blackwell, DEMO NSW Police Graeme Pickering – NSW Police Northern Beaches LAC Dave Darcy, NSW Police – Manly Carole Dowsen - NW Police - Manly Stephen Leahy - Westpac Life Saver Rescue Helicopters Jim Pullin - Sydney Ports Corporation Darryl Lennox - NSW Maritime Victor Lawrence - Marine Rescue NSW Broken Bay Andrew Topp - Marine Rescue Terrey Hills Chris Grudnoff, NPWS/DECCW Wayne Lyne – Warringah SES Kylie Berry – Manly SES Steve Faddy – Surf Life Saving Tom Prsa - Pittwater Council
Special Guests:	Dave Thompson
Apologies:	Ted Williams, LEMO Manly Council Supt. Doreen Cruickshank, NSW Police – Northern Beaches Ted Williams, LEMO Manly Council Craig Geddes, NSW Rural Fire Service Daniel Kenner – NSW Police – DEMO Western Sydney Suzanne Bearup - Mona Vale Hospital

Item	Comments
1.0	Meeting opened at 10.10am.
2.0	<b>Confirmation of Minutes of Meeting held 3 June 2010</b> <ul style="list-style-type: none"> <li>• Dave Darcy/Wayne Lyne</li> </ul>
3.0	<b>Matters Arising from Minutes of Meeting of 3 June 2010</b> <p>3.1 Item 3.1 – Neighbourhood Safer Places –</p> <ul style="list-style-type: none"> <li>• Alex Chesser (NSW Rural Fire Service) reported the identification process continues; Duffys Forest residents currently identifying safer places; RFS continues to gazette NSPs as they are identified</li> <li>• Pittwater Council has received their signs and installation is currently occurring</li> <li>• Warringah Council have received and installed all their signs</li> </ul>
	<p>3.2 Item 3.2 – Review of DISPLAN and SERM Act</p> <ul style="list-style-type: none"> <li>• Kevin Blackwell (DEMO NSW Police) advised still awaiting final review details</li> <li>• A copy of the Murray Region, Section 7 of the DISPLAN (Recovery) is available and can be used by others if appropriate - to be discussed further at next meeting</li> <li>• Agreed interim review of DISPLAN to be undertaken in 2011</li> </ul>
	<p>3.3 Item 3.3 – Combat agencies responses at North Head</p> <ul style="list-style-type: none"> <li>• Dave Darcy (NSW Police) updated the committee that a meeting had been held between NSW Police, NP&amp;WS, Sydney Harbour Trust and Q Station and they are currently developing a map on key geotechnical locations. When map is finalised it will be distributed to all combat agencies for use in emergency responses.</li> <li>• Investigation currently underway to determine if response to Middle Head EOC can become the responsibility of another police command (ie. Chatswood) to provide liaison officer for fire emergency at North Head.</li> </ul>



	<p>3.4 Item 5.1 - Coastal Erosion Legislation Amendment Bill - Potential wording conflict with SERM Act</p> <ul style="list-style-type: none"> <li>Chair reported that he had written to SEMC to express Committee's concern. Also advised that other Councils/LEMCs had similar concerns. The Bill has passed through Parliament and may be amended in the future.</li> <li>Chair read an update from Paul Hardie (Coastal &amp; Estuary Principal Officer, Pittwater Council) stating:  <i>'The Coastal Protection and Other Legislation Amendment Act 2010 was passed by the NSW Parliament on 21 October 2010 and incorporated minor amendments and provisions recommended by the Legislative Council.</i>   <i>When commenced, the Act will amend the Coastal Protection, Local Government and Environmental Planning and Assessment Acts as well as three regulations. Most of the amendments contained in the Act are expected to commence on 1 January 2011.</i>   <i>As the emergency coastal protection provisions are proposed to be an interim measure until longer term coastal planning provisions are in place, the NSW Government will rely upon the suite of supporting coastal management guidelines to harmonise the provisions of the Act with other relevant existing statutes.'</i> </li> </ul>
4.0	<p><b>Correspondence In and Out</b></p> <ul style="list-style-type: none"> <li>Noted</li> </ul>
5.0	General Business
5.1	Reports by Committee Members
	<ul style="list-style-type: none"> <li><b>Chair</b> reported that:</li> <li>There had been no replacement for an Animal Welfare Representative on the MWPLEMC since Peggy Brown had left. Kevin Blackwell (DEMO NSW Police) advised that it was not uncommon to leave the representative at a district level so no local representative was legally required.</li> <li>Chair to pursue the matter with the Agricultural and Animal Services representative on the DEMC with a view to having a local animal welfare representative on this LEMC</li> </ul>
	<ul style="list-style-type: none"> <li>Andrew Topp - Marine Rescue Terrey Hills:</li> <li>They now had 81 members and were inducting 9 new members every six to eight weeks.</li> <li>The agency was currently involved with the 'compass track' rollout.</li> </ul>
	<ul style="list-style-type: none"> <li><b>Alex Chesser - NSW Rural Fire Service:</b></li> <li>There had been a successful burn off of 170 hectares at Oxford Falls recently.</li> <li>The hazard reduction program had stalled due to wet weather and will be monitored</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Chris Grudnoff – NP&amp;WS:</b></li> <li>• The scheduled fire hazard reduction burns at Seaforth Oval and Killarney Heights had not eventuated, due to wet weather. They are currently monitoring fuel moisture and if possible will carry out the burns at a later stage.</li> <li>• A large contingent of staff will be available for the upcoming festive season to be available around Sydney Harbour for New Years Eve and the Sydney to Hobart Yacht race (Boxing Day).</li> <li>• If weather becomes drier, patrols will be carried out around West Head in case of misdirected flares from celebrating boats in Pittwater.</li> <li>• Advised that at this time there will be no 'No Alcohol Zones' in place in National Parks for this festive season. May be reviewed following further consultation with Police</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Victor Lawrence - Marine Rescue NSW Broken Bay:</b></li> <li>• Expecting a very busy boating season this year.</li> <li>• The agency will also have a presence on the harbour on Boxing Day, New Years Eve and Australia Day</li> <li>• The agency is available to transport fire fighters to Scotland Island</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Jim Pullin - Sydney Ports Corporation:</b></li> <li>• Reported there had been 72 events along the coastline since the current rain period had started.</li> <li>• There have been an alarming number of vessel fires occurring.</li> <li>• Port's operation centre and Water Police operations centre (south side) have now been relocated to Port Botany</li> <li>• Hub control together with the tower may be moved due to the Barangaroo development around March</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Steve Faddy – Surf Life Saving</b></li> <li>• Currently identifying areas along the peninsular where equipment can be stored safely and for easy access for after hours incidents</li> <li>• The surfing season commenced in the last weekend of September and it is anticipated to be a busy summer season.</li> <li>• Emergency response equipment has been installed in the middle of Dee Why beach between Long Reef and Dee Why.</li> <li>• Three jet ski services for rapid response to poor access areas around headlands are now located at Palm Beach, Mona Vale and Freshwater</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Kylie Berry - SES Manly</b> advised:</li> <li>• It has been fairly quiet in the Manly area and seven members are currently assisting with flood relief duties in the north west NSW area</li> <li>• The agency has also been requested to again assist with Boxing Day and New Years Eve festivities around the Harbour</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Wayne Lyne - SES Warringah</b></li> <li>• All telephone calls are now sent on the 132 500 to Wollongong.</li> <li>• To ensure combat agencies are given priority service and are not just put through to Wollongong, he advises to not only identify who you are, but also which agency you represent.</li> <li>• Until 17 December technicians, flood boat teams and media teams are currently assisting the flooding in western NSW</li> <li>• It has been a fairly quiet year as from January to December 2010 there have been on average two calls per day for assistance</li> <li>• Currently purchasing a four wheel flood rescue vehicle which should be delivered in the next few months</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Stephen Leahy - Westpac Life Saver Rescue Helicopters</b></li> <li>• There have been four rescue tasks and three searches since the last meeting</li> <li>• Distributed handouts to all committee members at the meeting which explain what the agency does</li> <li>• One of the helicopters is being serviced and they are currently sourcing another vehicle from the Hunter area</li> <li>• If PolAir vehicle not available request Lifesaver 1 to respond</li> </ul>
	<ul style="list-style-type: none"> <li>• <b>Kevin Blackwell - DEMO NSW Police</b></li> <li>• Secondment to SEMC has now finished</li> <li>• Reported on the working group's findings on emergency management which has been endorsed by SEMC that there will be an amalgamation of the current 18 districts into 11. Will report further at future meetings.</li> <li>• Requested a list of meetings for 2011: <ul style="list-style-type: none"> <li>○ It was decided the meetings to be held on the first Thursday of the new season ie. <p><b>3 March</b></p> <p><b>2 June</b></p> <p><b>1 September</b></p> <p><b>1 December</b></p> </li> </ul> </li> </ul>
5.2	<ul style="list-style-type: none"> <li>• A new contact list to be distributed with these Minutes for all to review, amend if necessary and respond to the Chair.</li> </ul>
6.0	<p><b>Meeting closed 11.00 am</b></p> <p><b>Next Meeting Thursday 3 March 2011</b></p>

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<b>C10.12</b>	<b>Minutes of SHOROC Board Meeting held on 9 February 2011</b>
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**Meeting:** Governance Committee

**Date:** 21 March 2011

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**STRATEGY:** Business Management

**ACTION:** Provide effective access to information management.

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## **PURPOSE OF REPORT**

To report the minutes of the SHOROC Board Meeting held on 9 February 2011 for Council's consideration (refer **Attachment 1**)

## **1.0 BACKGROUND**

- 1.1 SHOROC comprises Pittwater, Warringah, Manly and Mosman Councils and was established to address regional issues affecting the member councils. Each Council is represented by the Mayor and General Manager.

## **2.0 ISSUES**

- 2.1 The following issues were addressed at the SHOROC Board Meeting held on 9 February 2011:

- Advocacy and Issues Management
  - 'Shaping our Future' campaign
  - Health
  - Metropolitan Strategy
  - Frenchs Forest specialised centre study
- SHOROC project and working group reports
  - Councillor Forum outcome and next steps
  - Kimbriki sub-committee Minutes and Agenda
  - Regional indicators and regional sustainability strategy
  - Future planning seminar: creating a sustainable and liveable region
  - Urban Planners Group minutes
  - Climate Change Working Group
  - LGSA Local Government Excellent in the Environment Awards
  - Historical places register
- Council cost saving and efficient program and new SHOROC revenue
  - Update on progress
  - Waste collection
- SHOROC Administrative Matters
  - Governance
  - Half yearly progress report
  - Financial Report
  - 2011/12 Operational Plan

- General business & matters raised by Council

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### **3.0 SUSTAINABILITY ASSESSMENT**

- 3.1 This report does not require a Sustainability Assessment.

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### **4.0 EXECUTIVE SUMMARY**

- 4.1 SHOROC Board meetings are held every three (3) months and provide an opportunity for General Managers and Mayors to discuss issues and initiatives of regional significance. The minutes (refer **Attachment 1**) of the Board Meeting held on 9 February 2011 are submitted to Council for information purposes.

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### **RECOMMENDATION**

That the Minutes of the SHOROC Board Meeting held on 9 February 2011 be noted and those matters requiring further consideration by Pittwater Council be the subject of separate reports to Council as required.

Report prepared by

Ruth Robins, Principal Officer, Administration and Governance

Warwick Lawrence

**MANAGER, ADMINISTRATION & GOVERNANCE**

**SHOROC INCORPORATED****BOARD MEETING**

Wednesday, 9 February 2011, 3:12 - 5:00pm

SHOROC, Unit 33/42-46 Wattle Road, Brookvale

**Board Members Present**

Cr Harvey Rose	Mayor of Pittwater and SHOROC President
Cr Jean Hay AM	Mayor of Manly and SHOROC Vice-President
Cr Michael Regan	Mayor of Warringah
Cr Anne Connon	Mayor of Mosman
Viv May	General Manager Mosman Council
Rik Hart	General Manager Warringah Council
Mark Ferguson	General Manager Pittwater Council and SHOROC Treasurer
Henry Wong	General Manager Manly Council

**In attendance**

Ben Taylor	Executive Director SHOROC
Lisa Stevens	Office Manager SHOROC
Vicky Taylor (Item 4.2)	Chief Executive Northern Sydney Local Health Network
Mark Newton (Item 4.2)	Director Population Health, Planning and Performance
Anthony Manning (Item 4.2)	Director of Planning and technical, Health Infrastructure
David Ballantyne (Item 4.2)	Associate Director Planning and Technical, Health Infrastructure

**Item 1 Welcome and Apologies**

Cr Harvey Rose, Mayor of Pittwater and SHOROC President chaired the meeting and welcomed all those attending. Apologies for lateness were received from Cr Jean Hay, Manly Council. Cr Hay arrived at 3.15pm.

1. The Board resolved:

- **To accept** apologies received.

*Moved Mark Ferguson /Seconded Cr Michael Regan*

*Carried Unanimously*

**Item 2 Minutes of the meeting 17 November 2010**

2. The Board resolved:

- **To adopt** the Minutes of the meeting held 17 November 2010.

*Moved Viv May /Seconded Cr Anne Connon*

*Carried Unanimously*

**Item 3 Matters arising from previous meeting minutes**

Nil

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## **Item 4 Advocacy and issues management**

### **Item 4.1 *Shaping Our Future* campaign**

At its 17 November 2010 meeting the SHOROC Board agreed:

- That following the SHOROC AGM the newly elected SHOROC President will write to Mike Baird MP asking when the Board can expect a position from the Shadow Cabinet on the funding of detailed feasibility studies on the implementation of Bus Rapid Transit systems for the region.
- That the public campaign be put on hold until February 2011 pending an appropriate response from the NSW Coalition.
- That meetings continue to be sought with the health, transport, planning and local government ministers, Prime Minister, Premier and appropriate government departments to seek government commitments to the priorities in *Shaping Our Future*.

#### **Update on activity**

Cr Rose the newly elected President of SHOROC wrote to Mr Baird MP on 4 December 2010. A copy of the letter is attached at **Tab A**. At the time of circulation of these papers no formal response had been received.

Meetings have been sought with Ministers and Directors General however to date none have been confirmed.

No other campaign activity has been conducted as agreed by the Board.

Copies of responses to early campaign letters received since the last Board meeting from MPs and government departments in regard to *Shaping Our Future* are attached at **Tab B**.

#### **Campaign outcomes**

Progress to-date towards the agreed campaign objectives is as follows:

- Transport:
  - A continued focus on 'strategic bus corridors' for the region in the NSW Government Metropolitan Strategy, however no additional commitments to *Shaping Our Future's* transport priorities.
  - Verbal commitment from NSW Coalition at a meeting with the Board that, should it win the 2011 NSW election, it will fund as a priority detailed feasibility studies on the implementation of Bus Rapid Transit systems for our region, from Mona Vale to the City and Dee Why to Chatswood based on the *Shaping Our Future* strategy.
- Health:
  - The NSCCAHS states that the NSW Government remains committed to a redevelopment of health services on the Northern Beaches, however there has been no public timeline announced by the NSW Government regarding

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construction of the Northern Beaches Hospital at Frenchs Forest. The recently released updated Metropolitan Strategy refers to a “...potential new hospital for the northern beaches” in the “Frenchs Forest Potential Specialised Centre”.

- Public commitment from NSW Coalition, should it win the 2011 NSW election, to commence construction in its first term of the Northern Beaches Hospital at Frenchs Forest, whilst retaining Mona Vale Hospital as a complementary Hospital.
- Recognition of the leadership role of Manly, Mosman, Pittwater and Warringah councils and SHOROC through positive media and community feedback, including stories in the Manly Daily (11), Mosman Daily (3), Sydney Morning Herald and on 7 TV News, ABC Radio News and Radio 2UE.

#### Next steps

It is recommended the Mayor-led public campaign be re-commenced as there has been no formal response received as yet from the NSW Coalition regarding funding of the Bus Rapid Transit System feasibility studies at the time of circulation of these papers.

There are numerous potential options for the campaign, should it be agreed to re-commence, such as:

- Further media releases regarding specific elements of the transport priorities.
- Seeking speaking engagements for the Mayors specifically focussing on the transport priorities.
- Further advertising, such as in Sydney or local media or outdoor.
- Public meetings, rally's etc.
- Increased online and social media promotion through council and the SHOROC website.

It is considered appropriate the Board discuss and agree the next steps for the campaign.

#### 4.1 The Board resolved:

- **To note** the update on the Shaping Our Future campaign.
- **To note** the undertakings of the coalition including subsequent written confirmation regarding funding for BRT feasibility studies.
- **To agree** that the public campaign be put on hold and that the President be authorised to make any additional public comments consistent with the agreed policy positions as necessary.

*Moved Rik Hart /Seconded Cr Anne Connon  
Carried Unanimously*



## Item 4.2 Health

At its 17 November 2010 meeting the SHOROC Board resolved:

- To invite the incoming CEO of the Northern Sydney Local Health Network to meet with the SHOROC Board at a suitable time

Vicki Taylor has been appointed as the Chief Executive of the newly formed Northern Sydney Local Health Network.

Ms Taylor has been invited to attend the 9 February 2011 Board meeting to discuss the NSCCAHS strategic plan in light of the *Shaping Our Future* strategy, in particular further understanding the planning and implementation steps required to build the Northern Beaches Hospital should the construction timetable be confirmed following the next NSW election. At the time of distribution of these papers Ms Taylor's EA had tentatively confirmed Ms Taylor's attendance.

The meeting was attended by Ms Vicki Taylor, Chief Executive of the Northern Sydney Local Health Network (NSLHN), Mr Mark Newton, Director Population Health, Planning and Performance of the NSLHN, Mr Anthony Manning, Director of Planning and Technical at Health Infrastructure and Mr David Ballantyne, Associate Director Planning and Technical at Health Infrastructure for this item. Ms Taylor provided an update on the LHN restructure which came into effect on the 1<sup>st</sup> January and current planning. Mr Manning provided an update on the planning for the Northern Beaches Hospital at Frenchs Forest.

4.2 The Board resolved:

- **To agree** to write to Ms Vicky Taylor, Mr Mark Newton, Mr Anthony Manning and Mr David Valentine to thank them for their attendance at the Board meeting and indicate that the Board looks forward to on-going liaison in relation to health services for the region and the planning for the Northern Beaches Hospital at Frenchs Forest.

*Moved Mark Ferguson /Seconded Cr Anne Connon  
Carried Unanimously*

## Item 4.3 Metropolitan Strategy

On 16 December 2010 the NSW Government released its updated *Metropolitan Plan for Sydney 2036*.

Points to note in regard to the SHOROC region and in comparison to the previous Metropolitan Strategy include:

- Transport: No additional transport infrastructure in addition to the 'strategic bus corridors' outlined in the 2005 Strategy
- Health: the Northern Beaches Hospital is referred to as 'potential' in commentary regarding Frenchs Forest as a 'potential specialised centre'.
- Centres: Frenchs Forest is listed as a new 'Potential Specialised Centre'.

- Dwellings:
  - The target for the North East region, including Manly, Warringah and Pittwater councils, is 29,000 to 2036 (was 22,200 to 2031 including Ingleside).
  - The target for the Inner North region which includes Mosman Council is 44,000 to 2036 (was 30,000 to 2031).
- Employment capacity
  - The target for the North East region is 23,000 to 2036 (was 19,500 to 2031).
  - The target for the Inner North region is 62,000 to 2036 (was 54,000 to 2031).

At the launch of the Plan the Director General of the Department of Planning stated that the Department would work with councils in developing the sub-regional strategies in early 2011, including determining the dwelling and employment targets for each LGA.

A map of the major elements of the Metropolitan Plan is attached at **Tab C**, while the full Plan is available for download from [www.metroplansydney.nsw.gov.au](http://www.metroplansydney.nsw.gov.au)

4.3 The Board resolved:

- **To note** the release of the updated *Metropolitan Plan for Sydney 2036*.

*Moved Cr Anne Cannon /Seconded Mark Ferguson  
Carried Unanimously*

#### Item 4.4 Frenchs Forest specialised centre study

On 17 December 2010 the Department of Planning released for comment the *Frenchs Forest Specialised Centre - State Significant Site Study*. The exhibition period closes on 7 February 2011.

On its website the Department states that it is a proposal to rezone an area of Frenchs Forest to support the emergence of a specialised centre focused on the proposed Northern Beaches Hospital and to accommodate expected growth in the region.

The full report is too large to be emailed, but can be downloaded from [http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=3989](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3989)

4.4 The Board resolved:

- **To note** the release of the Department of Planning's State Significant Site Study on its proposed *Frenchs Forest Specialised Centre*.

*Moved Cr Jean Hay /Seconded Cr Michael Regan  
Carried Unanimously*

## **Item 5 SHOROC project and working group reports**

### **Item 5.1 Councillor Forum outcomes and next steps**

The SHOROC Councillor Forum was held on 6 November 2010 at the Q Station, Manly from 9am-12pm. The purpose of the Forum was to give Councillors the opportunity to come together to raise and discuss regional issues, priorities, costs savings and efficiencies so that we can better work together as a partnership to make our region and our councils even stronger.

At its 17 November 2010 meeting, the SHOROC Board resolved:

- To note the positive outcomes of the Forum and approve holding a similar event on an annual basis, with the next Forum to be held in around November 2011.
- To approve providing the report to all Councillors for information, as well as to enable participating Councillors to correct any of the comments raised and any Councillor to add additional items for inclusion and consideration in determining the priorities for SHOROC's work program.
- To request GMAC, once any additional comments from Councillors have been incorporated, to review the report and provide advice to the next Board meeting on the ideas and issues raised.

A report on the outcomes of the Councillor Forum is attached at **Tab D**.

On 19 November 2010 Cr Rose wrote to all Councillors from the four councils to provide the report and enable participating Councillors to correct any of the comments raised and any Councillor to add additional items. Cr Rose requested any comments be provided to SHOROC by 3 December 2010. No further comments were received.

GMAC has reviewed the report in order to provide advice to the Board on the ideas and issues raised. The assessment has grouped the potential projects/proposals into several categories:

- 1 For consideration for inclusion as a key project in 2011/12 Operational plan.
- 2 For consideration for inclusion in the regional sustainability strategy and/or regional liveability strategy.
- 3 For consideration in setting priorities for the Cost Savings and Efficiency Program
- 4 Comments for consideration in the Governance review.

The potential projects/proposals grouped by these categories are listed below.

It is considered the comments raised in regard to Governance are better discussed as part of the Governance review item in these business papers: **Item 7.1**. As such, these comments raised by Councillors at the Forum are not included here.

#### 1. For consideration for inclusion as a key project in 2011/12 Operational Plan

- Regional business and tourism development project, grouping the following projects/proposals/ideas:
  - Regional tourism collaboration and tourism development in the region, including discussion to test other councils perceptions towards tourism, coordinated event planning and leveraging for major events to obtain economic value
  - Greater promotion and recognition of the region eg branding and marketing at a regional level and collaborating on events and festivals to build on the strength of working together
  - Regional Tourism promotion and strategies, eg. advocacy for tourism infrastructure such as ferries (Linkages to regional branding)
  - Artist Trail across the region as a regional initiative body (Linkages to regional branding (Linkages to regional branding)
  - Regional Bike Race 'Head to Head' as a regional initiative to make SHOROC more of a community body (Linkages to regional branding)
- Include education in development of regional strategies and indicators, including considering the need for maintenance and upgrade in education facilities in the region for all stages of education from pre-school onwards (also has potential for consideration for inclusion in the regional liveability strategy)
- Support 'Last Drinks' Campaign across region - supporting initiatives for healthier communities
- Smoke Free Zones across the region
- Coordinate planning, upgrades and maintenance of footpaths, roads and bike paths, particularly at LGA boundaries
- Kimbriki AWT and education on waste separation across the region
- Cross-LGA paid and resident parking schemes, especially at LGA borders
- Lobbying State Govt take action and support councils on climate change studies, advocacy, mitigation strategies
- Collaborating on climate change including Sea level changes and health models
- Transport brief (on BRTs in Shaping Our Future) needs to be broad so public transport concept does not fail. (Arising from comment: Shaping Our Future and concerns with the North South BRT, the finer details and options. Need for agreement on finer details)
- Develop a proactive governance model for the region to present to State

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Government could be pro-active agenda item for SHOROC

- A number of comments are in regard to current projects/policies:
  - Focus on improved Health Services for the Region
  - Leveraging good news, eg. Energy project at Pittwater School
  - Ensure Sustainable Economic Growth across region to ensure protection (preservation) of natural environment
  - Shaping Our Future is a lobby document that reflects research and planning. It is future and forward thinking and represents the constituents
  - Shaping Our Future is first example of working together. Have more challenges ahead eg nutting out the detail, consultancy brief etc

## 2. For consideration for inclusion in the regional sustainability strategy and/or regional liveability strategy

- Coordinated regional planning of Bike Path networks
- Feasibility studies and funding for local & regional Shuttle Bus System
- Shared Bike Scheme across the region
- Project to investigate and implement renewable energy production, grouping the following projects/proposals/ideas:
  - Co-generation power
  - Local green power generation
  - Investigate and implement renewable energy production
- Collaborate on green Infrastructure/revenue/PPP's
- Plastic Bag reduction project across the region (note also a comment: Is plastic bag reduction and plastic water bottle reduction possible/what are the alternatives?)
- Water Filter/Bubblers across the region (Comment from Cr Aird re Manly Council's bubblers: Has diverted 2 million bottles from landfill in 18 months, Provides a perception to the community and visitors that we 'care for the environment') (note also a comment: Is plastic bag reduction and plastic water bottle reduction possible/what are the alternatives?)
- Promoting a healthy region by collaborating on sports facilities, eg Brookvale Oval, Manly Swim Centre
- Focus on community services coordination Eg community centres, about people and services and being coordinated

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### 3. For consideration in setting priorities for the Cost Savings and Efficiency Program

- Shared Services where possible, eg. strategy
- Procurement for use of GreenPower for infrastructure
- Procurement together for streetlighting costs and provision of LED lights
- Common Information Technology - Developing a long term strategy towards common IT platforms and systems (10 years)
- Shared Resources, eg. Plant and equipment, similar to the approach taken by NSW Police or Kiama which rents out its equipment to surrounding councils
- Regional Staff training to avoid duplication of services
- Regional HR, including recruitment, job advertising, electronic recruitment system and pools of applicants
- Process comments:
  - Need for estimating cost savings already delivered and setting targets
  - Comparing performance and initiatives of SHOROC compared to other ROC's
  - Staff Involvement in generating ideas
  - Already is collaboration between the ROC's, eg. Recent letter from NSROC President seeking regular meetings of ROC Directors
  - Leverage the potential of the regional partnership by looking at effectiveness, 'testing' or a study what each other council is doing
  - Cost Saving v's Community Service Provision, for example regional maps of wildlife corridors, pest control

### Next steps

#### 1. Projects for consideration for inclusion as a key project in 2011/12 Operational plan

It is recommended the Board review the projects proposed in regard to feasibility, appropriateness and resourcing and identify the highest priorities for further analysis/planning.

Those considered the highest priority based on consistency with SHOROC's role, objectives, current projects and alignment with the 4 year goals in the 2010 Corporate Plan are:

- Regional business and tourism development project.
- Kimbriki AWT and education on waste separation across the region.
- Support 'Last Drinks' Campaign across region.

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- Coordinate planning, upgrades and maintenance of footpaths, roads and bike paths, particularly at LGA boundaries.

It is recommended that these projects be endorsed by the Board for consideration for inclusion as a key project in 2011/12 Operational plan and be referred to staff requesting further feasibility analysis.

In addition, if funding is committed by the NSW Government, it is recommended there should be consultation with Councillors where possible in the development of the brief for the feasibility studies on the implementation of the Bus Rapid Transit systems outlined in *Shaping Our Future*.

## 2. Projects for consideration for inclusion in the regional sustainability strategy and/or regional liveability strategy

The regional sustainability strategy is currently being developed. A staff workshop was held on 8 December and a Councillor workshop is planned to be held in around February/March 2011.

It is recommended that all these projects, in addition to considering 'Smoke Free Zones across the region' be endorsed for consideration by staff, Councillors, and the Board in the development of the regional sustainability and liveability strategies.

In addition, it is recommended that education including considering the need for maintenance and upgrade in education facilities in the region is included as a priority in regional planning.

## 3. Projects for consideration in setting priorities for the Cost Savings and Efficiency Program

Many of the projects raised are consistent with the existing or planned projects under the Cost Savings and Efficiency Program, for example the 'Regional Staff training to avoid duplication of services', 'Regional HR, including recruitment, job advertising, electronic recruitment system and pools of applicants' and 'Staff Involvement in generating ideas'.

There are three projects/ideas that are outside the current scope of the Program:

- Procurement for use of GreenPower for infrastructure
- Procurement together for streetlighting costs and provision of LED lights
- Common Information Technology - Developing a long term strategy towards common IT platforms and systems (10 years)

It is recommended that these projects be endorsed for inclusion in the Cost Savings and Efficiency Program and, if agreed as priorities, be referred to staff requesting further feasibility analysis.

## 5.1 The Board resolved:

- **To endorse** for consideration for inclusion as key projects in the 2011/12 SHOROC Operational Plan:
  - Regional business and tourism development project
  - Kimbriki AWT and education on waste separation across the region
  - Support 'Last Drinks' Campaign across region
  - Coordinate planning, upgrades and maintenance of footpaths, roads and bike paths, particularly at LGA boundaries.
- **To agree** for that if funding is committed by the NSW Government, Councillors be consulted where possible in the development of the brief for the feasibility studies on the implementation of the Bus Rapid Transit systems outlined in *Shaping Our Future*.
- **To endorse** for consideration by staff, the Board and Councillors in the development of the regional sustainability and liveability strategies:
  - Coordinated regional planning of Bike Path networks
  - Feasibility studies and funding for local & regional Shuttle Bus System
  - Shared Bike Scheme across the region
  - Project to investigate and implement renewable energy production, including:
    - Co-generation power
    - Local green power generation
    - Investigate and implement renewable energy production
  - Collaborate on green Infrastructure/revenue/PPP's
  - Plastic Bag reduction project across the region
  - Water Filter/Bubblers across the region
  - Promoting a healthy region by collaborating on sports facilities, eg Brookvale Oval, Manly Swim Centre
  - Focus on community services coordination Eg community centres, about people and services and being coordinated
  - Smoke Free Zones across the region.
- **To endorse** that education including considering the need for maintenance and upgrade in education facilities in the region be included as a priority in regional planning.
- **To endorse** for consideration for inclusion in the Cost Savings and Efficiency Program:
  - Procurement for use of GreenPower for infrastructure
  - Procurement together for streetlighting costs and provision of LED lights
  - Common Information Technology - Developing a long term strategy towards common IT platforms and systems (10 years).
- **To agree** that the SHOROC President write to inform all Councillors of the next steps for the proposals from the Councillor Forum, noting that some proposals can be delivered expeditiously while others would take longer to deliver.

*Moved Viv May /Seconded Cr Anne Connon*  
*Carried Unanimously*



## Item 5.2 Kimbriki Sub-Committee minutes & Agenda

The Kimbriki Sub-Committee of the SHOROC Board met on 1 December 2010. The draft minutes are attached (**Tab E**).

The schedule of meetings for 2011 is as follows:

- Wednesday 2 March 2011
- Wednesday 1 June 2011
- Wednesday 7 September 2011
- Wednesday 7 December 2011.

5.2 The Board resolved:

- **To note** the Minutes of the Kimbriki Sub-Committee of the SHOROC Board.

*Moved Cr Michael Regan /Seconded Henry Wong  
Carried Unanimously*

## Item 5.3 Regional indicators and regional sustainability strategy

At its May 2010 meeting, the SHOROC Board resolved to endorse the project plan for the development of regional 'health of the region' indicators and a Regional Sustainability Strategy.

These projects are progressing well and according to the agreed project plan to develop the next elements of the *Shaping Our Future* strategy:

- Overarching 'health of the region' indicators which will be used to assist councils and SHOROC to report locally and regionally on key themes for the region, and for benchmarking, monitoring and review of local and regional issues.
- A regional sustainability strategy (working title *Shaping Our Sustainable Future* strategy) based on existing and planned Council sustainability strategies and potential collaborative regional strategies.

Funding for this project is via a grant from the NSW Government's Environment Trust.

### Item 5.3.1 Regional Sustainability Strategy

Development of the Sustainability Strategy is progressing well.

The Sustainability Strategy is the next part of the *Shaping Our Future* strategy. As detailed in *Shaping Our Future* "strategies for what is needed regionally in the way of other infrastructure and service delivery to maintain and enhance the region's vibrant way of life and natural environment" will be developed, essentially focussed on the 'next tier of infrastructure and services' based on existing and planned council strategies and potential collaborative regional strategies.

A workshop was held with staff from all four councils on 8 December 2010 to consider actions proposed for the strategy and short list those that are better delivered as a region and enhanced sustainability.

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The proposed actions had been provided by the councils based on their existing Community Strategic Plan (and in the case of Manly the draft Delivery Program), by Councillors through the November Councillor Forum and by members of the public via the SHOROC website.

At the workshop staff considered and prioritised actions directed at managing energy, water, waste, greenhouse gases and natural resources along with maintaining biodiversity and quality of bushland and waterways, and actions focussed on skills development/learning to work, run business and /or live more sustainably.

### Next steps

It is proposed that the shortlist of actions for the strategy will be discussed with Board members at a workshop to be held in late February/early March and Councillors at a workshop in March, as previously agreed by the Board at its 17 November 2010 meeting.

#### 5.3.1 The Board resolved:

- **To note** the update and **agree** the next steps for the development of the regional sustainability strategy.

*Moved Cr Michael Regan /Seconded Cr Mark Ferguson  
Carried Unanimously*

### Item 5.3.2 Health of the Region Indicators

A draft set of “health of the region” indicators has been developed to enable key issues of importance to the community and councils to be monitored over time and progress to be measured on achieving regional outcomes including through *Shaping Our Future*.

The draft set of indicators are aligned to draft ‘domains’ of:

- Health and wellbeing: A connected community living safely with healthy lifestyles and equitable access to high quality health, community and recreational facilities and services.
- Natural environment: A diverse, beautiful natural environment of bush, waterways, beaches and parks which enables healthy ecosystems and biodiversity as well as enjoyment and protection by our community.
- Built environment: Housing, infrastructure and services that provide for vibrant sustainable and connected communities; a balance between our way of life and sustainably managing our natural resources and environment.
- Jobs and economic development: Strong, diverse business and industry that provides a range of jobs close to home.
- Leadership: Effective local leadership with community participation in, and access to decision-making.

Council staff are currently reviewing the draft indicator set.

**Next steps**

The next steps for the development of regional indicators include further review of the indicators with the council working group, including ensuring consistency with the final DLG indicator set when released, and then submission of a preliminary set to GMAC and the Board.

5.3.2 The Board resolved:

- **To note** the update and **agree** the next steps for the development of regional indicators.

*Moved Henry Wong /Seconded Cr Anne Connon*

*Carried Unanimously*

**Item 5.4 Future planning seminar: creating a sustainable & liveable region**

At the recommendation of the General Managers, SHOROC is planning an upcoming seminar on planning for the future, with a particular focus on integrated transport and land use planning to create a sustainable & liveable region.

Two leaders in the field have agreed to speak at the seminar: Professor Rob Adams AM, Director City Design, Melbourne City Council and Adjunct Professor John Stanley, Institute of Transport and Logistics Studies, University of Sydney.

Professor Adams is described as one of the champions of urban design in Australia today, who has gained many awards including an Order of Australia (AM) for services to urban design, town planning and architecture. In 2008 he was named the Prime Minister's Environmentalist of the Year.

Adjunct Professor Stanley has spent nine years as Executive Director of Bus Association Victoria, after eight years as Deputy Chair of the National Road Transport Commission, is a Board member of VicUrban, has been an active member of the Committee for Melbourne's Transport and Climate Change Task Forces and was awarded a Centenary Medal for services to public transport and conservation.

It is planned the seminar will be held in March/April, depending on availability.

5.4 The Board resolved:

- **To note** that SHOROC is planning an upcoming seminar on planning for the future.

*Moved Cr Michael Regan /Seconded Cr Jean Hay*

*Carried Unanimously*

### Item 5.5 Urban Planners Group minutes

The members of the Urban Planners Group, the council Directors of Planning, met on 9 November 2010. The meeting minutes are attached (**Tab F**).

5.5 The Board resolved:

- **To receive and note** the minutes of the Urban Planners Group

*Moved Henry Wong /Seconded Cr Michael Regan  
Carried Unanimously*

### Item 5.6 Climate change working group

The members of the Climate Change working group met on 18 November 2010. The meeting minutes are attached (**Tab G**).

5.6 The Board resolved:

- **To receive and note** the minutes of the Climate Change working group.

*Moved Cr Anne Cannon /Seconded Mark Ferguson  
Carried Unanimously*

### Item 5.7 LGSA Local Government Excellence in the Environment Awards

The Local Government Excellence in the Environment Awards were initiated by the LGSA in 1998 and are held annually. The Awards are open to all councils in NSW and aim to recognise outstanding achievements by NSW Local Government in managing and protecting the environment.

An entry was made to the awards in recognition of the benchmarks established by the SHOROC councils in banning e-waste from landfill and from general household roadside clean-up collections and the supporting campaign that resulted in successful lobbying for change at a national level.

SHOROC was awarded 'Highly Commended – Division C' for the Waste Avoidance Category. Cr Jean Hay collected the award.

5.7 The Board resolved:

- **To note** that SHOROC was awarded 'Highly Commended – Division C' for the Waste Avoidance Category at the 2010 LGSA Environment Awards.

*Moved Cr Jean Hay /Seconded Cr Michael Regan  
Carried Unanimously*

### Item 5.8 Historical places register

In late 2009 the SHOROC Board agreed that Mosman Council and SHOROC would develop a historic place names register to record historic place names across the region.



The register has now been developed and has been visually represented on the SHOROC website [www.shoroc.com](http://www.shoroc.com) using a Google Map that illustrates the current sites on the Historical Names Register. These sites are a starting point and the 'call to action' is for residents to submit more historic place names to their individual councils for posting on the map by SHOROC.

The media release regarding the register was circulated to Councillors prior to release. Cr Laugesen from Warringah Council provided positive feedback on the project and suggested that further work could be done to engage older people that do not have access to a computer, potentially through targeting schools to encourage students to work with their grandparents on identifying further sites for submission to their local council.

This proposal is considered appropriate as it could provide positive recognition of the work councils are doing to highlight these sites. In the first instance it is proposed that letters be drafted from each of the Mayors to the Primary School Principals in their local area to promote the register and encourage students to submit places for the register to their local council.

5.8 The Board resolved:

- **To agree** that SHOROC draft a letter for each of the four Mayors for distribution to their local Primary Schools to promote the Historical Places register and encourage students to submit places for the register to their local council.
- **To agree** to provide postcards to schools for distribution to students to promote the initiative and encourage participation and submission of further sites to councils, with the cost of up to \$2000 to be shared equally amongst councils.
- **To agree** that the President of SHOROC write letters to the Manly Warringah & Pittwater Historical Society and the Mosman Historical Society to ask for assistance in coordination of the submissions received under the project.
- **To agree** in future any suggestions coming directly to SHOROC from Councillors will be referred to that council's delegates on the SHOROC Board for consideration and inclusion or otherwise on the Board Agenda.

*Moved Henry Wong /Seconded Cr Michael Regan*

*For: Viv May, Cr Michael Regan, Cr Anne Connon, Cr Harvey Rose, Henry Wong, Cr Jean Hay*

*Against: Mark Ferguson, Rik Hart*

*Carried*

## **Item 6 Council cost saving & efficiency program and new SHOROC revenue**

### **Item 6.1 Update on progress**

The Cost Saving and Efficiency Program continues to deliver noteworthy savings across the region, with a number of regional tenders being significantly progressed in recent months.

The December 2010 quarterly report presents savings for councils of \$74,160 during the reporting period, bringing the year to date savings to councils to a total of \$245,443 (see

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**Tab H for detail on savings for each council).** The December 2010 quarter results have been gained through the regional Cash Collection and Parking Meter Collection Tender and the completion of a review under the ATO Federal Fuel Tax Credit Scheme for one of the participating councils.

#### **Item 6.1.1 Regional tenders**

A number of regional tenders have progressed in recent months with the following all being completed and recommendation by staff that all Councils accept the following tenders:

- Hygienic Services
- Traffic Safety Signage and Galvanised Posts
- Ready Mix Concrete
- General Hardware and Bagged Cement
- Stationary.

Two new tender opportunities will be developed in the coming months:

- Minor and Capital Works (including roadway and footpath construction)
- Drainage Asset Services (including stormwaters GPT's).

SHOROC has completed a review to ascertain the level of interest in participation from councils for the above new tenders and will be organising meetings with relevant staff in February 2011 to commence work towards developing tender specification and documentation.

#### **Item 6.1.2 SHOROC Procurement Working Group**

SHOROC continues to work in partnership with the councils through the Procurement Working Group that meets regularly on a bi-monthly basis. As can be seen in the reported year to date regional cost savings and the progress on regional tenders noted, the working group has made excellent progress on a number of procurement opportunities during and is well positioned to identify and work towards more regional opportunities in 2011.

At the December 2010 GMAC meeting it was agreed that in appreciation for the work each member is contributing to the procurement group, that a recommendation be made to the February 2011 Board meeting requesting that the Board write to the working group members with their thanks for the continued and valued efforts of the staff involved.

#### **Item 6.1.3 Quarterly results from the efficiency and cost saving program**

The Quarter 2 2010 Revolving Cost Savings Summary Report is attached at **Tab H**. Savings from the second quarter are made up of the items outlined in sections (i) and (ii) below.

As per the agreement of the Board at the May 2010 meeting for the Cost Saving and Efficiency Program, the next steps are for SHOROC to invoice councils for the commission to be invested into the Revolving Cost Savings Fund for reinvestment into further efficiency and cost saving initiatives and regional projects as approved by the Board.

**(i) Cash Collection and Parking Meter Collections Tender**

During the December 2010/11 quarter three member councils resolved to accept a tender for the provision of cash collection services from both parking meters and council offices and facilities.

A cost savings analysis has been completed in consultation with the councils on the Cash Collection and Parking Meter Collections Tender completed in November 2010.

The analysis involved comparison of old versus new contract pricing in recognition of collection cycles and frequencies advised by the participating councils. Savings have been calculated as both dollar amounts and average percentage savings.

The analysis presents regional savings to the participating councils of approximately 23% on cash collection services expenditure, equating to approximately \$49,685 per annum.

In summary:

Council	Estimated Cost Saving (%)	Estimated Cost Saving (\$)
Mosman	17%	\$9,225
Warringah	27%	\$16,959
Pittwater	25%	\$23,501
<b>Average/Total</b>	<b>23%</b>	<b>\$49,685</b>

**(ii) Fuel Tax Credits Scheme**

AIT Specialists (AITS) have been engaged through SHOROC to undertake reviews of tax returns to the Australian Taxation Office in regard to the claims being made since the introduction of the federal Fuel Tax Credits Scheme for participating councils.

AITS recently advised SHOROC that the review for Warringah has been completed achieving \$32,633 in savings which can be now claimed through council's BAS statement and reporting process. These savings date back to January 2008 and SHOROC is liaising with council to locate older records as it is likely that further claims dating back to October 2006 can be made.

These cost savings have also been recorded against the second quarter results for the December 2010 Revolving Cost Savings quarterly report.

It is noted that fuel tax reviews are currently underway for Mosman and Pittwater and are expected to be completed by March 2011.

**Item 6.1.4 Identification of efficiency and cost savings priorities**

As noted by the Board at its 17 November 2010 meeting, SHOROC has identified and is currently progressing a number of new projects under the efficiency and cost saving program.

A series of working groups have been established for each of the identified projects with progress to date being noted:

**(i) Records Management**

A meeting was held with the Records Management Project Working Group on Friday 19 November 2010 at Warringah Council. A draft project plan is under review by the working group and will be tabled for consideration at the March 2011 GMAC meeting.

**(ii) HR Recruitment and Training**

A meeting of the HR Working Group is being planned for February 2011. The group will commence investigation into coordinated training for the region and into the value of implementing a common recruitment platform across the SHOROC region.

**(iii) Compliance and Certification**

A meeting of the Compliance and Certification Project Working Group is scheduled as part of the next SHOROC Urban Planners meeting on 8 February 2011. This exploratory meeting will commence discussion on the project, outline objectives and possible scope with an aim to develop an early project plan for submission to the March 2011 GMAC.

**Item 6.1.5 Grant Opportunities**

SHOROC routinely scans online reference sites and publications for applicable grants and sponsorship programs that may be of interest to either SHOROC and/or member councils. In recent months SHOROC identified and communicated a number of grant opportunities including:

- NSW Department of Environment Climate Change and Water's Office of Water for Recycling Stormwater and Sewage Projects' on-ground works
- National Partnership Agreement on Preventive Health - Healthy Communities Initiative (closed 4 February 2011)
- NSW Department of Industry & Investment Business Cluster Funding (closed 5 November 2010)

Further to this SHOROC sent letters of support for Pittwater Business Limited's (PBL) and Warringah Chamber of Commerce's applications to the NSW Department of Industry & Development Business Cluster Program. It has recently been advised that PBL have been successfully awarded a \$10,000 grant to supplement their marketing budget, enabling it to offer enhanced services and support to businesses located in Pittwater.

6.1 The Board resolved:

- **To receive and note** the update on the Efficiency and Cost Saving Program.
- **To agree** to send letters of appreciation to members of the SHOROC Procurement Working Group for their continued efforts and achievements in delivering cost savings through regional tendering.

*Moved Cr Anne Cannon /Seconded Cr Michael Regan  
Carried Unanimously*

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## Item 6.2 Waste collection

SHOROC continues to work collaboratively with all member councils and Kimbriki Environmental Enterprises (KEE) towards the implementation of a common waste collection for the transport of waste to the new facility at Kimbriki by mid-2014.

The work is currently focused on developing the project further including analysis of timelines to meet the mid-2014 implementation date and possible configurations for a common waste collection system. The framework for this analysis is being based on the best economic, social and environmental outcomes for the region and takes into account the facility planning and development by KEE and the optimal configuration for the AWT and MRF facilities.

6.2 The Board resolved:

- **To receive and note** the update on the progression of the waste collection project.

*Moved Cr Michael Regan /Seconded Cr Jean Hay*

*Carried Unanimously*

## Item 7 SHOROC Administrative Matters

### Item 7.1 Governance

#### Background

As part of the SHOROC Corporate & Operation Plan 2010-2014 approved by the Board in May 2010, it was agreed that in 2010/11 a review would be conducted of the SHOROC governance structure.

A preliminary review was conducted and tabled at the 17 November 2010 Board meeting, at which the Board resolved:

- To defer consideration of this item (Governance) until any additional comments from Councillors regarding the Councillor Forum are incorporated in the Councillor Forum report.
- To defer considering the representations from Mr Warr regarding publishing the Board papers prior to the meetings until any additional comments from Councillors regarding the Councillor Forum are incorporated in the Councillor Forum report and request SHOROC's Executive Director to write to Mr Warr to provide this advice.

On 19 November 2010 Cr Rose wrote to all Councillors from the four councils to provide the Councillor Forum report and enable participating Councillors to correct any of the comments raised and any Councillor to add additional items. Cr Rose requested any comments be provided to SHOROC by 3 December 2010. No further comments were received.

The comments raised in regard to SHOROC governance at the 6 November 2010 Councillor Forum are attached at **Tab D**.

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At its 23 November 2010 meeting, Warringah Council resolved as follows.

*Minutes of SHOROC Incorporated Board Meeting held 18 August 2010*

*339/10 RESOLVED*

*Cr Harris / Cr Regan*

*1. That the Minutes of the SHOROC Incorporated Board Meeting of 18 August 2010 be noted and the recommendations contained therein be ADOPTED.*

*2. Council write to SHOROC and advise that in accordance with the SHOROC Board resolution of 7.3, SHOROC agenda must be made publicly available (ie to all Councillors and the community on SHOROC's website), 14 days prior to the scheduled meeting. In the absence of such an undertaking from SHOROC, Warringah Council has serious concerns about the ability of Councillors to comply with this resolution.*

*3. That Councillors are informed by email when the SHOROC agenda is made available to the public.*

*VOTING*

*For the resolution: Crs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen, Ray, Regan, Sutton and Wilkins.*

*Against the resolution: Nil.*

It is understood resolution 2 was made in regard to Item 7.3 of the 18 August 2010 Board minutes, where the Board resolved that part of the process for Councillors to list items for Board consideration include "Should Councillors wish to attend and speak at a Board meeting on items listed for that meeting, approval of the Board is required and SHOROC must be given at least 7 days notice of an intention to attend a Board meeting and the item on which the Councillor would like to speak."

In addition, a report in regard to SHOROC governance was listed on the Agenda for the 14 December 2010 Warringah Council meeting (**Tab I**), in response to a notice of motion from the 3 August 2010 meeting (**Tab J**). However, this item was not considered at that meeting due to time constraints.

An outline of the SHOROC Governance structure and that of other Regional Organisations of Councils (ROCs) is attached at **Tab K**.

**Governance review**

The objectives of SHOROC as a partnership should be considered as the starting point in any review of governance.

The objectives of SHOROC as per the constitution are:

- Planning and collaboration: To plan and collaborate to address regional needs, problems, opportunities and challenges.

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- Cooperation and resource sharing: To improve the quality, efficiency and cost effectiveness of councils services and facilities through cooperation and resource sharing where there are benefits to the councils and their communities in so doing.
- Advocacy and regional leadership: To seek to attract funds and resources and to influence the decisions of other levels of government, the private and the non-government sector to meet social, economic, service and infrastructure needs of the region and its residents and to protect the area's environment and lifestyle.

Based on the issues raised by Warringah Council, Councillors at the 6 November Forum and on other occasions and by a member of the public, there are three main items to be considered:

1. SHOROC Governance structure, in particular the Board delegates and voting.
2. Councillor involvement.
3. Community involvement.

#### 1. SHOROC Governance structure

The issues raised in regard to the current Board structure relate primarily to the delegates representing each council on the Board, with concern by some parties that there is not adequate Councillor representation on the Board.

It should be noted that if it is determined that the Board consider a change to the council representation on the Board any change would need to be agreed unanimously by all members. This is because it would require a change to SHOROC Constitution which, according to section 45 of the Constitution, can occur "... only by special resolution of the Organisation", being as per section 39 "...if it is passed unanimously by member delegates at a general meeting of which at least 14 days written notice has been given specifying the intention to propose the resolution as a special resolution...".

The SHOROC constitution states that a "member Council will be represented on the Board by its delegates as follows: The Mayor and the General Manager".

It is considered there are two other potential structures for the Board that could be considered based on those of other ROCs:

- a) Each council to be represented by the Mayor only, with the General Manager attending as a non-voting delegate.
- b) Each council to be represented by the Mayor and another elected Councillor, decided by resolution of that Council, with the General Manager attending as a non-voting delegate.

Comments raised in regard to each of these structures are listed below.

Board structure	Comments
Each Council to be represented on the Board by the Mayor and the General Manager (ie status quo)	<ul style="list-style-type: none"> <li>▪ Significant achievements to date and considered to be functioning well as partnership.</li> <li>▪ Some parties have raised concerns that there is not enough Councillor representation on the Board, while other parties have expressed satisfaction with operation and non-political nature.</li> <li>▪ Could be perception that there is a lack of separation between those who make policy recommendations (the GMAC) and those who make the decisions (the Board).</li> <li>▪ Not consistent with other metropolitan ROCs.</li> </ul>
Each council to be represented by the Mayor only, with the General Manager attending as a non-voting delegate.	<ul style="list-style-type: none"> <li>▪ Very small Board with only one representative from each council, no increase in Councillor representation and untested in regard to effective operation.</li> <li>▪ Reduces perception of lack of separation in decision-making between GMAC and Board.</li> <li>▪ Not consistent with other metropolitan ROCs.</li> </ul>
Each council to be represented by the Mayor and another elected Councillor, decided by resolution of that council, with the General Manager attending as a non-voting delegate.	<ul style="list-style-type: none"> <li>▪ Greater Councillor representation, however untested in regard to effective operation.</li> <li>▪ Some parties consider this would enable greater Councillor involvement in regional decision-making.</li> <li>▪ Some parties have raised concerns including that this structure would create perceptions of fourth tier of government or regional decision making body, increase political partisanship and/or decrease effectiveness.</li> <li>▪ Reduces perception of lack of separation in decision-making between GMAC and Board.</li> <li>▪ More consistent with other metropolitan ROCs.</li> </ul>

On balance it is recommended that there is no change to the current Board structure, that is the councils being represented by the Mayor and the General Manager, due to the following:

- SHOROC is set up as a collaborative body not a governing body or one to make regional decisions that could unduly impact on member councils. Increasing the elected-Councillor representation on the Board could create perceptions that it is another level of government, whereas where there are major regional proposals developed through SHOROC, it is more appropriate decisions be made at the council level first prior to Board resolution, as occurred with *Shaping Our Future*.
- The Board is operating effectively, evidenced by the recent achievements such as the advocacy for improved transport and health infrastructure for the region, and the establishment of the Cost Saving and Efficiency Program which is realising quantifiable cost savings for councils.
- The presence of General Managers on the Board adds significant local government experience and increases the political independence of SHOROC.

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Although it is proposed no change be made to the formal structure of the Board, it is recommended that additional opportunities are provided for Councillor involvement in policy and project development (see below).

It is also recommended that the governance structure and processes for Councillor involvement are reviewed in 12 months to ensure the most effective and appropriate structure and processes are in place.

## 2. Councillor involvement

Councillors are key stakeholders of SHOROC and regardless of the Governance structure, it is considered SHOROC should provide further opportunities for Councillor involvement in discussing regional issues and determining policies and projects.

It is recommended that SHOROC should agree the following to enable greater opportunities for Councillor involvement:

- An annual Councillor Forum will be held for Councillors to raise and discuss regional issues, priorities, costs savings and efficiencies.
- Councillors will be consulted early in the process of developing major policies or projects.
- Board business papers will be circulated to the Board members two weeks prior to Board meetings, to enable Board members to consult with Councillors if considered appropriate. Late agenda items will be circulated to Board members no later than 2 days prior to the Board meetings, however if this deadline cannot be met urgent items can be tabled at the meeting if the President declares the item urgent.
- Board minutes will be published on the SHOROC website.
- Councillors will be informed of media releases prior to circulation to media.

In addition, it is recommended that councils consider:

- Circulating papers to Councillors two weeks prior to the Board meetings to enable an opportunity for Councillors to provide input to their Council delegates on Agenda items if they wish.
- Reporting SHOROC Board papers to council for noting and, if applicable, adoption.
- Agreeing a process for each council for Councillors to bring items to the Board for consideration, based on the process agreed by Board at its 18 August 2010 meeting.

It is not recommended that Agendas and Minutes of the GMAC be published on the website, as suggested in Warringah Council's resolution of 3 August 2010 (**Tab J**) as GMAC's role is predominantly operational and advisory in nature and publication would be similar to publication of council Executive Management Team meetings.

### 3. Community involvement

The role of SHOROC is collaboration, as a vehicle through which member councils can collectively and more effectively plan for the region, advocate on issues of importance and facilitate resource sharing.

SHOROC is not a public authority or a level of government. While SHOROC can and does communicate publicly on agreed policies or projects where it is appropriate to do so and according to an agreed communications policy, it is not resourced for extensive community engagement or consultation.

Councils are the elected decision-making bodies and it is considered that it is more appropriate that the councils and individual Councillors should represent the interests of their community in establishing regional directions and priorities.

It is recommended that the community involvement in SHOROC policy and project development and priority setting should be through the Mayor and elected Councillors and that formal community consultation on major projects should be conducted by councils, unless otherwise agreed by Board.

## 7.1 The Board resolved:

- **To receive and note** the review of SHOROC's governance structure
- **To agree** that there is no change to the current Board structure.
- **To agree** that SHOROC enable greater opportunities for Councillor involvement through:
  - An annual Councillor Forum held for Councillors to raise and discuss regional issues, priorities, costs savings and efficiencies.
  - Consultation of Councillors early in the process of developing major policies or projects.
  - Circulation of Board business papers to the Board members two weeks prior to Board meetings. Late agenda items will be circulated to Board members no later than 2 days prior to the Board meetings, however if this deadline cannot be met urgent items can be tabled at the meeting if the President declares the item urgent.
  - Publication of Board minutes on the SHOROC website.
  - Informing Councillors of media releases prior to circulation to media.
- **To agree** that councils consider:
  - Circulating papers to Councillors two weeks prior to the Board meetings to enable an opportunity for Councillors to provide input to their Council delegates on Agenda items if they wish.
  - Reporting SHOROC Board papers to council for noting and, if applicable, adoption.
  - Agreeing a process for Councillors to bring items to the Board for consideration, based on the process agreed by Board.
- **To note** that any suggestions from individual Councillors should always come through the Board delegate and any suggestions coming directly to SHOROC from Councillors will be referred to that council's delegates on the SHOROC Board for consideration and inclusion or otherwise on the Board Agenda.
- **To agree** that the governance structure and processes for Councillor involvement are reviewed in 12 months to ensure the most effective and appropriate structure and processes are in place.
- **To agree** that community involvement in SHOROC policy and project development and priority setting should be through Mayors and elected Councilors and that formal community consultation on major projects should be conducted by councils, unless otherwise agreed by Board.
- **To agree** that the Agendas and Minutes of the GMAC not be published on the website.

*Moved Cr Harvey Rose /Seconded Mark Ferguson*

*Carried Unanimously*

## Item 7.2 Half-yearly progress report

A brief progress report on SHOROC activities for the first half of the 2010/11 financial year has been developed to provide an update to the Board and Councils on the progress of the key projects agreed in the 2010 SHOROC Corporate Plan. The report is attached at **Tab L**.

7.2 The Board resolved:

- **To receive and note** the half-yearly progress report for SHOROC for the first half of the 2010/11 financial year.

*Moved Cr Anne Cannon /Seconded Cr Michael Regan*

*Carried Unanimously*

## Item 7.3 Financial report

The second quarterly financial report for 2010/11 including the end of year forecast as at 31 December 2010 is attached at **Tab M**.

7.3 The Board resolved:

- **To receive and note** the December 2010 financial report.

*Moved Mark Ferguson /Seconded Henry Wong*

*Carried Unanimously*

## Item 7.4 2011/12 Operational Plan

SHOROC's 2011/12 Operational Plan is currently under development in consultation with council staff, based on the agreed priorities in the 2010/11 Corporate Plan, the proposals raised by Councillors at the Councillor Forum and other priorities raised by councils. The 2011/12 Operation Plan will be submitted to the May 2011 Board meeting for approval.

7.4 The Board resolved:

- **To note** that the 2011/12 Operation Plan is under development and will be submitted to the May 2011 Board meeting for approval.

*Moved Henry Wong /Seconded Cr Jean Hay*

*Carried Unanimously*



**Item 8      General business & matters raised by council**

Mr Henry Wong raised the issue of boat, kayak, boat trailer and dinghy parking and storage across the region and asked for this item to be put on the agenda for discussion at the 2 March 2011 GMAC meeting.

Cr Michael Regan raised the idea of a Mayoral Dinner to raise funds for local charities.

8. The Board resolved:

- **To note** that GMAC would consider a report regarding a regional study on the bulk parking of trailers/boats etc. at its next meeting.
- **To agree** to plan a joint Mayoral Dinner as a fundraiser for local charities, led by Cr Regan.

*Moved Henry Wong /Seconded Cr Jean Hay  
Carried Unanimously*

**Item 9      Confirm time for next meeting**

9. The Board resolved:

- That the next Board meeting is to be held Wednesday 18 May 2011 3-5pm at SHOROC.

*Moved Henry Wong /Seconded Cr Jean Hay  
Carried Unanimously*

Meeting closed at 5:00pm.

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## ATTACHMENTS

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- Tab A. Letter to Mike Baird MP re timeline for announcement
- Tab B. Copies of responses received to date regarding *Shaping Our Future*
- Tab C. Map of major elements of Metropolitan Plan
- Tab D. A report on the outcomes of the Councillor Forum
- Tab E. Kimbriki Sub-Committee Draft Minutes, 1 December 2010
- Tab F. Urban Planners Group Minutes, 9 November 2010
- Tab G. Climate Change Working Group Minutes, 18 November 2010
- Tab H. Quarter 2 2010/11 Council Efficiency and Cost Savings program report
- Tab I. Report for 14 December 2010 Warringah Council Meeting
- Tab J. Notice of motion from 3 August 2010 Warringah Council meeting
- Tab K. Outline of SHOROC governance structure and other ROC's
- Tab L. Progress report on SHOROC activities for the first half 2010/11
- Tab M. Second Quarterly Financial Report 2010/11

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*Shore Regional Organisation of Councils – a partnership of Manly, Mosman, Pittwater & Warringah Councils*

**Tab A: Letter to Mike Baird MP re Timeline for Announcement**

4 December 2010

Mike Baird MP  
Member for Manly  
Shadow Treasurer  
Shop 2, 2 Wentworth Street  
MANLY NSW 2095



Dear Mr Baird

**Timing of NSW Coalition commitments to Bus Rapid Transit feasibility studies**

I write to you as the newly elected President of SHOROC on behalf of the SHOROC Board of Mayors and General Managers from Manly, Mosman, Pittwater and Warringah councils.

The SHOROC Board met on 17 November 2010 and resolved to put our public *Shaping Our Future* campaign on hold due to the commitments made by yourself and your colleagues at our meeting in early November.

We made this decision as you made it clear you are fully behind the need for Bus Rapid Transit systems (BRTs) for our region and we understand you are seeking the agreement of the Shadow Cabinet that the NSW Coalition, if elected, will fund as a priority detailed feasibility studies on the implementation of BRTs for our region from Mona Vale to the City and Dee Why to Chatswood based on the *Shaping Our Future* strategy.

Can you please advise me at what time should we expect a position from the Shadow Cabinet and public statements committing the NSW Coalition, should you win the 2011 NSW Election, to funding these feasibility studies as a priority in your first term?

Once again I thank you for your ongoing commitment that, should you win the 2011 NSW election, in your first term you will commence construction of the Northern Beaches Hospital at Frenchs Forest, whilst retaining Mona Vale Hospital as a complementary Hospital.

As advised previously, we are very willing to work with you on these priority infrastructure projects for our region and if you would like any assistance with this matter please contact SHOROC's Executive Director Ben Taylor on (02) 9905 0087 or [ben.taylor@shoroc.nsw.gov.au](mailto:ben.taylor@shoroc.nsw.gov.au).

I await your response.

Yours sincerely

Cr Harvey Rose  
Mayor of Pittwater and SHOROC President

**Tab B: Copies of responses received to date regarding *Shaping Our Future* (separate PDF attachment)**

**Tab C: Map of Major Elements of Metropolitan Plan (separate PDF attachment)**

**Tab D: A report on the outcomes of the Councillor Forum**
**SHOROC Councillor Forum**  
**6 November 2010 at Q-Station Manly**


**Purpose:** To give Councillors the opportunity to come together to raise and discuss regional issues, priorities, costs savings and efficiencies so that we can better work together as a partnership to make our region and our councils even stronger.

**Agenda**

Time	Item
8.30 am	Councillor sign in and arrival tea & coffee
9.00 am	Mosman Mayor & SHOROC President Anne Connon Open & welcome
9.05 am	Cr Geoff Lake, ALGA President Keynote address: The importance of regional cooperation to the future of local government.
9.30 am	Manly Mayor Jean Hay AM Thank you to speaker and introduction to discussion on the Board's priorities in working for a stronger region.
9.35 am	Ben Taylor, SHOROC Executive Director Presentation on SHOROC Board's work priorities for a stronger region
9.45 am	Discussion on Councillors ideas for collaborative projects for a stronger region (facilitated by Ben Taylor)
10.30 am	Morning tea
10.45 am	Warringah Mayor Michael Regan Cost saving and efficiency - how this is crucial to building stronger councils on a regional level
10.50 am	Ben Taylor, SHOROC Executive Director Presentation on SHOROC Board's work priorities for stronger councils
11.00 am	Discussion on Councillors ideas for collaborative projects for stronger councils (facilitated by Ben Taylor)
11.35 am	Discussion on Councillors other ideas / issues (facilitated by Ben Taylor)
11.55 am	Pittwater Mayor & SHOROC Vice-President Harvey Rose Closing comments and next steps
12.00 -1.00 pm	Lunch

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*Shore Regional Organisation of Councils – a partnership of Manly, Mosman, Pittwater & Warringah Councils*

## **Attendees**

### **Manly Council**

1. Cr Jean Hay
2. Cr Barbara Aird
3. Cr Adele Heasman
4. Cr Alan Le Surf
5. Cr Cathy Griffin
6. Mr Henry Wong

### **Mosman Council**

1. Cr Anne Connon
2. Cr Libby Moline
3. Cr Denise Wilton
4. Cr Warren Yates
5. Cr Tom Sherlock
6. Cr Jim Reid
7. Mr Viv May

### **Warringah Council**

1. Cr Michael Regan
2. Cr Conny Harris
3. Cr Helen Wilkins
4. Cr Christina Kirsch
5. Cr Michelle Ray
6. Mr Rik Hart

### **Pittwater Council**

1. Cr Harvey Rose
2. Cr Jacqueline Townsend
3. Cr Bob Dunbar
4. Cr Ian White
5. Mr Mark Ferguson

### **SHOROC**

1. Ben Taylor
2. Lisa Stevens
3. Andrea Tattam

### **Apologies:**

Cr Patricia Giles, Cr Peter Hock, Cr David James, Cr Virginia Laugesen, Cr Julie Sutton, Cllr Lauren Elder, Cr Vincent De Luca, Cr Bob Giltinan

**Raw notes from discussion including proposals and comments**

(note comments have been recorded as raised by Councillors and are currently being verified)

**Session 1 – A Stronger Region**

This session focussed on ideas/proposals on how we can work together now and in the future for a stronger region.

<b>Idea/proposal for consideration (DRAFT)</b>	<b>Raised by Councillor</b>
Water Filter/Bubblers across the region  Comment from Cr Aird re Manly Council's bubblers: <ul style="list-style-type: none"> <li>- Has diverted 2 million bottles from landfill in 18 months</li> <li>- Provides a perception to the community and visitors that we 'care for the environment'</li> </ul>	J Townsend
Smoke Free Zones across the region	B Aird
Ensure Sustainable Economic Growth across region to ensure protection (preservation) of natural environment	C Harris
Plastic Bag reduction project across the region	D Wilton
Coordinated regional planning of Bike Path networks	C Kirsch
Investigate and implement renewable energy production	C Kirsch
Focus on improved Health Services for the Region	H Rose
Support 'Last Drinks' Campaign across region - supporting initiatives for healthier communities	M Regan
Coordinate planning, upgrades and maintenance of footpaths, roads and bike paths, particularly at LGA boundaries	M Regan
Include education in development of regional strategies and indicators, including considering the need for maintenance and upgrade in education facilities in the region for all stages of education from pre-school onwards	C Griffin
Need for community buy-in and engagement from early in the process of developing projects/policies across the region	M Ray
Lobbying State Govt take action and support councils on climate change studies, advocacy, mitigation strategies	B Aird
Cross-LGA paid and resident parking schemes, especially at LGA borders	H Wilkins

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*Shore Regional Organisation of Councils – a partnership of Manly, Mosman, Pittwater & Warringah Councils*



Feasibility studies and funding for local & regional Shuttle Bus System	H Wilkins
Collaborating on climate change incl Sea level changes and health models	C Harris
Is plastic bag reduction and plastic water bottle reduction possible/what are the alternatives?	B Dunbar
Promoting a healthy region by collaborating on sports facilities, eg Brookvale Oval, Manly Swim Centre	A Heasman
Greater promotion and recognition of the region eg branding and marketing at a regional level and collaborating on events and festivals to build on the strength of working together	W Yates
Regional Tourism promotion and strategies, eg. advocacy for tourism infrastructure such as ferries (Linkages to regional branding)	L Moline
Focus on community services coordination Eg community centres, about people and services and being coordinated	A LeSurf
Leverage the potential of the regional partnership by looking at effectiveness, 'testing' or a study what each other council is doing	T Sherlock
Artist Trail across the region as a regional initiative body (Linkages to regional branding) (Linkages to regional branding)	J Townsend
Regional Bike Race 'Head to Head' as a regional initiative to make SHOROC more of a community body (Linkages to regional branding)	J Townsend
Shared Bike Scheme across the region	C Kirsch
Kimbriki AWT and education on waste separation across the region	C Kirsch
More community engagement on a regional level across councils and the region, including identifying what is role of SHOROC and what is role of individual councils	C Kirsch
Regional tourism collaboration and tourism development in the region, including discussion to test other councils perceptions towards tourism, coordinated event planning and leveraging for major events to obtain economic value	J Hay

**Session 2 – Stronger Councils**

This session focussed on ideas/proposals on how we can work together now and in the future for stronger councils, without impacting on independence.

<b>Idea/proposal for consideration (DRAFT)</b>	<b>Raised by Councillor</b>
Need for estimating cost savings already delivered and setting targets	T Sherlock
Shared Services where possible, eg. strategy	C Kirsch
Collaborate on green Infrastructure/revenue/PPP's	C Kirsch
Need to look at role of SHOROC/Operations/Board structure (held over until 3 <sup>rd</sup> session for discussion)	C Griffin
Procurement for use of GreenPower for infrastructure	C Griffin
Procurement together for streetlighting costs and provision of LED lights	J Townsend
Co-generation power	B Aird
Local green power generation	C Harris
Leveraging good news, eg. Energy project at Pittwater School	T Sherlock
Common Information Technology - Developing a long term strategy towards common IT platforms and systems (10 years)	W Yates
Shared Resources, eg. Plant and equipment, similar to the approach taken by NSW Police	M Ray
Plant and equipment shared resources eg Kiama which rents out its equipment to surrounding councils	C Griffin
Cost Saving v's Community Service Provision, for example regional maps of wildlife corridors, pest control	C Harris
Regional Staff training to avoid duplication of services	I White
Regional HR, including recruitment, job advertising, electronic recruitment system and pools of applicants	M Regan
Comparing performance and initiatives of SHOROC compared to other ROC's	T Sherlock
Staff Involvement in generating ideas	A Heasman
Already is collaboration between the ROC's, eg. Recent letter from NSROC President seeking regular meetings of ROC Directors	A Connon

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*Shore Regional Organisation of Councils – a partnership of Manly, Mosman, Pittwater & Warringah Councils*

**Session 3 – Other Ideas**

This session focused on any other ideas/proposals for how we can better work together now and in the future

<b>Idea/proposal for consideration (DRAFT)</b>	<b>Raised by Councillor</b>
SHOROC Structure and Reporting: Better communication with Councillors on Minutes, updates, agenda items - understanding what SHOROC is working on. (A Connon notes that Board Papers are on Mosman's Council meeting agenda)	C Griffin
Standing agenda item on Council meetings prior to the Board meetings as a means of taking items to the SHOROC Board	J Townsend
Review of SHOROC constitution for more councillor involvement, noting the structure of other ROCs including NSROC and MACROC	C Kirsch
Don't want to risk the focus and value of SHOROC - Core responsibility is regional issues, cost saving etc	A LeSurr
Shaping Our Future and concerns with the North South BRT, the finer details and options. Need for agreement on finer details. Transport brief needs to be broad so public transport concept does not fail.	J Read
Circulating the SHOROC Board Agenda to Councillors for comment prior to meetings, or having it as a standing agenda item on Council meeting Agendas	M Ray
Careful of too many processes which risk of creating SHOROC as another level of government.	J Townsend
Develop a proactive governance model for the region to present to State Govt could be pro-active agenda item for SHOROC	J Townsend
Note the value of Councillor involvement in previous projects eg Ingleside workshop on Shaping Our Future	A Connon
Regional issues are the key focus and SHOROC is an avenue for dealing with regional issues without amalgamation	H Rose
SHOROC as a means of empowering and facilitating the four councils while being non-political so better to have Mayor and GM's on Board	H Wilkins
Not more Councillors on the Board but have clear avenue for bringing forward items for the Agenda	J Townsend
Shaping Our Future is a lobby document that reflects research and planning. It is future and forward thinking and represents the constituents	I White
Strong need for GM's on SHOROC Board as brings experience, talent, expertise	A Connon
Process at Manly to have opportunity for bringing items to the SHOROC Board agenda	A Heasman
Shaping Our Future is first example of working together. Have more challenges ahead eg nutting out the detail, consultancy brief etc	W Yates

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*Shore Regional Organisation of Councils – a partnership of Manly, Mosman, Pittwater & Warringah Councils*

Tab E: Kimbriki Sub-Committee Draft Minutes, 1 December 2010

**KIMBRIKI SUB COMMITTEE- Meeting  
MEETING MINUTES**



**4.30-7.00pm Wednesday 1 December 2010  
Eco House and Garden, Kimbriki Resource Recovery Centre**

**Attendance:**

Clr Conny Harris, Warringah Council (Chair)  
Clr Barbara Aird, Manly Council  
Clr Denise Wilton, Mosman Council  
Clr Bob Dunbar, Pittwater Council  
Ms Jan Biggs, Pittwater Council Representative  
Ms June Dawes, Warringah Community Representative  
Ms Keelah Lam, Manly Community Representative

**Invited Guests Attending:**

Mr Rik Hart, General Manager, Warringah Council; Mr Jeffrey Lofts, Manager Environmental Compliance Pittwater Council; Mr Paul Perkins, Chair Kimbriki; Mr Aaron Hudson, CEO Kimbriki; Mr Mark Winser, Senior Project Officer Kimbriki; Mr Peter Cassis, Finance Manager Kimbriki; Mr John Cook, Director Kimbriki

**Secretariat:**

Mr Ben Taylor, Executive Director, SHOROC; Ms Andrea Tattam, Business Manager, SHOROC

**Apologies:**

Clr David James, Pittwater Council  
Mr Tony Whybrow, Mosman Community Representative  
Mr Mark Ferguson, General Manager, Pittwater Council  
Mr Viv May, General Manager, Mosman Council

**Item 1 Welcome and tour of Kimbriki facility**

Prior to opening the meeting, attendees were provided with a tour of the Kimbriki facility hosted by Aaron Hudson and Mark Winser. The tour of the Eco House and Garden by Peter Rutherford was deferred until further notice.

Chair Clr Harris opened the meeting with acknowledgment to the Guringai the traditional owners of the land and welcomed all present. Apologies were received from those listed above. It was noted that Jeff Lofts was representing Mark Ferguson for the meeting and Clr Bob Dunbar for Clr David James.

Confirmation of the minutes of the previous meeting 1 September 2010 was moved by Barbara Aird, seconded by Denise Wilton.

**The Kimbriki Sub-Committee:**

- **Adopted** the minutes of the meeting of 1 September 2010.
- **Agreed** that a Welcome to Country would be added to future Agendas

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## **Item 2 Election of Chairperson**

Ben Taylor moved the election of a new chairperson as resolved at the 1 June 2010 meeting and in recognition of the SHOROC Board's preference to rotate the chair annually.

One nomination was received being for Cr Conny Harris, moved by Barbara Aird and seconded Denise Wilton.

There being no other nominations, Mr Taylor declared Cr Conny Harris the chair for the 2010-11 period.

## **Item 3 Questions and comments in regard to tour of Kimbriki facility**

An open discussion forum followed the tour of the facility and raised a number of questions and comments.

Issues raised during the forum included:

- Packaging used in the sale of ANL products – KEE will take on notice
- Bags used in Clean Up Australia Day – KEE again will take on notice and raise with ANL
- Progress and development at the facility was noted
- The promotion of the facility to school groups – KEE advised of branding, vision and potential development for the facility (Eco House & Garden). A motion was moved by Barbara Aird and seconded by Denise Wilton that the committee request that SHOROC councils have links from their websites to the Kimbriki sites, carried. Keelah Lam moved that links to the 'Story of Stuff' be linked to the Kimbriki site, seconded by Denise Wilton, carried.
- Management of plastic bags in green waste – KEE noted and K Lam to provide comments
- Receipt of sullage at KEE – currently de-watered sullage (sewage sludge) is being processed under contract by Sydney Water, however, with a tunnel composting system, there is potential scope to bring these types of waste to Kimbriki in future years. . KEE further noted that in the planning for the KEE AWT facility, acceptance of sullage has not been included initially but could be considered in the future.
- Handling of Styrofoam – cannot be processed at KEE. While a limited number of alternative processors do exist, KEE advised of the issues regarding the quality of the products being derived. The committee noted comments regarding the recent motion by Barbara Aird at the LGSA conference and Manly Council's ban on the use of styro in DA conditions on new businesses (eg Styrofoam cups).

The Kimbriki Sub-Committee:

- **Note** the issues raised during the discussion forum
- **Agreed** that the Kimbriki Sub-Committee request that the SHOROC councils have links to KEE sites on their websites
- **Agreed** that Keelah Lam would provide information on the 'Story of Stiff' through SHOROC for inclusion on the KEE website
- **Agreed** that Keelah Lam would provide an email to KEE regarding the management of plastic bags in green waste

## **Item 4 Presentation on planning and development of AWT at Kimbriki**

Mark Winsor provided a presentation on the progress on the planning and development of the AWT at the Kimbriki facility. An electronic version of the presentation is attached with distributed minutes.

The presentation was followed by a Q&A session that raised a number of issues including the completion of the flora and fauna studies, aboriginal heritage sites and odour control. The timing of the public exhibition

was also raised as a matter of concern, KEE responded noting the unfortunate timing and the step taken (extended exhibition period) to negate this.

Ben Taylor raised a question on behalf of Cr David James in regard to concerns raised by a community member regarding leachate flow into Narrabeen Lagoon. KEE advised that no leachate leaves the KEE site, that they are aware of a complainant in regard to this matter and have invited said person to visit and inspect facility. KEE responded in detail to the issue outlining the measures taken at the site to manage and the relationships to licencing and DECCW reporting.

The use of reed beds was raised in reducing turbidity – KEE responded and advised they are already in use.

The issue of lead dust from e-waste was raised – KEE responded advising that management of this area within the facility would be given further consideration.

Vegetation offsets at the south boundary as part of the new facility were discussed – KEE responded that as part of AWT they will need to upgrade the holding waste treatment area therefore the area was intentionally left clear to allow for the potential for expanded biological management of overflow if required.

Cleared land not owned by KEE was raised as a possible alternative to use of site – KEE responded that this area is not as well contained and better drainage is available at the selected site also outlined difficulty in acquiring land.

## **Item 5 General business**

Rik Hart left the meeting at 6.30pm.

### **Item 5.1 Bio energy plant (Keelah Lam)**

Keelah Lam noted concerns at anaerobic systems – KEE responded that they are not going down the anaerobic path, and noted that the processing options and systems being selected by the facility are based on robust, tested and as close to natural processes as possible.

### **Item 5.2 Kimbriki sub-committee and community interfaces**

Paul Perkins addressed the committee outlining the value and importance of the interface with the community particularly during the next six months of consultation.

### **Item 5.3 Committee vote of thanks to KEE for tour of facility**

Cr Conny Harris moved that a thank you be extended to KEE for their tour of the facility, seconded by Keelah Lam, carried.

The Kimbriki Sub-Committee:

- **Agreed** that the committee extend thanks to KEE for their tour of the facility.

## **Item 6 Date and Time of Next Meeting**

The 2011 meetings of the Kimbriki Sub-Committee are confirmed for:

- Wednesday 2 March 2011
- Wednesday 1 June 2011
- Wednesday 7 September 2011
- Wednesday 7 December

Time 5pm-7pm, venues to be confirmed.

**Meeting closed 6.55pm.**

## Tab F: Urban Planners Group Meeting, 9 November 2010

## SHOROC URBAN PLANNING GROUP

### Draft Minutes



**Tuesday 9 November 2010, 10am-12pm**  
**Mosman Council**

#### Attendees

Stephen Clements	Manly Council
David Kerr	Warringah Council
Steve Evans	Pittwater Council
John Carmichael	Mosman Council
Linda Kelly	Mosman Council
Ben Taylor	SHOROC

Action	Who	By when
<b>1. Welcome &amp; Apologies</b>		

Apologies from Malcolm Ryan (Warringah), David Pitney (Department of Planning).

#### 2. Previous meeting minutes

- Minutes from the meeting of 14 September 2010 were adopted. Points to note:
- The Acting Director of the Sydney East Region, NSW Department of Planning was an apology but the position has been advertised.
- Ben Taylor advised no progress to date on common reporting framework for Shaping Our Future to SHOROC although a meeting has been held where regional indicators have been discussed and this will be subject of further meetings and update to Group.
 

BT	8/2/2011
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- Malcolm Ryan and Stephen Clements have met regarding possible regional approach to s94a. Malcolm is considering Manly's submission for an increase above 1% with a view to discussion at the February meeting. Manly's advice from the Department of Planning is that a regional approach to this is preferred but status unlikely to be resolved until the status of Part 5B of the Act and EPA Regulation are finalized.
 

MR/SC	8/2/2011
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### 3. Update on Shaping Our Future & next steps for implementation

- Shaping Our Future: adopted by all Councils and meetings now being sought with all local members and relevant Ministers/shadows to lock in commitments.
- Hospital: Warringah is still conducting meetings with the Department of Planning regarding development at Frenchs Forest and transport implications particularly the Wakehurst/Warringah intersection. Department of Planning understood to be considering a Frenchs Forest/Chatwood corridor approach but no details.

### 4. Housing strategy

- Warringah: Group noted that Warringah's draft Housing Strategy report has been considered by the Council but remains confidential at this stage. MR to update change of status. MR 8/2/2011
- Warriewood & Ingleside: Group noted the update with no progress due to doubtful financial viability. Pittwater section 94 provided an exemption to allow \$62k per site.

### 5. Development Assessment

- Group noted the update on Warringah's project (funded from the DoP) to reduce its DA load and that Malcolm will keep the group updated on progress. MR As appropriate

### 6. E-planning

- Site visit at Warringah to be held 10 November by Manly staff to see operation and capability of e-based assessment and certificate generation.

### 7. LEP Updates

- Warringah advised of little progress other than refining details such as mapping enquiries and similar.
- Mosman in similar position to Warringah but have concerns about status of a number of local provisions. Still hasn't adopted DCPs due to this lack of clarity.
- Manly advised of good progress with Working Party and expects to submit draft plan by

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*Shore Regional Organisation of Councils – a partnership of Manly, Mosman, Pittwater & Warringah Councils*



April/May 2011.

- Pittwater still undertaking background work.
- SC advised that Parliamentary Council is reviewing closely all draft LEPs regarding declarations of pecuniary interest by Councillors. All councils advised to consider closely.
- Mosman advised of concern arising with the practical application of heritage provisions relating to trees removal or pruning which will require development consent.

#### **8. Other Business**

- SC advised meeting Manly Mayor and Councillors of Manly wished to extend to staff of Mosman involved in preparing State of the Environment Report their congratulations on a good job and excellent presentation.
- Discussion on meeting housing/employment targets concluded that it will be necessary to await release of new Metropolitan Strategy (Metropolitan Plan) before considering further. Ben Taylor to convene meeting between planners/economic development staff once the plan is released.
- The draft SEPP for delivering multiple sites (Six Pack SEPP as termed) has been opposed by bodies such as PIA due to adverse consequences on the planning system generally and the uncertainty it would cause.
- Mosman advised that it will receive a partial exemption for 5 years from the Codes SEPP for the foreshore slopes. Sunset on implementation of Codes SEPP 1/1/2011.
- All Councils are reporting increased development applications received.
- Review of draft Regulation – all Councils have made submissions. Mosman specifically raised mandatory requirements for DAs involving tree removals/pruning.

#### **9. Meeting Venue/ Next Meeting**

It was agreed to move future meeting to the SHOROC offices due to ease of access and parking.  
The next meeting will occur at SHOROC offices on Tuesday 8 February, 2011

Tab G: Climate Change Working Group Minutes, 18 November 2010

**SHOROC CLIMATE CHANGE GROUP**  
**DRAFT Minutes**  
**Friday 18 November 2010, 9.30 – 11am**  
**SHOROC Offices.**

**Attendees**

Monique Needham	Manly Council
David Bell	Warringah Council
Jennifer Pang	Pittwater Council
Jo Tulau	Pittwater Council
Henrietta Alexander	Mosman Council
Ben Taylor	SHOROC
Hazel Storey	SHOROC

Action	Who	By when
<b>1. Welcome &amp; Apologies</b>		
<ul style="list-style-type: none"> <li>Apologies from Dalene Amm, Manly Council, Belinda Atkins, Mosman Council and Daniel Lovett, Warringah Council.</li> </ul>		
<b>2. Minutes from last meeting and actions arising</b>		
<ul style="list-style-type: none"> <li>Group noted the update non the soy-derived Biodeiesel and that Warringah will provide an update on the uptake</li> <li>The GreenPower letter and Agenda for the training will be circulated shortly</li> </ul>	David David	Feb 2011 10 Dec 10
<b>3. Review of inventory</b>		
<ul style="list-style-type: none"> <li>Agreed that the inventory would be and provided to SHOROC for compilation and re-circulation within 2 weeks.</li> </ul>	All	10 Dec 10
<b>4. Scoping and action in the priority areas</b>		
<ul style="list-style-type: none"> <li>Adaptation: <ul style="list-style-type: none"> <li>There could be interest in coordinated training for staff on new legislative changes, for example from the SCCG or DECCW.</li> <li>All are to advise of the level of interest in this coordinated training from relevant staff from areas such as natural environment, parks and reserves, emergency management, compliance, planning and property management</li> <li>If interest, BT to talk to SCCG and DECCW re training</li> <li>Bring to the next meeting the risk management assessments conducted by each council for review and identification of common areas for potential collaboration</li> </ul> </li> <li>Fleet: continue keep a watching brief on the work being done by the fleet managers and support where possible.</li> <li>Greenpower data: Letter to be drafted to lobby for release of date on Greenpower uptake across the region.</li> <li>Mitigation: <ul style="list-style-type: none"> <li>Warringah to put together agenda for first training focused on energy management for facility managers to better manage demand and usage.</li> </ul> </li> </ul>	All BT All All Warringah Warringah	Feb 2011 Feb 2011 Feb 2011 Ongoing 10 Dec 10 10 Dec 10

Next meeting: Proposed for 9.30am 15 February 2010 at SHOROC.

**Tab H: Quarter 2 2010/11 Council Efficiency and Cost Savings program report**

[illegible]

**Tab I: Agenda for 14 December 2010 Warringah Council Meeting (separate PDF attachment)**

**Tab J: Response to notice of motion from 3 August 2010 Meeting**

**3.15 Notice of Motion No 42/2010**

**SHOROC Governance Issues Relating to Warringah Council**  
(BP REF 15)

**227/10 RESOLVED**  
**Cr Laugesen / Cr Ray**

That formal arrangements be drafted and returned to Council for consideration about referring functions and matters to SHOROC, including:

- a) Terms of Reference for SHOROC in relation to Warringah Council's interests;
- b) establishment of a formal delegation of applicable Warringah Council staff functions for SHOROC-related duties;
- c) processes for community members and member Council elected representatives to be involved in SHOROC meetings and policy formulation;
- d) development and implementation of a process for the placement of items on SHOROC meeting agendas by elected representatives;
- e) publication of SHOROC meeting agendas and minutes on member council websites, including meetings of the general managers;
- f) introduction of a process for formal consideration and, if applicable, adoption of all SHOROC meeting decisions by Warringah Council; and
- g) itemisation or estimation in SHOROC's budget and annual reports of individual member council staff time costs contributed to carrying out SHOROC work, such as communications, publicity and promotions of the region or specific lobbying activities.

**VOTING**

**For the resolution:** Crs De Luca, Falinski, Giltinan, Harris, Kirsch, Laugesen and Ray.

**Against the resolution:** Crs Regan, Sutton and Wilkins.

**Tab K: Outline of SHOROC Governance Structure and other ROC's**

**SHOROC Governance structure**

The current Governance structure for SHOROC includes the Board, Executive and General Managers Advisory Committee (GMAC). An outline, as drawn from the constitution, follows.

The Board

18 (i) Delegates to the Organisation shall collectively be known as the Board.

18 (ii) Subject to the Act, the Regulation and this constitution and to any resolution passed by the Organisation in a general meeting:

The Board is to control and manage the affairs of the Organisation including:

- Monitor the performance of the Organisation
- Adopt a business plan
- Adopt annual estimate of revenue and expenditure having regards to the business plan on advice from General Managers Advisory Committee
- Approve additional resources for priority regional projects from time to time as recommended by General Managers' Advisory Committee
- Make broad policy decisions within the objectives of the Organisation
- Exercise such other functions as may be exercised by the Organisation other than those functions that are required to be exercised by a general meeting.

19 (i) A member Council will be represented on the Board by its delegates as follows:

- The Mayor and the General Manager

19 (iv) Where the Mayor of a Council is unable to attend a meeting of the Board, the Council may only be represented by the Deputy Mayor; in the Deputy Mayor's absence a Council may be represented by a Councillor duly authorised by the Mayor for the purpose of being an alternative delegate.

19 (v) Where the General Manager of a Council is unable to attend the meeting of the Board, the Council may be represented by another senior representative of the Council duly authorised by the General Manager for the purpose of being an alternative delegate.

34. Board Voting. (i) At Board meetings each delegate, and each bona fide alternative delegate representing a delegate, shall be entitled to vote. Each member Council shall therefore have two votes.

34 (ii) The President shall have both a deliberative vote and, in the event of equality of votes, a casting vote.

34 (iii) A unanimous vote is when at least four elected members, one representing each member council at the meeting, agree.



34 (iv) All votes must be given personally and there is no provision for voting by proxy.

#### The Executive

20 (1) The Executive of the Board shall consist of the Office Bearers of the Organisation

20 (2) The Office Bearers of the Organisation are to be:

- (a) The President
- (b) The Vice President
- (c) The Treasurer

24 Between meetings of the Board the role of the Board shall be to determine matters relevant to the Board's responsibility in circumstances where:

- in the opinion of the Board the matter is such that it must be determined prior to the next ordinary meeting of the Board, and
- it would be impractical to convene an extraordinary meeting of the Board.

This role does not have the authority to vary the adopted SHOROC Business Plan and Budget or review a regional policy or position that have been adopted by unanimous decision of the Board.

#### General Managers' Advisory Committee (GMAC)

26. Delegates of each Council who are General Managers shall comprise the General Manager Advisory Committee ("GMAC"). One General Manager shall be appointed chairperson.

27 (1) The role of the GMAC will be to:

- Advise on administrative and planning matters.
- Exercise general supervision of the Organisation's staff and resources including the authorisation of expenditure within the budget approved by the Board.
- Submit reports and recommendations to the Board for policy decision.
- Prepare and submit a Business Plan to the Board for adoption.
- Have general supervision of projects and activities in the Business Plan.
- The exercise of such functions as the Board may delegate to GMAC from time to time by resolution.

27 (2) Where the General Manager of a Council is unable to attend a meeting of the GMAC, the Council may be represented by another senior representative of the Council duly authorised by the General Manager for the purpose of being an alternative delegate.

**Governance structures of other Regional Organisations of Councils in NSW**

A summary table of the governance structures of the ROCs in NSW sourced from their websites is below.

Name	Structure	Board or equivalent	Executive	GMAC
Metropolitan ROCs				
NSROC (Northern Sydney Regional Organisation of Councils)  7 councils	Incorporated Association	Mayor and one other Councillor from each member Council	President and two Vice Presidents	Yes
MACROC (Macarthur Regional Organisation of Councils)  3 councils	Section 355 Committee of Campbelltown City Council.	Twelve voting Delegates: Mayor plus 3 councillors from each Council.  General Managers are Non-voting Delegates.	President, Treasurer and General Managers	Information not available
SHOROC (Shore Regional Organisation of Councils)  4 councils	Incorporated Association	Mayors and General Managers from each member Council	President, Vice-President and Treasurer	Yes
SSROC (Southern Sydney Regional Organisation of Councils)  16 councils	Incorporated Association	Two councillors from each council, usually Mayor and Deputy Mayor	President and two Vice-Presidents	Yes
WSROC (Western Sydney Regional Organisation of Councils)  10 councils	Company limited by guarantee	Mayor and one other Councillor from each member Council	President, Senior Vice President, Junior Vice President and Treasurer	Yes

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*Shore Regional Organisation of Councils – a partnership of Manly, Mosman, Pittwater & Warringah Councils*



Largely regional ROCs				
CENTROC (Central NSW Councils)  16 councils and 1 County Council	Section 355 Committee of Forbes Shire Council	Usually Mayors and General Managers from each member Council.	10 persons	Yes.
Name	Structure	Board or equivalent	Executive	GMAC
Hunter Councils  11 councils	Incorporated Association	Mayors and General Managers from each member Council	Information not available	Yes
MIDGOC (Mid North Coast Group of Councils)  8 LGAs	Strategic alliance	Mayors and General Managers from each member Council	Information not available	Information not available
NamoiROC (Namoi Regional Organisation of Councils)  5 councils and Namoi CMA	Strategic alliance	Mayors and Chairman (General Managers attend but no voting rights).	Information not available	Yes
NOROC (Northern Rivers Regional Organisation of Councils Inc)  7 councils and 2 county councils	Incorporated Association	Mayors and Chairs (County Councils) from each member Council	Information not available	Yes
OROC (Orana Regional Organisation of Councils)  11 councils	Association	2 delegates from each council	Chair and 2 Deputy Chairs	Information not available

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*Shore Regional Organisation of Councils – a partnership of Manly, Mosman, Pittwater & Warringah Councils*

REROC (Riverina Eastern Regional Organisation of Councils)  13 councils	Incorporated Association	Mayors and General Managers from each member Council	Chairperson, Deputy Chairperson and Treasurer	Executive Committee of some Mayors and General Managers
RAMROC (Riverina and Murray Regional Organisation of Councils)  18 councils	Section 355 Committee of Murray Shire	Mayors and General Managers from each member Council	Chairman, Deputy Chairman and Secretary/Treasurer	Yes
Southern Councils Group (SCG)  7 councils	Association	Mayors and 1 Councillor from each member council	Information not available	Yes

In regard to the Board operation, it appeared all ROCs operated with equal voting rights for all delegates on the Boards.

Tab L: Progress report on SHOROC activities for the first half of 2010/11

SHOROC Board attachments - Page 54 of 56

**2010/11 Operational Plan – Half Yearly Report**

SHOROC is a partnership between the four councils that make up the region of the Northern Beaches from Bradleys Head to Barrenjoey – Manly, Mosman, Warringah and Pittwater councils. The SHOROC Board approved a new Corporate Plan for SHOROC in May 2010, with a focus on three key objectives:

- Making our region stronger
- Making our councils stronger
- Making our business (the partnership) stronger.

The 2010 Corporate Plan includes key projects to be delivered in 2010/11. This report is a short summary of the key activities and outcomes delivered in the first half of the 2010/11 year.

Objective	2010/11 key projects	Progress Jul-Dec 2010
<b>To make our region stronger including improved:</b> <ul style="list-style-type: none"> <li>o Health and lifestyle</li> <li>o Transport and sustainable communities</li> <li>o Homes and built environment</li> <li>o Jobs and business</li> <li>o Natural environment</li> </ul>	<ul style="list-style-type: none"> <li>o Complete SHOROC Regional Directions, setting out the over-arching strategic direction for the region with a focus on housing, jobs, health and transport.</li> <li>o Develop and deliver targeted campaign for Government, business and the community on transport and health including promotion, media, lobbying, submissions and other strategies.</li> <li>o Develop SHOROC Regional Directions for Sustainability.</li> <li>o Commence SHOROC Regional Directions for Liveability.</li> <li>o Develop and deliver other targeted campaigns and projects as identified and agreed by the Board incl. development of a Historical Names register.</li> <li>o Support council working groups in priority areas including strategic and urban planning, economic development, sustainability and others as required.</li> </ul>	<ul style="list-style-type: none"> <li>o Finalised and gained agreement of all four councils and the Board of <i>Shaping Our Future</i> as the strategy for the SHOROC region, encompassing regional policies for transport, health, housing and jobs.</li> <li>o Commenced development of 'health of the region' indicators to enable key issues of importance to the community and councils to be monitored over time and progress to be measured on achieving regional outcomes including through <i>Shaping Our Future</i></li> <li>o Coordinated Mayor-led advocacy campaign for transport and hospital funding based on the priorities in <i>Shaping Our Future</i>, resulting to date in: <ul style="list-style-type: none"> <li>- Transport: verbal commitment from NSW Coalition, should it win the 2011 NSW election, to funding as a priority detailed feasibility studies on the implementation of Bus Rapid Transit systems for our region, from Mona Vale to the City and Dee Why to Chatswood based on the <i>Shaping Our Future</i> strategy.</li> <li>- Health: commitment from NSW Coalition, should it win the 2011 NSW election, to commence construction in its first term of the Northern Beaches Hospital at Frenchs Forest, whilst retaining Mona Vale Hospital as a complementary Hospital.</li> <li>- Recognition of the leadership role of Manly, Mosman, Pittwater and Warringah councils and SHOROC through positive media and community feedback, including stories in the Manly Daily (11), Mosman Daily (3), Sydney Morning Herald and on 7 TV News, ABC Radio News and Radio 2UE.</li> </ul> </li> <li>o Commenced development of a regional sustainability strategy, the next part of <i>Shaping Our Future</i>, to include council and potential collaborative strategies to maintain and enhance the region's vibrant way of life and natural environment.</li> <li>o To commence in 2011</li> <li>o Made collective submission's as appropriate to advocate for the region, including to the NSW Government on its Health Reform in NSW discussion paper.</li> <li>o Historical Names register under development and to be on website early 2011.</li> <li>o Facilitated collaboration, knowledge and resource sharing between councils through council working groups and supported council staff and projects.</li> </ul>

*Shore Regional Organisation of Councils – a partnership of Manly, Mosman, Pittwater & Warringah Councils*

Tab L: Progress report on SHOROC activities for the first half of 2010/11

SHOROC Board attachments - Page 55 of 56

<b>To make our councils stronger including:</b> <ul style="list-style-type: none"> <li>o Operational efficiencies</li> <li>o More effective and engaged workforce</li> <li>o Stronger voice on regional issues</li> <li>o Leading practice systems and processes</li> </ul>	<ul style="list-style-type: none"> <li>o Develop and commence council efficiency and effectiveness strategy across councils to deliver \$200,000 in cost savings and efficiency measures through improved processes, operations, shared resources, tendering and procurement.</li> <li>o Commence project planning for common waste collection service by 2014.</li> <li>o Develop SHOROC Workforce Plan in partnership with council HR Managers.</li> <li>o Investigate feasibility of a coordinated training program for council staff.</li> <li>o Deliver targeted seminars or conferences for councillors and council staff.</li> <li>o Support council working groups in priority areas including efficiency and effectiveness strategy, procurement, workforce planning, waste management and others as required.</li> </ul>	<ul style="list-style-type: none"> <li>o Developed and commenced Council Cost Saving and Efficiency program, including 9 regional tenders and identification of 5 collaborative efficiency/cost saving projects.</li> <li>o Delivered estimated annual savings to councils through the Council Cost Saving and Efficiency program totalling \$245,443, including : <ul style="list-style-type: none"> <li>- Manly \$36,583</li> <li>- Mosman \$23,225</li> <li>- Pittwater \$44,301</li> <li>- Warringah \$141,334</li> </ul> </li> <li>o Commenced project planning toward a common waste collection system by 2014.</li> <li>o In progress.</li> <li>o In progress as part of Council Cost Saving and Efficiency program.</li> <li>o In progress.</li> <li>o Facilitated collaboration, knowledge and resource sharing between councils through council working groups and supported council staff and projects.</li> </ul>
<b>To make the SHOROC stronger including:</b> <ul style="list-style-type: none"> <li>o Revenue</li> <li>o Communications &amp; Promotion</li> <li>o Our people</li> <li>o Governance</li> <li>o Operation, procedure &amp; policies</li> </ul>	<ul style="list-style-type: none"> <li>o Identify and agree with Board optimal percentage of council cost savings to be invested into Revolving Cost Savings Fund.</li> <li>o Generate \$75,000 in revenue from new income streams including but not limited to council cost savings, events, fee-for-service and grants.</li> <li>o Launch and actively promote new SHOROC website designed to promote SHOROC activities, leverage campaigns and build an online social network of council staff and community members taking action on SHOROC campaigns.</li> <li>o Develop communications strategies for SHOROC and key campaigns.</li> <li>o Review and update governance structure.</li> <li>o Review and update of operational policies to improve responsiveness and effectiveness.</li> <li>o Promote SHOROC through awards, conferences and networks.</li> </ul>	<ul style="list-style-type: none"> <li>o Invested \$24,544 into the Revolving Cost Savings Fund, to be used to fund ongoing council cost savings and efficiencies or other projects as agreed by the Board.</li> <li>o Launched new SHOROC website to improve Councillor, staff and community engagement with the work of councils and SHOROC, with over 3100 views per month and over 1600 subscribers to SHOROC's e-news, Facebook or Twitter updates.</li> <li>o In progress as appropriate.</li> <li>o Commenced a review of the SHOROC Governance structure.</li> <li>o Updated operational policies including new policies for procurement, communications and media and website</li> <li>o LGSA Excellence in the Environment Awards 'Highly Commended' for E-waste Ban</li> </ul>

*Shore Regional Organisation of Councils – a partnership of Manly, Mosman, Pittwater & Warringah Councils*

Tab M: Second Quarterly Financial Report 2010/11

Shore Regional Organisation of Councils Profit & Loss Statement July 2010 through to December 2010					
	Actual 2011	To date Variance	Budget 2011	Final Forecast	Variance
<b>Operating Income</b>					
Inc - Warringah - Admin Charge	\$ 73,500.00	\$ -	\$ 73,500.00	\$ 73,500.00	\$ -
Inc - Pittwater - Admin Charge	\$ 73,500.00	\$ -	\$ 73,500.00	\$ 73,500.00	\$ -
Inc - Mosman- Admin Charge	\$ 73,500.00	\$ -	\$ 73,500.00	\$ 73,500.00	\$ -
Inc - Manly- Admin Charge	\$ 73,500.00	\$ -	\$ 73,500.00	\$ 73,500.00	\$ -
Warringah waste levy contribution	\$ 54,574.00	\$ -	\$ 54,574.00	\$ 54,574.00	\$ -
Pittwater waste levy contribution	\$ 23,799.00	\$ -	\$ 23,799.00	\$ 23,799.00	\$ -
Mosman waste levy contribution	\$ 12,919.00	\$ -	\$ 12,919.00	\$ 12,919.00	\$ -
Manly waste levy contribution	\$ 18,545.00	\$ -	\$ 18,545.00	\$ 18,545.00	\$ -
Revolving Cost Savings Fund income	\$ 17,869.30	\$ 7,869.30	\$ 20,000.00	\$ 27,869.30	\$ 7,869.30
Members' Fees	\$ 16.00	\$ -	\$ 16.00	\$ 16.00	\$ -
Interest Earnt	\$ 11,001.24	\$ 6,501.24	\$ 9,000.00	\$ 18,582.24	\$ 9,582.24
<b>Total Trading Income</b>	<b>\$ 432,723.54</b>	<b>\$ 14,370.54</b>	<b>\$ 432,853.00</b>	<b>\$ 450,304.54</b>	<b>\$ 17,451.54</b>
<b>Operating Expenses</b>					
Accounting Fees	\$ 11,700.00	\$ 300.00	\$ 12,000.00	\$ 11,700.00	\$ 300.00
Advertising	\$ -	\$ -	\$ -	\$ -	\$ -
Bank Charges	\$ 163.48	\$ (13.48)	\$ 300.00	\$ 313.48	\$ (13.48)
Bookkeeping Services	\$ 586.37	\$ (86.37)	\$ 1,000.00	\$ 1,086.37	\$ (86.37)
Catering	\$ 1,280.86	\$ (480.86)	\$ 1,600.00	\$ 1,780.86	\$ (180.86)
Dues and Subscriptions	\$ 295.20	\$ (45.20)	\$ 500.00	\$ 295.20	\$ 204.80
Electricity	\$ 854.08	\$ 145.92	\$ 2,000.00	\$ 1,708.16	\$ 291.84
Insurance	\$ 1,386.48	\$ -	\$ 7,150.00	\$ 6,776.48	\$ 373.52
IT - Repairs & Maintenance	\$ -	\$ 1,010.00	\$ 2,020.00	\$ 1,010.00	\$ 1,010.00
Legal Fees Operations	\$ -	\$ 750.00	\$ 1,500.00	\$ 750.00	\$ 750.00
Office Supplies/Stationery etc	\$ 1,198.23	\$ (198.23)	\$ 2,000.00	\$ 2,000.00	\$ -
Office Equipment	\$ 1,160.48	\$ (160.48)	\$ 2,000.00	\$ 2,000.00	\$ -
Postage & Courier	\$ 482.10	\$ (82.10)	\$ 800.00	\$ 800.00	\$ -
Printing / Photocopy	\$ 3,685.58	\$ (1,435.58)	\$ 4,500.00	\$ 4,500.00	\$ -
Rent	\$ 13,999.98	\$ 0.02	\$ 28,000.00	\$ 28,000.00	\$ -
Repairs & Maintenance	\$ 299.09	\$ (299.09)	\$ -	\$ 299.09	\$ (299.09)
Seminars / Conferences	\$ 625.63	\$ 1,374.37	\$ 4,000.00	\$ 4,000.00	\$ -
Tel - Fixed	\$ -	\$ 2,100.00	\$ 4,200.00	\$ 2,400.00	\$ 1,800.00
Tel - Mobiles	\$ 531.81	\$ (51.81)	\$ 960.00	\$ 960.00	\$ -
Internet	\$ 590.45	\$ 129.55	\$ 1,440.00	\$ 1,180.90	\$ 259.10
Travel	\$ 242.74	\$ 7.26	\$ 500.00	\$ 492.74	\$ 7.26
Wages & Salaries	\$ 150,392.09	\$ 2,937.07	\$ 308,599.03	\$ 313,050.43	\$ (4,451.40)
Superannuation	\$ 13,220.98	\$ 351.70	\$ 27,145.35	\$ 27,533.38	\$ (388.03)
Staff Training	\$ 587.48	\$ 412.52	\$ 2,000.00	\$ 2,000.00	\$ -
Staff Amenities	\$ 364.40	\$ (111.78)	\$ 505.25	\$ 617.03	\$ (111.78)
Depreciation	\$ -	\$ 1,465.29	\$ -	\$ 2,930.59	\$ (2,930.59)
Revolving Cost Savings Fund deposit	\$ 17,869.30	\$ 7,869.30	\$ 20,000.00	\$ 27,869.30	\$ (7,869.30)
<b>Total Operating Expenses</b>	<b>\$ 221,516.81</b>	<b>\$ 149.42</b>	<b>\$ 434,719.63</b>	<b>\$ 446,054.01</b>	<b>\$ (11,334.37)</b>
<b>Operating Profit</b>	<b>\$ 211,206.73</b>	<b>\$ 14,519.96</b>	<b>\$ (1,866.63)</b>	<b>\$ 4,250.53</b>	<b>\$ 6,117.17</b>
<b>Project Income</b>					
SHOROC Council Contribution General Proje	\$ 40,000.00	\$ -	\$ 40,000.00	\$ 40,000.00	\$ -
General project reserve allocation to Regional	\$ 10,964.00	\$ -	\$ 10,963.49	\$ 10,963.49	\$ -
DECCW Sustainability grant (unspent 09/10)	\$ 50,000.00	\$ -	\$ 50,000.00	\$ 50,000.00	\$ -
Waste management projects (unspent 09/10)	\$ 24,916.00	\$ -	\$ 24,916.00	\$ 24,916.00	\$ -
Seminars, conferences & events	\$ -	\$ (2,500.00)	\$ 5,000.00	\$ 2,500.00	\$ (2,500.00)
Grants	\$ -	\$ -	\$ 50,000.00	\$ 50,000.00	\$ -
<b>Total Project Income</b>	<b>\$ 125,880.00</b>	<b>\$ (2,500.00)</b>	<b>\$ 180,879.49</b>	<b>\$ 178,379.49</b>	<b>\$ (2,500.00)</b>
<b>Projects Expenses</b>					
<b>Projects Expenses</b>					
General Projects exp	\$ -	\$ -	\$ 40,000.00	\$ 26,621.01	\$ 13,378.99
Councillor Forum	\$ 5,778.99	\$ -	\$ -	\$ 5,778.99	\$ (5,778.99)
Shaping Our Future	\$ 6,540.59	\$ -	\$ 10,963.49	\$ 18,563.49	\$ (7,600.00)
DECCW Sustainability grant (unspent 09/10)	\$ 22,056.29	\$ 2,943.71	\$ 50,000.00	\$ 50,000.00	\$ -
Waste management projects	\$ 506.00	\$ 11,952.00	\$ 24,916.00	\$ 24,916.00	\$ -
Grants	\$ -	\$ -	\$ 50,000.00	\$ 50,000.00	\$ -
<b>Total Projects Expenses</b>	<b>\$ 34,881.87</b>	<b>\$ 14,895.71</b>	<b>\$ 175,879.49</b>	<b>\$ 175,879.49</b>	<b>\$ -</b>
<b>Projects Profit</b>	<b>\$ 90,998.13</b>	<b>\$ 12,395.71</b>	<b>\$ 5,000.00</b>	<b>\$ 2,500.00</b>	<b>\$ (2,500.00)</b>
<b>Net Profit</b>	<b>\$ 302,204.86</b>	<b>\$ (26,915.67)</b>	<b>\$ 3,133.37</b>	<b>\$ 6,750.53</b>	<b>\$ 3,617.17</b>

Shore Regional Organisation of Councils – a partnership of Manly, Mosman, Pittwater & Warringah Councils



**Tony Abbott MHR**  
**Leader of the Opposition**  
 Federal Member for Warringah

TA/MS  
 3 November 2010

SHOROC  
 PO Box 361  
 Brookvale NSW 2100

Dear SHOROC Mayors,

It was good of you to write to me recently about roads, buses and hospitals.

There won't be any serious improvement under the current state government. The best thing any of us can do to address your concerns is change the state government. Only a Coalition government in NSW would end the neglect that our area has long suffered under the current state government.

As you can imagine, I am working as hard as I can to support the election of an O'Farrell government and hope that the local councils can, at the very least, highlight the neglect our area has suffered under the current state regime.

Over coming months, the Federal Coalition will be further considering what we can do to ensure that state government better provides Australians with the infrastructure that a first world country needs. I look forward to meeting with you to talk these issues through as part of the usual SHOROC dialogue.

Yours sincerely,

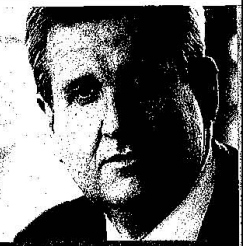
Tony Abbott

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 Electorate Office • Level 2 • 17 Sydney Road • Manly NSW 2095 • Tel: 9977 6411 • Fax: 9977 8715  
 Email: [tony.abbott.mp@aph.gov.au](mailto:tony.abbott.mp@aph.gov.au) [www.tonyabbott.com.au](http://www.tonyabbott.com.au)

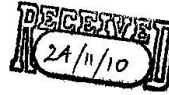


## Barry O'Farrell MP

New South Wales Liberal Leader  
New South Wales Leader of the Opposition



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Parliament House  
Macquarie Street  
Sydney NSW 2000 Australia



16 November 2010

Cr Anne Connon  
President, SHOROC  
PO Box 361  
BROOKVALE NSW 2100

Dear Cr Connon

Thank you for your recent letter of 28 October 2010 on behalf of SHOROC.

I have read your letter with interest and have noted your concerns in relation to public transport, road and hospital upgrades in the Northern Beaches.

I have shared your concerns with Mr Michael Baird MP, Member for Manly, for his information.

Thanks again for taking the time to write to me.

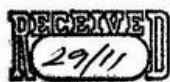
Yours sincerely

**Barry O'Farrell MP**  
**NSW Opposition Leader**

cc. Mr Michael Baird MP, Member for Manly

[www.startthechange.com.au](http://www.startthechange.com.au)





**NORTHERN SYDNEY  
CENTRAL COAST  
NSW HEALTH**

File: 09/55  
Doc No: NSCC/10/18287

Mr Ben Taylor  
Executive Director  
Shore Regional Organisation of Councils (SHOROC)  
PO Box 361  
BROOKVALE NSW 2100

Dear Mr Taylor

I write in response to your invitation of 28 October 2010 to meet with SHOROC on 17 November to address the priorities for the region outlined in your document "Shaping Our Future". As indicated by telephone, unfortunately neither Matthew Daly, Chief Executive, or Mark Newton, Director of Population Health, Planning and Performance, were able to attend at that time. I would therefore like to summarise where things are up to with this project, for the information of your Mayors and General Managers, and to keep the channels of communication open.

A Health Service Plan for the Northern Beaches Health Service redevelopment was completed in July 2007 and approved by the NSW Department of Health, as the basis for the next stage of planning. This plan, which resulted from 50 consultation meetings with clinicians, managers and consumers during late 2006, identified current and planned health services for the Northern Beaches, recommended models of care and projected population and service activity to 2016. This plan focussed on services to be delivered from a new hospital in Frenchs Forest. Service configuration for other facility settings, such as the Mona Vale Hospital campus, was to be refined in the next stage of planning.

The 2010/11 State Budget allocated \$5 million in that year, for planning to enable the commencement of stage 1 of the Northern Beaches Health Service redevelopment on the Frenchs Forest site, and associated works at Manly and Mona Vale Hospitals. The estimated total cost for this stage (2010 to 2014) was shown as \$29 million.

At the request of the NSW Department of Health, Northern Sydney Central Coast Area Health Service (NSCCAHS) has commenced a review of the information in the 2007 Health Service Plan to ensure that current planning is informed by up to date data. This review takes into account:

- the most recent population projections jointly prepared by the NSW Departments of Planning and Health;
- recent activity projections for acute and subacute services;
- revised projections for maternity, emergency and ambulatory services;
- updated information on current service configuration; and
- revised model of care information to take account of developments since the earlier version of the Health Service Plan, such as the progression of clinical networks in the Area Health Service and the redevelopment of Royal North Shore Hospital.

Northern Sydney Central Coast Area Health Service  
ABN 48 344 669 728  
Holden Street, Gosford  
Locked Mail Bag 2915  
Central Coast Business Centre NSW 2252  
Tel (02) 4320 2333 Fax (02) 4320 2477

2.

The information in this review will be used by Health Infrastructure to identify a number of options to progress the project within budget. We expect to submit our review to the NSW Department of Health shortly. As a parallel process, Health Infrastructure has been liaising with the NSW Department of Planning on issues relating to the Frenchs Forest site.

I have also reviewed the copy of SHOROC's vision document, "Shaping Our Future", which you forwarded for information on 28 October 2010. I appreciate the focus on health services in the document. I am, however, disappointed at your reference on page 16 to "declining quality and availability of current services". I would argue that the Area Health Service has maintained a very high quality of care in Manly and Mona Vale Hospitals and community health locations, despite significant challenges from ageing infrastructure and some difficulties in staff recruitment. This has been borne out by consistently high results from accreditation surveys, and is a credit to the staff who work in our facilities on the Northern Beaches.

You will be aware that, from 1 January 2011, the NSCCAHS will be dissolved and replaced by two Local Health Networks (LHNs), under reforms led by the Australian Government. The Northern Sydney LHN will include the Northern Beaches, and Professor Carol Pollock was recently appointed as the Chair of the Governing Council for this LHN. Senior executive appointments for this LHN will be announced over the coming months, and a Project Steering Committee is in place to oversee the change in governance. Details on governance and progress in implementation are available at [www.yourhealth.gov.au](http://www.yourhealth.gov.au). It is my expectation that the new organisation will seek to work cooperatively with SHOROC to progress the Northern Beaches Health Service redevelopment.

I would suggest a meeting in the new year, when the new organisation has been established and further work has progressed on the redevelopment. I would invite you to contact Mark Newton, on Tel: (02) 9926 5221, to propose a date and time.

Thank you for your ongoing attention to the health needs of the Northern Beaches.

Yours sincerely



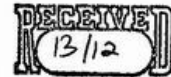
**Vicki Taylor**  
Acting Chief Executive

Date: 24.11.2010



**NORTHERN SYDNEY  
CENTRAL COAST  
NSW HEALTH**

Mr Ben Taylor  
Executive Director  
SHOROC  
PO Box 361  
BROOKVALE NSW 2100



Dear Mr Taylor

Thank you for your letter to the Minister for Health, the Hon Carmel Tebbutt MP, concerning support for the proposed Northern Beaches Hospital, along with funding for transport upgrades. The Minister has asked that I respond on her behalf.

The NSW Government remains committed to a redevelopment of health services on the Northern Beaches. To this end \$5 million was allocated in the 2010/11 State Budget, as part of a broader \$29 million commitment, to advance planning for future health services and to maintain the quality of facilities at Manly and Mona Vale Hospitals. I will shortly be submitting to the NSW Department of Health a review of the Health Services Plan undertaken in 2007, to ensure that planning assumptions and capacity requirements are updated as a result of the latest population and service activity data. This revised information will then be used to examine options for progressing the project within budget. These options will need to take access and transport issues into account.

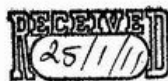
As the Northern Sydney Central Coast Area Health Service hands over to the Northern Sydney Local Health Network (LHN) from 1 January 2011, I would expect the LHN to continue to keep your organisation informed of developments. I have written to you separately suggesting that arrangements be made for a meeting in the new year.

If you wish to obtain additional information, please contact Mr Mark Newton, Director Population Health, Planning and Performance on Tel: (02) 9926 5221.

Yours sincerely

**Vicki Taylor**  
Acting Chief Executive

Date: 30.11.2010



**THE HON. BARBARA PERRY MP**

Minister for Local Government,  
Minister for Juvenile Justice,  
Minister Assisting the Minister for Planning,  
and Minister Assisting the Minister for Health (Mental Health)

Ref:  
MIN: eA1603256  
Doc ID: A226508

Clr Anne Connon  
Mayor  
Mosman Municipal Council  
SHOROC President  
PO Box 361  
BROOKVALE NSW 2100

12 JAN 2011

Dear Clr Connon

I am writing in reply to your letters of 23 August and 28 October 2010 regarding Shore Regional Organisation of Councils' (SHOROC) development of the *Shaping Our Future* strategy. The delay in reply is regretted.

I read with interest the *Shaping Our Future* strategy, which is a sound approach to identifying regional issues, considering local implications, suggesting priorities, and is complementary to the aims of the new Local Government Integrated Planning and Reporting Framework.

As you are aware, the new Framework has been developed to improve local councils' long term community planning and asset management, as well as to streamline reporting to the community.

The new Framework aims to improve the sustainability of local communities by encouraging councils, residents, NSW Government agencies and other community organisations to work together on long term plans.

It is pleasing to note that *Shaping Our Future* has considered the NSW Government State Plan and other relevant State and regional plans to inform the identification of the key directions for the SHOROC region.

As the matters raised in your letter of 28 October 2010 relate to the portfolio responsibilities of other Ministers, I have referred your letter to the Minister for Transport, the Hon John Robertson MLC, the Minister for Roads, the Hon David Borger MP, and the Minister for Health, the Hon Carmel Tebbutt MP, for their consideration and any appropriate action.

It is important that *Shaping Our Future* is brought to the attention of relevant Ministers and State Government agencies so that opportunities can be identified for mutually beneficial partnerships to be established to improve service delivery in the region.

I would appreciate it if you would provide a copy of my response to Councillors Rose, Hay, Regan and the other SHOROC Board members.

Thank you for providing me with a copy of *Shaping Our Future*.

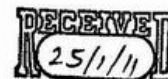
Yours sincerely

A handwritten signature in black ink, appearing to be 'Barbara Perry', with a long horizontal stroke extending to the right.

**Barbara Perry MP**  
**Minister**



**Parliamentary Secretary  
for Transport**



ML10/09431

Cr Harvey Rose  
SHOROC  
PO Box 361  
BROOKVALE NSW 2100

Dear Cr Rose

Thank you for your correspondence requesting comment on the SHOROC *Shaping our Future* strategic plan.

The NSW Government shares SHOROC's objectives to improve public transport and is committed to increasing mode share to public transport, improving fleet and upgrading both road and rail across the State. The Metropolitan Transport Plan (MTP) provides guaranteed funding to 2020 for transport improvements and initiatives and the NSW State Plan outlines a number of targets to address these issues by 2016, including increasing the journey to work mode share by public transport to 28 per cent across Sydney.

The MTP builds on the integrated transport planning and reform measures which are already underway across Sydney, such as the new MyZone fares and bus reforms. The MTP presents a fully funded transport strategy for Sydney that supports the urban growth of Australia's only global city, and includes a 10 year funded package of transport infrastructure. It is available online at [www.nsw.gov.au/shapeyourstate](http://www.nsw.gov.au/shapeyourstate).

Specific initiatives and actions of relevance to the SHOROC region include:

- the roll out of 1,000 new buses, supported by bus priority measures, to provide increased frequencies on Strategic Bus Corridors and strengthen links between key centres;
- funding for bus priority measures such as GPS traffic light priority and new bus depots;
- \$158 million towards developing a properly connected off-road cycle network in Sydney;
- improvements to the Sydney Ferry fleet and wharf upgrades; and
- improvements to Sydney's road network including upgrades to key arterial roads, and reducing pinch points.

Following on from the 2004 review of bus services, the government has rolled out a number of strategic bus corridors in metropolitan Sydney that provide fast frequent and reliable connections between Sydney's centres and major transport interchanges. These include corridors 15 (Chatswood to Dee Why), 16 (Mona Vale to the Sydney CBD), 17 (Brookvale to the Sydney CBD) and 36 (Mona Vale to Macquarie Park). In addition to this, the successful Metrobus program has provided an additional fast and frequent bus connection between Mosman and Sydenham via Neutral Bay and Sydney CBD.

---

Level 35, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000  
Phone: (61 2) 9228 5661 Fax: (61 2) 9228 5168 Email: [office@robertson.minister.nsw.gov.au](mailto:office@robertson.minister.nsw.gov.au)

It is noted that the SHOROC study recommends road upgrades and the provision of rapid bus routes along key arterial roads within the SHOROC region. As you would be aware, all of the suggested rapid bus routes are currently operating as strategic bus corridors. The Government will continue to identify opportunities to upgrade arterial roads and improve bus priority over the next 10 years, including within the SHOROC region. Funding for such improvements is guaranteed in the MTP.

Transport NSW is presently working with the Department of Planning in finalising a single integrated land use and transport plan for Sydney to 2036. The Metropolitan Plan will incorporate the projects and initiatives under the MTP, will guide how growth and development will occur over the next 25 years, and how key challenges and objectives including growing public transport will be met.

It is important to acknowledge that an increase in the uptake of active transport across Sydney will also assist SHOROC in achieving improved transport and health outcomes. In regard to bicycles, the NSW Government has recently released the NSW Bike Plan, a state wide, 10 year bicycle infrastructure plan that provides \$80 million over 10 years to connect Sydney's district centres, including connections between North Sydney, Dee Why, Mona Vale and Chatswood. The NSW Bike Plan also features encouragement actions and provides for education to increase the number of cyclists in NSW, while simultaneously improving the safety of cyclists.

If you would like to discuss this matter further, please contact Juliet Grant, Acting Senior Manager, Transport Planning on (02) 9268 2241.

I trust this information is of assistance.

Yours sincerely



**Penny Sharpe MLC**  
**Parliamentary Secretary for Transport**

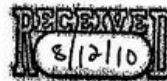
17 JAN 2011



**The Hon. Frank Terenzini MP**

Minister for Housing  
Minister for Small Business  
Minister Assisting the Premier on Veterans' Affairs

HOCMS10/686



Mr Ben Taylor  
Executive Director  
SHOROC – Shore Regional Organisation of Councils  
PO Box 361  
BROOKVALE NSW 2100

- 2 DEC 2010

Dear Mr Taylor

Thank you for forwarding a copy of the draft *Shaping our Future Strategy*.

The inclusion of housing as one of the four major directions is a recognition of its importance to the future growth of the area. The acknowledgement of targets and policies outlined in the NSW Metropolitan Strategy will help ensure the area can accommodate this growth. Other investment priorities such as transport, health and jobs all complement housing and are required to ensure the Northern Beaches are sustainable.

As stated in the Strategy, it is important to provide affordable housing and a mix of housing types (different forms and configurations) to help meet the needs of the community throughout the housing life cycle. This includes adaptable use/accessible dwellings for those with mobility problems and to assist residents to age in place.

The focus of growth to recognised centres and corridors will help meet planning objectives, providing the community with efficient access to transport and services. The ability of key workers to work and live nearby will be important to the success of SHOROC's major directions for the area.

I recommend that SHOROC contact Housing NSW's Centre for Affordable Housing, in order to progress objectives relating to affordable housing and key worker housing on the Northern Beaches. The Centre's purpose is to facilitate increased affordable housing opportunities across NSW; it has expertise in affordable housing and can assist in exploring and identifying potential opportunities for developing affordable housing in the local government area.

Michael Oelofse, the Centre's Senior Project and Policy Officer may be contacted on 8753 8431.

Yours sincerely

**Frank Terenzini MP**  
Minister for Housing  
Minister for Small Business  
Minister Assisting the Premier on Veterans' Affairs

Level 13, 55 Hunter Street, Sydney NSW 2000  
Tel 02 9228 3777 Fax 02 9228 3722  
Email: frank@terenzini.minister.nsw.gov.au



Office of the  
Minister for Roads



M10/9065

Councillor Anne Connon  
SHOROC President  
SHOROC  
PO Box 361  
BROOKVALE NSW 2100

08 NOV 2010

Dear Councillor Connon

The Minister for Roads, the Hon David Borger MP, has requested that I acknowledge receipt of your letter.

The matters raised by you have been noted and are presently receiving attention.

A further reply will be forwarded to you as soon as possible.

Yours sincerely

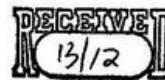
Matthew Chesher  
Chief of Staff  
Minister for Roads

## Andrew Stoner MP

Leader of The Nationals - NSW | Shadow Minister for Roads | Shadow Minister for State and Regional Development  
Shadow Minister for Ports | Member for Oxley

THE NATIONALS for Regional NSW

7th December 2010



Cr Anne Connon  
President  
SHOROC  
PO Box 361  
BROOKVALE NSW 2100

Dear Cr Connon

I acknowledge receipt of your letter dated 28th October 2010 regarding funding for rapid buses, road upgrades and Northern Beaches Hospital. I apologise for the delay in responding.

Thank you for bringing your concerns in this matter to my attention.

As detailed in previous correspondence to SHOROC, I agree the Northern Beaches have been neglected by the current NSW Labor Government.

I am in regular contact with senior Shadow Ministers and local Northern Beaches MPs Mike Baird and Brad Hazzard.

As you may be aware, The NSW Liberals & Nationals have announced that in Government we will establish Restart NSW to kickstart investment in crucial road and transport infrastructure to make NSW number one again.

Restart NSW is a capital fund to help build essential infrastructure including public transport, roads, hospitals and water and to support people working in frontline services.

We have also announced the NSW Liberals & Nationals will establish a professional and independently chaired body called Infrastructure NSW to improve the identification, prioritisation and delivery of critical public infrastructure across the State.

This new body will ensure the roads, rail, hospitals, ports and other upgrades NSW so desperately needs are delivered according to need, on time and on budget.

Yours sincerely

Andrew Stoner MP

oxley@parliament.nsw.gov.au    www.andrewstoner.com.au  
Sydney Office Room 1214, Parliament House, Macquarie Street, Sydney NSW 2000  
ph 02 9230 2281    fax 02 9230 2661  
West Kempsey Office 37 Elbow Street (PO Box 3120), West Kempsey NSW 2440  
ph 02 6562 6190    toll free 1800 772 529    fax 02 6563 1355







**Hon Warren Truss MP**

Leader of the Nationals

Shadow Minister for Infrastructure and Transport

Member for Wide Bay

16 December 2010

SHOROC  
PO Box 361  
BROOKVALE NSW 2100

Dear Councillors

Thank you for your letter dated 28 October 2010 requesting a public commitment from me for the federal funding of rapid buses, road upgrades and a new hospital for Sydney's Northern Beaches. I apologise for the delay in replying.

There is no doubt that New South Wales and Sydney in particular, is suffering from an infrastructure deficit as a result of the years of poor management and neglect by the New South Wales Labor State Government. I fear that the matters you raise will only be resolved when that government is removed.

When the Coalition is returned to Federal Government we will work constructively with the States to assist them in meeting their responsibilities in providing infrastructure delivery and services. In doing so, we will naturally require of them that they deliver competent project management and effective planning. The Coalition will be prepared to support key nationally significant key infrastructure projects that would normally be funded by the States as it did when last in Government.

Thank you for writing to me about the infrastructure needs of your councils and enclosing your paper, Shaping Our Future that outlines the challenges you face.

Yours sincerely

Warren Truss  
**Federal Member for Wide Bay**  
**Leader of The Nationals**

Suite RG 108, Parliament House  
CANBERRA ACT 2600

Phone: 02 6277 4482  
Fax: 02 6277 8569



## The Hon. Philip Ruddock MP

Federal Member for Berowra

5<sup>th</sup> November 2010

The General Manager  
SHOROC  
PO Box 361  
BROOKVALE NSW 2100

Dear Mayors Cannon, Rose, Hay and Regan

I refer to your letter dated 28<sup>th</sup> October 2010.

I sympathise with the position your respective Local Government areas find themselves, it is very similar to the situation experienced in the Local Government areas within my own electorate.

I have been a strong advocate for infrastructure projects such as the missing link, joining the F3 and M2 for many years and was annoyed when the Rudd Labor Government stripped future funding for this project.

It is a pity so much money was "handed out" under the guise of protecting Australia from the GFC instead of being invested in infrastructure projects such as those detailed in your letter or the F3/M2 missing link.

Yours sincerely

The Hon Philip Ruddock MP  
Member for Berowra  
Shadow Cabinet Secretary

Pmr.ff

TeleTech Building Level 7, Suite 701 423 Pennant Hills Road Pennant Hills NSW 2120  
Telephone 02 9980 1822 Facsimile 02 9980 1833 [www.ruddockmp.com.au](http://www.ruddockmp.com.au)  
PO Box 743 Pennant Hills NSW 1715

Electronic  
Office



**George CHRISTENSEN**  
Federal Member for Dawson

**LNP**

**LIBERAL  
NATIONAL  
PARTY**

REF:GRC:aj



Cr Anne Connon  
Mayor of Mosman  
SHOROC President  
PO Box 361  
Brookvale NSW 2100

Thursday, November 4, 2010

Dear Cr Connon,

Please note that I have received the correspondence regarding the critical need for funding of buses, roads and the Northern Beaches Hospital.

I do sympathise with your needs as I fight for similar upgrades in my Electorate of Dawson.

When the Liberal National Party has the opportunity to govern once again, I trust that you will receive better assistance with your problems.

Yours sincerely,

**George Christensen MP**  
Federal Member for Dawson

Office of George Christensen MP - Federal Member for Dawson  
PO Box 1697, Mackay Qld 4740  
Ph 07 4944 0662 or local call cost 1300 301 979  
Fax 07 4944 0575  
e-mail: [george.christensen.mp@aph.gov.au](mailto:george.christensen.mp@aph.gov.au)



**Robert Oakeshott MP**  
Federal Member for Lyne

Suite 1/75-77 Clarence Street  
(PO Box 1112)  
PORT MACQUARIE NSW 2444  
Tel: 02 6584 2911  
Fax: 02 6584 2922

Shop 6 Manning Arcade  
20-24 Manning Street  
(PO Box 330)  
TAREE NSW 2430  
Tel: 1300 301 836

PO Box 6022  
House of Representatives  
Parliament House  
CANBERRA ACT 2600

Email: [robert.oakeshott.mp@aph.gov.au](mailto:robert.oakeshott.mp@aph.gov.au)

Web: [www.roboakeshott.com](http://www.roboakeshott.com)



8 November 2010

Cr Jean Hay AM  
Mayor of Manly  
PO Box 361  
Brookvale NSW 2100

Dear Cr Hay

I acknowledge receipt of your letter dated 28 October 2010.

Thank you for providing this information for my consideration.

I suggest you contact your local federal member to lobby for funding on your behalf.

Yours faithfully,

**ROBERT OAKESHOTT MP**  
**FEDERAL MEMBER FOR LYNE**  
ro:cd

*I am sure you're lobbying Tony A  
and happy to help where necessary.*

*Regards,  
Rob O.*



## Robert Oakeshott MP

Federal Member for Lyne

Suite 1/75-77 Clarence Street  
(PO Box 1112)  
PORT MACQUARIE NSW 2444  
Tel: 02 6584 2911  
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Shop 6 Manning Arcade  
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Web: [www.roboakeshott.com](http://www.roboakeshott.com)



8 November 2010

Cr Harvey Rose  
Mayor of Pittwater  
PO Box 361  
Brookvale NSW 2100

Dear Cr Pittwater *Harvey*

I acknowledge receipt of your letter dated 28 October 2010.

Thank you for providing this information for my consideration.

I suggest you contact your local federal member to lobby for funding on your behalf.

Yours faithfully,

**ROBERT OAKESHOTT MP**  
**FEDERAL MEMBER FOR LYNE**  
ro:cd

*I am sure you've contacted your fed. MP,  
but please continue to lobby + advocate.  
Regards,  
Rob O.*



## Robert Oakeshott MP

Federal Member for Lyne

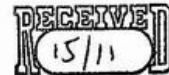
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Web: [www.roboakeshott.com](http://www.roboakeshott.com)



8 November 2010

Cr Anne Connon  
Mayor of Mosman  
PO Box 361  
Brookvale NSW 2100

Dear Cr ~~Connon~~ *Anne*

I acknowledge receipt of your letter dated 28 October 2010.

Thank you for providing this information for my consideration.

I suggest you contact your local federal member to lobby for funding on your behalf.

Yours faithfully,

**ROBERT OAKESHOTT MP**  
**FEDERAL MEMBER FOR LYNE**  
ro:cd

*I am sure you have contacted Fedl. MP, but  
would urge you to keep agitating + lobbying  
Good luck. Rob.*



## Robert Oakeshott MP

Federal Member for Lyne

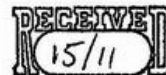
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Web: [www.roboakeshott.com](http://www.roboakeshott.com)



8 November 2010

Cr Michael Regan  
Mayor of Warringah  
PO Box 361  
Brookvale NSW 2100

Dear Cr Regan

I acknowledge receipt of your letter dated 28 October 2010.

Thank you for providing this information for my consideration.

I suggest you contact your local federal member to lobby for funding on your behalf.

Yours faithfully,

**ROBERT OAKESHOTT MP**  
**FEDERAL MEMBER FOR LYNE**

ro:cd

*I am sure you're lobbying Mr Abbott.  
Happy to help where possible.  
Rob*



**Jane Prentice MP**  
Federal Member for Ryan



8 November 2010

Mr B Taylor  
Executive Director  
SHOROC  
PO Box 361  
BROOKVALE NSW 2100

Dear Mr Taylor,

Thank you for the recent letter from the Mayors of Mosman, Pittwater, Manly and Warringah of the SHOROC region, and the copy of *Shaping Our Future*.

As a former Councillor for Brisbane City Council I am only too aware of the neglect by Labor State Governments when it comes to roads, transport and hospitals.

I commend the work that SHOROC is doing to highlight these issues.

For your interest and information I have enclosed a copy of my maiden speech where I touch on some of the issues facing Councils

Yours sincerely,

  
Jane Prentice MP

636 Moggill Road (corner of Moggill & Witton Roads) Chapel Hill QLD 4069 | PO Box 704 Indooroopilly QLD 4068  
Ph 07 3378 1599 | Fax 07 3378 1399 | Email [jane.prentice.mp@aph.gov.au](mailto:jane.prentice.mp@aph.gov.au) | [www.janeprentice.com.au](http://www.janeprentice.com.au)





**Jane Prentice MP  
Federal Member for Ryan**

**Maiden Speech**

**29 September 2010**

I start by acknowledging the traditional custodians of the land on which we meet—the elders past and present. In this context, Mr Speaker, may I say how delighted I am to be joined on this side of the chamber by the new member for Hasluck.

I am proud to come to this parliament as the representative for the seat of Ryan, located in the heart of Brisbane and the great state of Queensland. It is a state that has sent to this place people of the calibre of the late Senator Neville Bonner and the late Jim Killen—old and dear friends. They both brought a natural sense of propriety and fair play, a sense of humour, and both made this parliament a better place for their presence and contribution. I also take inspiration from the constituents of Ryan—people like Dimity Dornan, Professor Ian Fraser and Kieran Perkins—all real achievers who lead by example. They teach us that within our own communities there are people who will change our lives and give us hope and inspiration for the future. With this inspiration I stand today in awe of the remarkable institution that is this, the Australian parliament—a place where, in Melbourne, over a 100 years ago, my great grandfather, Sir George Pearce, who was sworn in as a senator of the first parliament of Australia and who later served as minister for defence and as the first senator to be Acting Prime Minister. He also established the Royal Australian Air Force. Sir George remains the longest-serving member of the Australian Senate. In this current House, only my good friend the member for Berowra comes close.

I am humbled by the trust that almost 100,000 electors of Ryan have placed in me. The responsibility to represent the electors of Ryan is an honour and a challenge. I take it on enthusiastically, knowing that only by working closely with my electorate can I properly represent them. I am also humbled by the fact that I am the 1,085th member of this House since Federation—indeed, less than the number of students enrolled at Ferny Grove High School in Ryan. To be one of such a small number over that lengthy period is an honour—an honour that I can only repay by honest representation and hard work. To the people of Ryan I give that pledge. I will do my very best to represent their interests in this parliament. That does not mean that I must abandon my own judgment or become a slave to the latest poll. It does mean that I must exercise my judgment to best serve the people of Ryan and Australia.

I come to this parliament at a time of enormous challenge. I come to a parliament that confronts that rare occurrence of a House finely divided—a government without a clear mandate. I approach this challenge with a determination to act in the best interests of my constituents and our country. I approach it with a confidence in my Liberal heritage and the strength of the Liberal-National Party brand. I would not be here without the support of Bruce McIvor and the LNP organisation, as well as so many friends and supporters—too numerous to name now.

Like so many Australians, my education has been framed by meeting the challenges that confront us all in life. Indeed, there is nothing like raising a family, as I have done in Ryan, to build community links—strong links that endure until this very day; strong links that have been built upon and strengthened through my role as a Brisbane city councillor. I have built my own business, which was based in Ryan. Out of all this, I have developed firm views as to decision making and representative politics. Whilst those views have been developed at the coalface of business, in the warmth, delight and challenge of raising a family and in city administration, they are the stronger for it. I have also had the benefit of working with two special leaders, whom I mention today—Sir John Carrick and Lord Mayor Campbell Newman. I recall Senator Carrick as a great mentor and a man of immeasurable compassion. He is still passionate about the importance of education. He said that, when considering new legislation, we must always be mindful of our responsibility to assist those in need. Campbell Newman campaigned with a vision, embracing actions not words. He constantly reminded our team that we must be prepared to take decisions for the long-term benefit, across election cycles, and not be limited by the term of government. His objective has always been to make a plan and get things done.

I am a passionate advocate of the view that it is the individual who stands front and centre as my ideological cornerstone and that it is by empowering the individual that we will unlock the real potential of our society. One only has to look at the contribution of Ryan volunteers of the calibre of Jutta Godwin, Sally Johannsen, Gwen Braga, Joan Redgrave, Richard Speechly, Helen Jones and Jocelyn Slater—all people who have enriched the community in Ryan through their dedication and hard work.

I strongly believe that government must provide the environment to give individuals the opportunities to create and succeed, but not to unreasonably interfere or to restrict the freedoms and rights of individuals. I believe in a hand up, not a handout. In this place we must stand up for what we believe. That is what people want and so they should. I do not say that in a confrontational way but rather to say that I know that my constituents, like all Australians, want to know where their representative stands. I welcome the opportunity to set out my views and concerns about our nation today.

I stand for the future of our cities. Growth in our cities is inevitable. Time itself teaches that lesson. Failure to properly plan for that growth is an abrogation of responsibility. That failure is what concerns people, not growth in itself. In council, as part of Campbell Newman's leadership team, we faced a city neglected by Labor over many years. We faced a hostile Labor council more interested in politics than outcomes. For four years we had to negotiate the challenges of delivering good government without a majority on the floor of council, but we had a clear vision and a plan to deal with population growth, and we got on with the job.

In Brisbane, a city of almost two million people, we are now achieving great outcomes. Brisbane provides a balanced approach to resolving traffic congestion, not just through TransApex—a four-tunnel, one-bridge solution, and the largest road construction program in Australia—but also through record investment in public transport. This has resulted in record bus passenger growth from 48 million in 2004 to more than 77 million in 2009-10. In Brisbane we have also set new standards in environmental initiatives, not by imposing a great big new on-off and now on again tax but with practical action, not rhetoric—action by the whole community, house by house, street by street, suburb by suburb. The results speak for themselves and the council led by example. Brisbane is now the largest purchaser of offsets and green power of any level of government in Australia.

Cities need the capacity to plan their future over the long term. That means more than a three-year funding cycle. Labor state governments have failed our cities. National government has a responsibility and an opportunity to work with the councils in our major cities, the engine rooms of our states and territories, to provide a city driven infrastructure plan for the long term. Successive governments can claim a proud record of regional

development, but governments must work to deliver good government services for all Australians, regardless of where they live. That means that, in the rush to look after our regional areas, we do not ignore the needs of our population centres, our cities. Because of their sheer size and infrastructure needs, cities require special attention and planning. As much as we need a minister for regional Australia we need a minister for cities.

Before I entered politics I ran an event management business. I know the challenges and pressures of small business. From running a range of major events I saw an opportunity for my company to specialise in the emerging technology sector. I worked closely with the telecommunications industry. I sat on the Queensland board of ATUG. I learned on the job and I took that passion and understanding to the Brisbane City Council, where I campaigned for an optic fibre ultra-high-speed broadband network to every premises in Brisbane to really entrench Brisbane as Australia's new world city. The goal was to provide open access to all potential users on equal and equitable terms. We assessed the technical, financial and revenue risks as well as alternatives for implementation. The council came up with a robust case and financial model, followed by a successful trial. The plan was feasible, affordable and it did not cost government—and, indeed, taxpayers—tens of billions of dollars. It brought together the best in the business and provided clear demonstrations of what government and business can do together.

NBNCo did not want to know about it. Indeed, they threatened to build over what Brisbane planned. They were more interested in entrenching the monopoly of themselves and Telstra. Perhaps the best analogy is in the provision of road infrastructure by government for all road users, not just for one brand of motor vehicle. Just as roads connected communities and economies in the 20th century so will broadband connect them in this century. I support the rollout of a high-speed broadband for everyone but not the untested, uncoded charade that is NBNCo.

A significant challenge of our modern connected world is that, whilst the internet has opened the information highway, the social networking aspect of the web raises real questions about social isolation. A teenage girl may have hundreds of Facebook or Twitter 'friends' but how many of those can she play sport with, go out with for a cup of coffee, go to the beach with or share a hug with? This may be a new paradigm showing us the future

of social interaction, but there is a real worry that social networking will lead to a generation whose only significant social life will be on the internet.

Social isolation is not a problem that relates just to the elderly but our ageing population also requires special consideration. At the Red Cross annual general meeting in Brisbane last week, Professor Laurie Buys spoke about social connectedness and active ageing. Just to put the potential impact into perspective, it is worth noting her statistics: by 2050, one in two voters will be aged over 50 and, by 2055, 78,000 Australians will be aged over 100. We need to acknowledge not only the cost but also the potential benefits of age. Australians aged 55 and over contribute an estimated \$74.5 billion per annum through voluntary, unpaid and caring work. We must not dismiss their enormous contribution and potential. That is our challenge.

We enjoy a successful multicultural Australia. I have grown up as part of it. I have great friends who are committed to building a better multicultural nation. In particular, I want to pay tribute to those who actively work to make Australia a more inclusive society: Eddie Liu and Michael Chan of the Brisbane Chinese community; Nick Xynias and Serge Voloshenko of the Ethnic Communities Council; Fraser Power, Kerrin Benson and the dedicated team at the Multicultural Development Association; and people like Adele Rice at Milpera and President Jolly Karumathy of the Kerala Indian community, as well as Tom Polome, a former Consul General for Papua New Guinea and now a proud Australian. Without these great Australians, and so many others, our lives would not be enriched by the real contribution that other cultures bring to our society. Australia is the result of our immigration over generations. We are richer for it.

It is a natural move from the importance of our multicultural Australia to the importance of our neighbours. In our region we have a particular responsibility to assist our developing friends, not in a patronising way but with a genuine hand of friendship and support. The developed world has not found a successful form of providing aid to our neighbours in much the same way as we have much to learn in helping our own Indigenous Australians. In both cases we must persist, because if we fail we let our neighbours down and indeed our first Australians.

Papua New Guinea, our closest land neighbour, faces real challenges but is a vigorous democracy and a good friend. At the same time, I look with encouragement at the progress from war to peace in Bougainville. In Bougainville we have had a remarkably successful peace process, but we need to do much more to assist them in building capacity. Failing to build that capacity to govern will cast a real shadow over the forthcoming referendum on independence.

We must also help the Solomon Islands move on from the ethnic tension. RAMSI is doing a great job in supporting the government, but they cannot remain there forever. Indeed Solomon Islands appears to be the reverse of Bougainville—there has been substantial work on state building yet real work still needs to be done on peace building and conflict resolution. Australia has played a major role in both post-conflict situations. In both places we must provide the continuing support required to reach a successful conclusion. East Timor and Fiji need our assistance to allow them to work through the challenges of past conflicts. As always, open and frank discussion is critical.

Gallipoli Barracks at Enoggera is in Ryan. It is the home of a number of units, including 6th Battalion, Royal Australian Regiment, which is just returning from operations in Afghanistan, having lost a number of soldiers on operations. I attended the memorial service and funerals for privates Tomas Dale and Grant Kirby, and Lance Corporal Jared Mackinney in the last few weeks. Let us never forget these brave Australians and all of our troops and veterans who have answered the call whenever their country has asked. Equally we must never forget that these courageous men and women have volunteered knowing that they put their lives at risk to ensure our safety. It is timely to remind the House of the coalition's commitment to ensure that their entitlements reflect the contributions and sacrifices they have made through the indexation of the DFRDB and the DFRB.

Also, let me say this: if this nation fails to cloak our soldiers with the full protection of the law when they go into battle, we fail them all. The rules of engagement must be crystal clear and our support strong. If we put Australian troops into the heat of battle and expect them to take enormous risks on our behalf, we cannot expect them to be split-second lawyers as well. I must make it very clear that I am not commenting about any current matter because I do not have all the facts at my disposal. However, we must recognise that our troops go to



war on the instructions of our government. They must be able to do their job in accordance with the rules of engagement without having to worry about whether those rules might be interpreted differently at a later time. I say this as an Australian but also as a mother of a serving member of the Defence Force.

While there are and always will be many issues and projects which divide us in this place, there are also those that have bipartisan support at all levels of government because we all recognise their long-term strategic benefit. One of those projects is the square kilometre array radio telescope project—known by its acronym, SKA—which is planned to be one of the great science projects of the 21st century. Australia is in the last stages of an international site selection process. The SKA offers what is likely to be a unique opportunity for Australia and New Zealand to host a research facility of global scale and significance. It will be a global facility with, amongst other things, a computing capacity so big and powerful that it will drive global research not just in the radio field but more generally in ICT. It will facilitate science of the highest quality for decades. This project can put Australia at the forefront of that research in astronomy and in a range of other fields. It will have a significant economic and social impact. It is worthy of support from all of us.

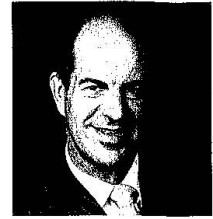
It is important that I say something about my family. From Sir George Pearce to Len Righetti, the Mayor of Malvern on three occasions; to my parents, Alan and Janet Righetti, who are here today; to my sister, Katie, and to Peter, Caroline and Robert; and of course to my husband, Ian, and our children, George and Caitlin: none of this would be possible without you. In so many ways your family makes you, strengthens you and at times challenges you. That is how it always is. Family life is so important to our social fabric and our communities.

I do not come to this place with a closed mind. I look forward to the input of my electors. For those of you who are cynical about our political system I say: get involved, join a political party and above all have your say. Successful political communication is not a one-way process. It works best when there is active and informed input from constituents to members and senators. I am honoured to be given this opportunity by the people of Ryan. I am passionate about my community and I am passionate about my country. I am determined to make a real contribution to Ryan and Australia.

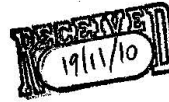




**Kelvin Thomson MP**  
**Labor Member for Wills**



November 16, 2010/th



Councillors  
SHOROC  
PO Box 361  
BROOKVALE NSW 2100

Dear Councillors,

Thank you for your letter and publication *Shaping Our Future*.

I agree that population growth is causing infrastructure problems which is why I am campaigning to stabilise our population. I have enclosed for your information a copy of my speech to the Queensland Branch of Sustainable Population Australia:  
*Australia's Population – What is Really Sustainable?*

I wish you well for the future.

Yours sincerely,

**Kelvin Thomson MP**  
**Member for Wills**

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**AUSTRALIA'S POPULATION – WHAT IS REALLY SUSTAINABLE?**  
**Speech by Kelvin Thomson, Federal Member for Wills, to Sustainable**  
**Population Australia (Queensland), 13 March, 2010**

In August last year I gave a speech to the Parliament which advanced two propositions. First that the world needed to stabilize its population. Second, that Australia needed to stabilize its population.

In that speech I said that there were plenty of problems in the world – global warming, food shortages, water shortages, housing affordability, overcrowded cities, transport congestion, fisheries collapse, species extinctions, increasing prices, waste and terrorism. And I said that every one of those problems is either caused by or exacerbated by the global population explosion.

You are never going to successfully tackle those problems unless you're prepared to face up to the real cause of them – skyrocketing population growth.

Then in September the Federal Government released new Treasury figures showing that our population would be 35 million by 2049. This was a big jump from the previous projection of 28 million by 2049, made only a couple of years earlier. A number of experts believe the 35 million estimate is actually an underestimate. They say that unless our present rate of population growth slows down we would actually get more like 42 million by 2050. The Government is now referring to 36 million by 2050.

My response to the 35 million announcement was to say that this was a recipe for environmental disaster, and to express four key objections to a 35 million population for Australia.

First, the impact of a 60% increase in Australia's population on our native wildlife will be catastrophic. Already over 200 species of Australia's birds are under threat – 30% of our 760 species. It's not just the habitat destruction caused by spreading suburbs, though that's serious enough. It's also habitat destruction from agriculture and the impact on our river systems, which are already in a state of poor health.

Secondly, what about carbon emissions? The Government has promised to cut carbon emissions by 60% over the next 40 years, and all the science is saying we need to cut them by 80% to tackle global warming. How are we supposed to do that if our population is going up by 60% at the same time? It's pretty hard to reduce your carbon footprint when you keep adding more feet.

Third, there's the impact on the availability of food, water, energy and land. These things are already stretched and a 60% population increase will only drive up the prices of these essentials, and lower our living standards.

And fourth, what about the impact on our major cities like Sydney, Melbourne, and Brisbane. Declining housing affordability, traffic congestion, overcrowded concrete jungles. I don't want my city of Melbourne to become Mexico City, or Karachi, or Shanghai. I'd be surprised if people in Sydney or Brisbane want that either.

Another 14 million people will not give us a richer country, it will spread our mineral wealth more thinly and give us a poorer one. It will make a mockery of our obligation to pass on to our children a world in as good a condition as the one our grandparents gave to us.

A lot of people agree with me that a population of 35 million is not a good thing for Australia – opinion polls show 2 out of 3 think it's a bad idea. People don't want it.

But a lot of people think it's inevitable, that there's nothing we can do about it. This is simply not true. The population number we end up with depends on our net overseas migration number. The key reason our population has been skyrocketing is because that number has gone up from the 70,000 it used to be to last year being 280,000.

So to show that there is an alternative, in November last year I released a 14 point plan for population reform, a plan to stabilize Australia's population.

1. Stabilise Australia's population at 26 million by cutting the net overseas migration program to 70,000 per annum.
2. Cut the skilled migration program to 25,000 per annum.

3. Hold the family reunion program at 50,000 per annum.
4. Increase the refugee program from 13,750 to 20,000 per annum.
5. Alter the refugee criteria to include provision for genuine climate refugees.
6. The revised number of annual permanent arrivals from these programs would be 95,000 - 50,000 family reunion plus 25,000 skilled plus 20,000 refugees. Two more factors need to be considered: the number of people departing permanently from Australia, and the number of people arriving permanently from New Zealand. To reach a net overseas annual migration target of 70,000, the number of automatic places available for New Zealanders needs to be restricted to the number of departures from Australia over and above 25,000. The Trans Tasman Travel Arrangement would be renegotiated to achieve this, splitting available places for New Zealanders equally between skilled migrants and family reunion, and allowing New Zealanders to also apply and compete with other applicants under these normal migration programs.
7. Reduce temporary migration to Australia by restricting subclass 457 temporary entry visas to medical and health related and professional engineering occupations.
8. Require overseas students to return to their country of origin and complete a two-year cooling off period before being eligible to apply for permanent residence.
9. Abolish the Baby Bonus.
10. Restrict Large Family Supplement and Family Tax Benefit A for third and subsequent children to those presently receiving them.
11. Dedicate the savings from abolishing the Baby Bonus and reduced expenditure on Family Payments for third and subsequent children towards increased investment in domestic skills and training through Universities and TAFEs.

The final three points go to how we can play a role in helping stabilize global population.

Point 12: Increase Australia's aid to meet the United Nations target of 0.7% of Gross National Income with money saved by abolishing Fringe Benefits Tax concessions for company cars, and greater use of off-the-shelf purchases in defence equipment purchases.

Point 13: Use more of Australia's aid budget for educating girls and women, and for better access to family planning and maternal child health, and advocate in the United Nations and international fora for other countries to do likewise.

Point 14: Put overpopulation on the Agenda for International Climate Change talks.

So there is an alternative to runaway population growth. To recap, reduce our annual net migration intake to 70,000 per annum, reduce our skilled migrant intake to 25,000 per year, abolish the Baby Bonus, restrict the Family Tax Benefit for third and subsequent children to those already receiving it, use the money saved from revising these payments to increase University and TAFE places for young Australians, restrict subclass 457 temporary entry permits, and require overseas students to return to their country of origin for two years before applying for permanent residence. We can and should be compassionate international citizens, increasing our foreign aid budget to 0.7% of GDP and increasing our refugee intake from 13,750 to 20,000.

I have received very strong public support for this Plan, and I thank Sustainable Population Australia for the work it has done in generating debate around this Plan. In November I spoke to SPA's Victorian Branch, and I used that speech to expose the arguments in favour of rising population for the myths they are. First, that we need a bigger population to drive economic growth and prosperity. Not true. Eight of the top 10 nations in terms of per person GDP have population of less than 10 million. Second,

that population growth will tackle population ageing. In fact workforce ageing will lead to lower unemployment and higher real incomes.

Third, that we should aspire to a big Australia. I think a country that fills up its wide-open spaces with suburbs and traffic lights and retail franchisees is not a bigger country, it's a shrinking one.

Fourth, that we're not overcrowded compared to other countries. True, but why do we have to copy them. Boatloads of people risk death to come to Australia because we're a better place to live than our more crowded neighbours.

Fifth, that population growth will give us more weight in international forums. I believe that power for its own sake is over-rated. The power and influence I want for Australia is the power and influence which comes from setting a good example.

Sixth, specifically in relation to migration, that high migration is evidence of compassion, and a duty we owe to people around the world less fortunate than ourselves.

I am all in favour of compassion, and have proposed a 45% increase in our refugee intake from 13,750 to 20,000. But skilled migrants is actually Australia being selfish – to the extent that skilled migrants are skilled we are actually raiding the countries from which they come, and denuding them of skills.

And be very wary of appeals to our better nature when the outcome of those appeals is not a better Australia or a better world, and when those appealing to us to be unselfish are in fact being utterly selfish themselves, putting their corporate bottom line and personal financial interests ahead of everything else.

I am not in favour of greed, I am not in favour of ripping off and exploiting those less fortunate than ourselves, but I believe we are entitled to fight to protect our standard of living and the Australian way of life. Don't be conned into giving these things up by appeals to selflessness made with all the sincerity of a Mississippi riverboat gambler.

And the final myth I tackled was the myth was that it will all take care of itself. I used to believe the demographers who said this,

but it never does. It won't magically stop when it gets to 36 million; it will keep right on going – a pyramid scheme.

And in February I spoke to the ACT Branch of Sustainable Population Australia and focused on two things – population ageing, and population and the democratic deficit. On population ageing I said "Don't worry, be happy". Right around the world older societies are richer and healthier and have better life expectancy than younger ones, and older people are an asset, not a burden, on society.

And on the democratic deficit, I said that leaders, Governments, politicians, their energy sapped by trying to solve the problems caused by large and rising populations, simply end up opting for spin over substance, skating over the top of problems rather than actually putting in the detailed effort necessary to solve them. Let's not settle for a hovercraft democracy. Let's not allow real democracy to be crowded out of our lives.

Today I want to zero in on the issue of housing affordability. Australia used to be the envy of the world in terms of its levels of home ownership. It was the place where everyone could aspire to a home of your own. Now housing in Australia's major cities - Brisbane included – is as unaffordable as just about anywhere in the world.

When I was 25, I put down a deposit and took out a loan to buy a house. The 25 year olds of today don't have the same opportunity. Young people who can afford to buy a home now are as rare as rocking horse manure.

This is a shame. Saving for a home and repaying a home loan gives people financial discipline.

During 2009 housing affordability around Australia declined by over 22% due to a massive gap between the number of dwellings being built and the number of new people wanting housing. The Housing Industry Association says: Australia's fast growing population is pushing new dwelling requirements to record high levels. It predicts around 152,000 new dwellings will be commenced in 2010, well short of the 190,000 it estimates is required to keep up with a growing population.

The inevitable consequence of this gap is rising house prices and rising interest rates. We had another interest rate rise recently, off the back of surging house prices, and experts are predicting more.

Australians now owe financial institutions more than \$1 trillion in housing mortgages, almost 15 times as much as 20 years ago according to the Reserve Bank. Household debt as a proportion of household income was a large 109% in 2002, in just seven years by 2009 it had risen to a whopping 152%.

Forecasters are predicting that mortgage holders will be paying 43% of their income to cover repayments by the end of the year. The property monitor RP Data expects investors to move into the market and sustain prices as first home buyers retreat.

Rising interest rates claw away at already poor housing affordability and will send Australians deeper into debt.

Runaway population growth is damaging our young people's chances of buying a home. Our children's chances of buying their own home are fading away, and unless we take steps to tackle runaway population growth, they will disappear.

Another sacred cow it is high time we slayed is that rising house prices is a good thing. It isn't. Unfortunately all the public commentary reports rising house prices in a positive light – eg Melbourne outperformed Sydney last quarter, or vice-versa, prices experienced strong growth or were weak, etc. Recently I was approached by an Italian pensioner who has lived in a street in Pascoe Vale for over 50 years. He was highly distressed about his Council rate bill, which he can't afford to pay. It is based on a property valuation of nearly \$1 million. He says after he pays the rates, he will have no money for food. He will have his house, but he can't eat his house. Now there will be economists jumping up to say, he should sell his house. But if he sells his house, he will still need to find somewhere to live. And he doesn't want to sell his house. He's lived there over 50 years. All he wants is to quietly live out the rest of his life there. If he is forced to sell, what that means is that he can no longer afford to live in a place he used to be able to live in.



Some people think this is progress, but that is not the way it strikes him.

The fact is that housing is a necessity, like food, water, electricity and petrol. No-one cheers when the price of food, water, electricity and petrol goes up. Why should we cheer when the price of a house goes up?

That cheering drowns out the quiet, sad shrug of a generation being locked out of the opportunities which my generation and the ones before me had the good fortune to have.

The property developers and real estate industry talk about declining housing affordability too, but their solutions are always on the supply side. They want new suburbs on the urban fringe. Never mind the traffic congestion and loss of market gardens and open space this urban sprawl causes.

And they want infill housing and high rise housing: Never mind that this housing is of a poorer standard that we got to live in, killing off all our backyards, or that it diminishes the quality of life in inner suburbs, turning them to soulless concrete jungles where it's unwise to go out at night. My city of Melbourne now has very serious problems of knife crime and alcohol-fuelled violence.

One wealthy Sydney property developer said he thought Sydney should re-think the need for its magnificent ring of National Parks. The land is too valuable now to be the province of just birds and plants and animals, he thinks.

The way it seems to me is that if we can no longer afford the beautiful National Parks and their striking array of native wildlife, we are not better off than we used to be, we're worse off.

The south-east corner of Queensland has been growing extremely rapidly, and infrastructure growth has not kept pace with population growth.

You live with this reality every day, so you scarcely need a southerner like me to tell you about it. But I do want to point out how this is inherent in the system, rather than the fault of this or

that Federal, State, or local government, using a recent analysis by Jane O'Sullivan from the University of Queensland.

Ms O'Sullivan says that in a stable population, infrastructure needs to include replacing worn-out facilities and modernizing items whose technology or design has been superseded. Using a cost-weighted average lifespan for infrastructure of 50 years, Ms O'Sullivan says there is a need to replace no more than 2% of all infrastructure annually.

But if population is growing at 2%, we have to expand our entire stock of infrastructure every year by 2%. This doubles the annual requirement for creating infrastructure, compared with a stable population – 2% replacement plus 2% addition.

This is extremely costly, indeed much more costly than the costs of population ageing, that allegedly big problem which is always trotted out to justify population growth.

And the costs to business and motorists of infrastructure failing to keep pace are massive.

Last week Infrastructure Australia released a report warning that the costs associated with road congestion will double from \$9.4 billion in 2005 to \$20.4 billion by 2020.

The city which faces the steepest rise in congestion costs turns out to be Brisbane, up 74% to an average unit cost of more than 11 cents per kilometer by 2020, the report finds.

Infrastructure issues go far beyond roads, of course. There is water. There has been a highly divisive debate in south-east Queensland about a proposed new dam on the Mary River, which would have threatened lungfish and turtles. The Queensland Water Commission is advocating that residents restrict their water use to 230 or perhaps 200 litres per day. But of course there's no point getting people to restrict their personal water consumption if the benefit of this is undone by a rapidly expanding population.

And rapid population growth is also having a detrimental impact on south-east Queensland's wonderful wildlife. State Government figures from May 2009 showed koala numbers in the Redland and Logan areas halved from 4611 in 2006 to 2279 in 2008. Some

scientists have expressed concern that koalas could be extinct in urban areas within 20 years.

I welcome the initiatives from the Redland Shire Council and the Local Government Association of Queensland about the need for a population policy for Queensland. We need not only a Queensland population policy, we need a national population policy.

It is local government who are often at the sharp end when it comes to the consequences of runaway population growth. Not simply in terms of trying to deal with the infrastructure load, but in handling the planning conflicts which arise from increased population density. It was reported in January that Brisbane will require, every year, 60-80 buildings of 20 storeys to cater for the projected growth.

First, I am a fan of the suburban backyard. There is something intangible but important about the personal space of a backyard. I believe the children who grow up in concrete jungle suburbs are subject to more bullying and harassment and are more vulnerable to traps such as crime and drugs.

What do you call a kid in a backyard? A free range kid. I think free range kids have a better time of it than battery kids.

Secondly I lament the decline of local democracy and local community say in planning issues which accompanies rapid population growth. It is OK to say, Not in My Backyard! We do have rights and should have rights, concerning the kind of neighbourhood, the kind of community we live in. But when we seek to exercise those rights, it should not be at someone else's expense, and that is what population stabilization is all about. It means no-one has to lose their neighbourhood character, no-one has to lose their open space.

So I urge everyone here to take up the cause of population reform. Take it up with your friends and neighbours, take it up with your political representatives, take it up with the media. Don't believe we need population growth; we don't. Don't believe it's inevitable, it's not. Do believe this is a battle which can be won. It can.

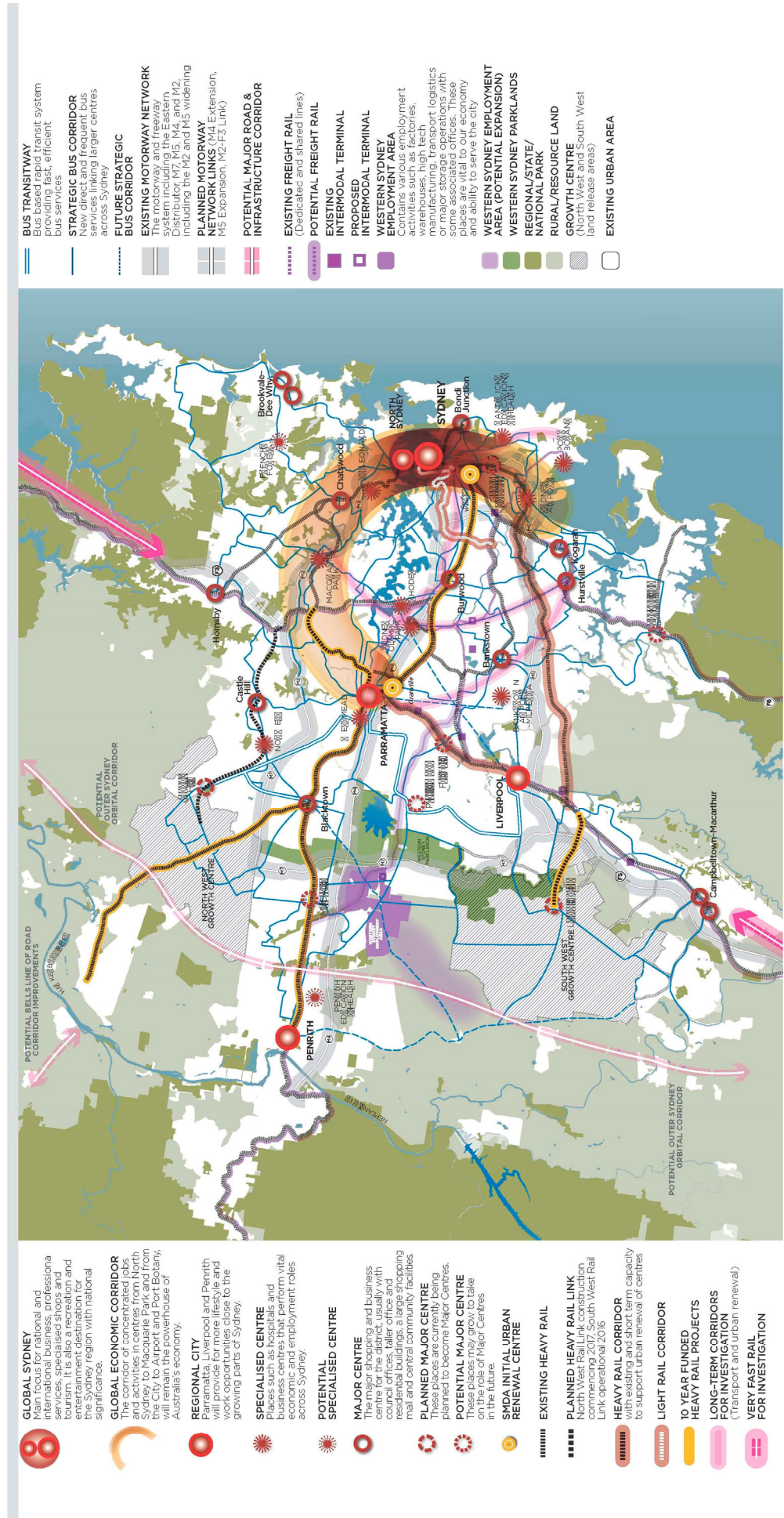
I said six months ago Australia needed to have a debate about population, and inch by inch it is happening.

Two out of three people don't want 35 million for Australia. I congratulate Sustainable Population Australia on its work and encourage you to join it and get involved in this work.

There is scarcely any cause more important in discharging our obligation to pass on a world, and an Australian way of life, in as good a condition as was given to us.

**Kelvin Thomson MP**  
**Federal Member for Wills**

# Metropolitan Sydney 2036





### 7.3 SHOROC Governance Structure

#### EXECUTIVE SUMMARY

##### Purpose

To consider options for the composition of the SHOROC Board and to provide an update on the establishment of a policy on the formal governance arrangements with SHOROC in response to Notice of Motion No 42/2010.

##### Summary

Council resolved to formalise in a policy the arrangements about referring functions and matters to SHOROC. The Notice of Motion detailed a number of concerns and an update is provided in the body of this report on how each is being dealt with and the progress of finalising the policy.

In addition it is understood the composition of the SHOROC Board (currently the Mayor and General Manager of each council) will be considered at a Board meeting in February 2011. Alternative options for the composition of the Board are explored, including consideration of issues such as Councillor involvement, the separation between policy formulation and decision making, the governance structures of other metropolitan regional organisations of councils.

It is recommended that Council rank in descending order its preferred models as any change to the SHOROC Board requires a unanimous decision of the Board.

##### Financial Impact

Nil. No additional funds beyond what is provided for in the budget is required.

##### Policy Impact

A draft policy on SHOROC will be reported to Council in early 2011.

#### RECOMMENDATION OF GENERAL MANAGER

- A. That the content of the report be noted, particularly in respect of procedures for Councillor engagement with SHOROC.
- B. That the preferred model in descending order for the composition of the SHOROC Board is:
  - (1) The Mayor and one other Councillor of each member Council,
  - (2) The Mayor of each member Council,
  - (3) The Mayor and General Manager of each member Council.
- C. That if option B (3) (above) be taken, Council determine how the General Manager exercises his vote at SHOROC Board meetings either:
  - (1) The General Manager votes in accordance with the Mayor,





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OR

- (2) The General Manager exercises discretion and votes independently insofar as this is in the best interest of Warringah and in accordance with Council policy.
  - D. That if option B (3) (above) is taken, SHOROC be requested to provide additional opportunities for Councillor involvement in policy and project development.
  - E. That following the SHOROC Board meeting in February 2011, a policy formalising governance arrangements with SHOROC be reported to Council.
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## REPORT

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### Background

Regional Organisations of Councils (ROCs) are partnerships of local councils that aim to achieve a better deal for the communities they serve through networking, resource sharing, planning and lobbying. Shore Regional Organisation of Councils (SHOROC) comprises Manly, Mosman, Pittwater and Warringah councils and was launched in August 1994 before becoming formally incorporated in September 2006. The operation of SHOROC is set out in the constitution approved by the Board of SHOROC on the 12 September 2008.

Recent achievements of the SHOROC partnership include the formation of Kimbriki Environmental Enterprises and the development of a regional directions strategy *Shaping Our Future* for developing and improving transport, health, housing and jobs across the SHOROC region over the next 20 years or so. This will be used as a basis for attracting funds from the state government and was adopted by Warringah Council at its meeting of 28 September 2010.

There have also been real cost savings for member councils through joint procurement activity. For example under the Efficiency and Cost Savings Programme it is estimated that in the first quarter of 2010/11 alone an annual saving for Warringah Council of \$99,900 has been achieved (see item 6.1 SHOROC Board Minutes 17 November 2010).

Concerns have been raised about the Governance of SHOROC recently. These include:

- Council resolution of 3 August 2010 that formal arrangements be prepared on the referral of functions and matters to SHOROC
- Council resolution 23 November 2010 regarding posting of the Agenda for Board meeting on SHOROC's website 14 days prior to the meeting

A review of the composition and make up of the Board is also being conducted by the SHOROC Executive Director. It is understood the Board will consider the review at its February 2011 meeting.

The background and status of these matters are detailed below.

### Formal Arrangements for Referring functions and matters to SHOROC

At the meeting on 3 August 2010 Council considered Notice of Motion 42/2010 on SHOROC governance issues and resolved in part *...that formal arrangements be drafted and returned to Council for consideration about referring functions and matters to SHOROC*. The full extract of the resolution is at **Attachment 1**

The resolution outlined a range of issues that needed to be considered in formalising this arrangement. These issues are discussed separately under (a) to (g) below, and take account of the SHOROC Board (the Board) decision on 18 August 2010 on the process for individual councils listing items for consideration of the Board (see **Attachment 2**) as well as information provided by the SHOROC Executive Director.

The issues detailed below will be formalised in a draft policy for Council's consideration following the February 2011 meeting of the SHOROC Board.

- a) Terms of Reference for SHOROC in relation to Warringah Council's interests

**Response** – Matters pursued by SHOROC are issues of interest or impacting generally on all member councils. It is difficult to precisely define what these issues will be both now and into the future as they depend on political, economic, environmental and social circumstances that exist at the time. These matters are heavily influenced by





State or Federal policies and how they impact on our community and region. As such terms of reference need to be sufficiently broad to provide Warringah, and in turn, SHOROC with the agility to be able to respond in a timely fashion to changes in the landscape.

Modifying slightly the objectives from the SHOROC constitution to develop the Terms of Reference for Warringah Council as below should provide the necessary direction:

- Planning and collaboration to address regional needs, problems, opportunities and challenges
  - Cooperation and resource sharing to improve the quality, efficiency and cost effectiveness of council services and facilities where there are benefits to Warringah and our community in doing so
  - Advocacy and regional leadership to attract funds and resources and to influence the decision of other levels of government, the private and the non-government sector to meet social, economic, service and infrastructure needs of the region and its residents and to protect the area's environment and lifestyle
- b) Establishment of a formal delegation of applicable Warringah Council staff functions for SHOROC-related duties

**Response** – SHOROC is an incorporated body, and has no authority to direct Council or Council staff. Furthermore, as with all operational matters at Council, it is for the General Manager to allocate staff and resources in accordance with Council plans. Therefore, Council staff will only be engaged with SHOROC-related duties insofar as these duties are in harmony with Council plans and objectives. Managing this process through a formal delegation from the General Manager to the relevant staff member is not considered necessary and would be administratively cumbersome.

It is also worth noting that there have been instances where General Managers have decided not to proceed with SHOROC project proposals on the basis that they would place an undue strain on Council staff and resources.

Council may want to reconsider the delegation given to the General Manager in relation to the SHOROC Board. The current SHOROC constitution provides the Mayor and the General Manager of the member councils with voting rights on the Board. If the constitution remains unchanged Council may want to provide directions as to how the General Manager exercises his vote. Abstaining is not considered to be helpful as Council will then only have one vote and not be in a position to effectively influence matters on an equal footing with partner councils. This leaves two options to consider:

- The General Manager votes in accordance with the Mayor,
  - OR
  - The General Manager exercises discretion and votes independently insofar as this is in the best interest of Warringah and in accordance with Council policy.
- c) Processes for community members and member council elected representatives to be involved in SHOROC meetings and policy formulation.

**Response** – In relation to community members, SHOROC is not a public authority but a vehicle through which member councils can collectively and more effectively plan for the region, advocate on issues of importance and facilitate resource sharing. As such SHOROC is not and should not be resourced to undertake consultation with the community across the region. It is up to the councils and individual councillors to represent the interests of their community in establishing regional directions and priorities.



Public participation and involvement in the development of key SHOROC policies and strategies such as *Shaping Our Future* should, where appropriate, be facilitated by Council publicising and exhibiting these documents during their development for the community to contribute to their direction. The community's views can then form part of Warringah's position or submission on the draft strategy/policy and can be considered by SHOROC in finalising the position.

In accordance with the Council resolution of 23 November 2010 Council has written to SHOROC on 2 December 2010 requesting that the agenda of the Board meetings be published on the SHOROC website 14 days prior to the meeting. If this is agreed by SHOROC, Warringah residents could then take up concerns they have about specific items with Councillors and/or the Mayor. Councillors could raise any issues or concerns they have about specific items with Council's delegates on the Board.

In addition, Councillors can raise issues, bring agenda items to SHOROC or attend and address the Board on an item as per the process outlined by the SHOROC Board (see **Attachment 2**).

Furthermore, in terms of general policy formulation and project prioritisation, SHOROC has introduced the Annual Councillor Forum at which councillors can have their say and influence policy. The most recent of these was on 6 November 2010.

- d) Development and implementation of a process for the placement of items on SHOROC meeting agendas by elected representatives

**Response** – The SHOROC Board has agreed the process for individual councils placing items on SHOROC Board agenda is via council resolution or through SHOROC Board representatives (ie, the Mayor and/or General Manager).

The SHOROC Board receives a call for agenda items in advance of the agenda being drawn up whereby they can place items on the agenda. The SHOROC Executive Director has advised that in calling for agenda items Council may wish to notify all Councillors so they have an opportunity to raise the matter with the respective Board representative.

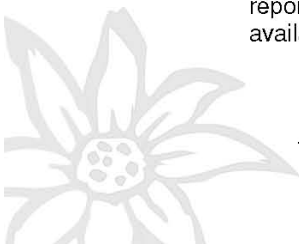
- e) Publication of SHOROC meeting agendas and minutes on member council websites, including meetings of the general managers.

**Response** – Council has requested that meeting papers and minutes of the Board meetings will be made available as already discussed previously in this report on SHOROC's website – see (c) above.

The General Managers Advisory Committee's (GMAC's) role is set out in the Constitution. It encompasses working with the Board to develop the business plan and policy directions, supervising the delivery of the business plan and SHOROC staff as well as exercising functions delegated by the Board. It is an advisory committee making recommendations to the Board and is not a decision making body. SHOROC considers that it would not be appropriate to publish these meeting minutes as GMAC's role is predominantly operational and advisory in nature and publication would be similar to publication of council Executive Management Team meetings.

- f) Introduction of a process for formal consideration and, if applicable, adoption of all SHOROC meeting decisions by Warringah Council

**Response** – Council already considers SHOROC business at its meetings as part of the general manager's reports. Minutes of the SHOROC Board will continue to be reported to the next available meeting of Council (subject to the minutes being available to meet the Council agenda deadlines).



- g) Itemisation or estimation in SHOROC's budget and annual reports of individual member council staff time costs contributed to carrying out SHOROC work, such as communications, publicity and promotions of the region or specific lobbying activities.

**Response** – The current funding for SHOROC is reported in Council's Strategic Community Plan. In addition, Council staff work on regional SHOROC projects provided they are in line with Council aims and objectives.

There are a range of projects undertaken through SHOROC which staff would be required to work on in the normal course of their duties. For example tendering to procure goods or services, production of the State of the Environment Report etc are activities we are required to undertake individually but we do this regionally through SHOROC as it is more efficient and cost effective.

Accounting for the labour cost will be difficult and would require agreement between member councils on the methodology for calculating the costs to ensure consistency across member councils. The time taken to account for staff time contributed could have a negative impact on council operations and SHOROC's effectiveness.

### Composition and Makeup of SHOROC Board

SHOROC's Corporate Plan 2010 – 2014 provides for a review of its governance structure. This review is partly driven by concerns about the current make up of the Board. Current arrangements are for each member council to be represented by its Mayor and General Manager, giving a total of 8 board members. Like other metropolitan ROCs, SHOROC also has a General Managers' Advisory Committee (GMAC) comprising each of the member councils' General Managers. GMAC's role (amongst other things) is to advise and make recommendations on policy matters to the board. Extracts of the relevant sections of the SHOROC Constitution is at **Attachment 3**.

Concerns have been raised regarding these arrangements, namely:

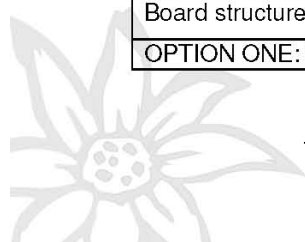
- There is not enough councillor representation on the board.
- There is a lack of separation between those who make policy recommendations (the GMAC) and those who make the decisions (the Board), because the GMAC is also represented on the board.
- SHOROC's current board make up is not coherent with other metropolitan ROCs as these only have councillors on their boards, usually two from each member council, one of which is usually the Mayor. See **Attachment 4** for a summary of the metropolitan ROCs.

It is understood, the SHOROC Board will meet in February 2010 to consider the governance structure for SHOROC, and direction needs to be provided to Warringah's representatives on the Board as to Council's preferred model(s). Based on a review of other metropolitan ROCs, some of the possible board structures are below:

- OPTION ONE: the Mayor and one other Councillor from each member council.
- OPTION TWO: the Mayor of each member council.
- OPTION THREE: the Mayor and General Manager of each member council – status quo.

Some comments raised by Warringah Councillors and Councillors from the other SHOROC councils regarding the pro's and con's of each of these potential structures is below.

Board structure	Comments
OPTION ONE: the Mayor	<ul style="list-style-type: none"> <li>• Greater Councillor representation could enable greater</li> </ul>



and one other Councillor from each member council, with the General Manager attending as a non-voting delegate.	<p>Councillor involvement in regional decision-making</p> <ul style="list-style-type: none"> <li>Some parties have raised concerns including that this structure would create perceptions of fourth tier of government or regional decision making body, increase political partisanship and/or decrease effectiveness.</li> <li>Removes the potential for due process to be undermined and perception of lack of separation in decision-making between GMAC and Board.</li> <li>More coherent with board make-up in the other metropolitan ROCs.</li> </ul>
OPTION TWO: the Mayor of each member council, with the General Manager attending as a non-voting delegate.	<ul style="list-style-type: none"> <li>Gives rise to very small board with only one representative from each council, no increase in Councillor representation</li> <li>Removes the potential for due process to be undermined and perception of lack of separation in decision-making between GMAC and Board.</li> <li>Not consistent with other metropolitan ROCs.</li> </ul>
OPTION THREE: the Mayor and General Manager of each member council – status quo	<ul style="list-style-type: none"> <li>Good achievements to date</li> <li>Some parties have raised concerns that not enough Councillor representation on the board, while other parties have expressed satisfaction with operation and non-political nature.</li> <li>Could be perception that there is a lack of separation between those who make policy recommendations (the GMAC) and those who make the decisions (the Board)</li> <li>Not consistent with other metropolitan ROCs.</li> </ul>

If council is of the opinion that it would prefer that the makeup of the Board change, it should be noted that a special resolution is required by the Board to be able to alter the Constitution. This requires amongst other matters that the resolution be passed unanimously by member delegates. To increase the likelihood that unanimous agreement will be reached it is recommended that Council indicate a preference for more than one model ranking them from most to least preferred. It is recommended in order of preference that the makeup of the Board should consist of:

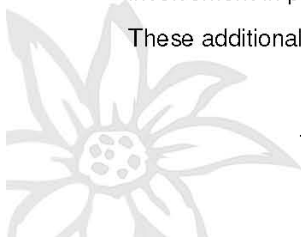
1. OPTION ONE - the Mayor and one other Councillor from each member council
2. OPTION TWO – the Mayor of each member council
3. OPTION THREE - the Mayor and General Manager of each member council

If the decision is not unanimous the existing composition of the Board will be retained, that is the mayor and general managers of the constituent councils.

#### **Councillor involvement**

If the SHOROC Board decides that the existing composition of the Board will be retained, it is recommended that council request that additional opportunities are provided for Councillor involvement in policy and project development.

These additional opportunities could include a policy whereby:



- Councillor Forums are to be held annually for Councillors to raise and discuss regional issues, priorities, costs savings and efficiencies to feed into the SHOROC workplan.
- Councillors are to be consulted early in the process of developing major policies or projects (for example the regional sustainability strategy).
- Board business papers are to be circulated to the Board members two weeks prior to Board meetings and potentially published on the SHOROC website, to enable Board members to consult with Councillors.
- Board business papers are to be circulated by Council to all Councillors two weeks prior to the Board meetings to enable an opportunity for Councillors to provide input to their Council delegates on Agenda items if they wish.
- Board minutes are to be published on the SHOROC website.
- Board minutes are to be reported to council for noting and, if applicable, adoption.
- A process for Councillors to bring items to the Board for consideration be developed by Council, based on the process agreed by the SHOROC Board.
- Councillors are to be informed of media releases prior to circulation to media.

**Policy Impact**

A draft policy on SHOROC will be reported to Council in early 2011.

**Financial Impact**

Nil. No additional funds beyond what is provided for in the budget is required.



### 3.15 Notice of Motion No 42/2010

#### SHOROC Governance Issues Relating to Warringah Council

##### 227/10 RESOLVED

That formal arrangements be drafted and returned to Council for consideration about referring functions and matters to SHOROC, including:

- a) Terms of Reference for SHOROC in relation to Warringah Council's interests;
- b) establishment of a formal delegation of applicable Warringah Council staff functions for SHOROC-related duties;
- c) processes for community members and member Council elected representatives to be involved in SHOROC meetings and policy formulation;
- d) development and implementation of a process for the placement of items on SHOROC meeting agendas by elected representatives;
- e) publication of SHOROC meeting agendas and minutes on member council websites, including meetings of the general managers;
- f) introduction of a process for formal consideration and, if applicable, adoption of all SHOROC meeting decisions by Warringah Council; and
- g) itemisation or estimation in SHOROC's budget and annual reports of individual member council staff time costs contributed to carrying out SHOROC work, such as communications, publicity and promotions of the region or specific lobbying activities.



Extract of Minutes of SHOROC Incorporated Board Meeting held 18 August 2010

The SHOROC Board (the Board) considered an item (which largely relates to item d above) at its meeting on 18 August 2010 and agreed on a process for how matters from individual councils are to be listed for consideration of the Board. The process is as follows:

- *Matters consistent with the objectives of SHOROC, its constitution and Corporate Plan can be brought for consideration of the SHOROC Board by individual councils by the council's representatives on the Board, being the Mayor and General Manager, or upon resolution by that council.*
- *The council's elected representative, being the Mayor or an appropriate delegate, will represent council to the SHOROC Board on matters brought for consideration following council resolution, unless the council has made a specific resolution and the SHOROC Board has approved that another Councillor or representative speak on behalf of council for that matter.*
- *Urgent matters that have been resolved to be brought to the SHOROC Board by an individual council but that are required to be dealt with prior to the next scheduled Ordinary Board meeting:*
  - *Can be considered by the SHOROC Executive if the matter is consistent with the role of the Executive as stated in the Constitution*
  - *Can be delegated to the GMAC for consideration by the Executive*
  - *Can be considered by the SHOROC Board at an Extraordinary meeting, should one be called consistent with the Constitution.*
- *Should Councillors wish to attend and speak at a Board meeting on items listed for that meeting, approval of the Board is required and SHOROC must be given at least 7 days notice of an intention to attend a Board meeting and the item on which the Councillor would like to speak.'*



Extracts of the relevant sections of the SHOROC Constitution

#### 18. Role of the Board

- (i) Delegates to the Organisation shall collectively be known as the Board.
- (ii) Subject to the Act, the Regulation and this constitution and to any resolution passed by the Organisation in a general meeting:

The Board is to control and manage the affairs of the Organisation including:

- a) Monitor the performance of the Organisation
- b) Adopt a business plan
- c) Adopt annual estimate of revenue and expenditure having regards to the business plan on advice from General Managers Advisory Committee
- d) Approve additional resources for priority regional projects from time to time as recommended by General Managers' Advisory Committee
- e) Make broad policy decisions within the objectives of the Organisation
- f) Exercise such other functions as may be exercised by the Organisation other than those functions that are required to be exercised by a general meeting.

#### 19. Board Representation

- (i) A member Council will be represented on the Board by its delegates as follows:  
The Mayor and the General Manager
- (iv) Where the Mayor of a Council is unable to attend a meeting of the Board, the Council may only be represented by the Deputy Mayor; in the Deputy Mayor's absence a Council may be represented by a Councillor duly authorised by the Mayor for the purpose of being an alternative delegate.
- (v) Where the General Manager of a Council is unable to attend the meeting of the Board, the Council may be represented by another senior representative of the Council duly authorised by the General Manager for the purpose of being an alternative delegate.

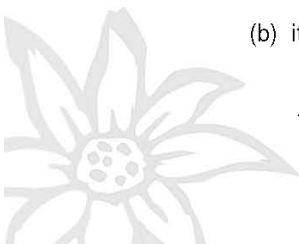
#### 21. Executive of the Board and Office Bearers of the Organisation

- (1) The Executive of the Board shall consist of the Office Bearers of the Organisation
- (2) The Office Bearers of the Organisation are to be:
  - (a) The President
  - (b) The Vice President
  - (c) The Treasurer

#### 24. Role of the Executive

Between meetings of the Board the role of the Board shall be to determine matters relevant to the Board's responsibility in circumstances where:

- (a) in the opinion of the Board the matter is such that it must be determined prior to the next ordinary meeting of the Board, and
- (b) it would be impractical to convene an extraordinary meeting of the Board.





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Extracts of the relevant sections of the SHOROC Constitution

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This role does not have the authority to vary the adopted SHOROC Business Plan and Budget or review a regional policy or position that have been adopted by unanimous decision of the Board.

26. General Managers' Advisory Committee (GMAC)

Delegates of each Council who are General Managers shall comprise the General Manager Advisory Committee ("GMAC"). One General Manager shall be appointed chairperson.

27. The role of the GMAC

(1) The role of the GMAC will be to:

- i. Advise on administrative and planning matters.
- ii. Exercise general supervision of the Organisation's staff and resources including the authorisation of expenditure within the budget approved by the Board.
- iii. Submit reports and recommendations to the Board for policy decision.
- iv. Prepare and submit a Business Plan to the Board for adoption.
- v. Have general supervision of projects and activities in the Business Plan.
- vi. The exercise of such functions as the Board may delegate to GMAC from time to time by resolution.

(2) Where the General Manager of a Council is unable to attend a meeting of the GMAC, the Council may be represented by another senior representative of the Council duly authorised by the General Manager for the purpose of being an alternative delegate.

34. Board Voting.

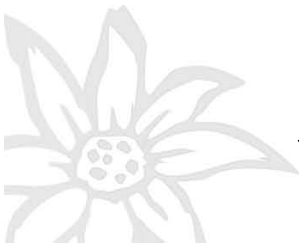
- (i) At Board meetings each delegate, and each bona fide alternative delegate representing a delegate, shall be entitled to vote. Each member Council shall therefore have two votes.
- (ii) The President shall have both a deliberative vote and, in the event of equality of votes, a casting vote.
- (iii) A unanimous vote is when at least four elected members, one representing each member council at the meeting, agree.
- (iv) All votes must be given personally and there is no provision for voting by proxy.



## Comparison of Governance Structure of other NSW ROCs

**Metropolitan ROCs**

Name	Structure	Board or equivalent	Executive	General Managers Advisory Committee
<b>Metropolitan ROCs</b>				
NSROC (Northern Sydney Regional Organisation of Councils)  7 councils	Incorporated Association	Mayor and one other Councillor from each member Council	President and two Vice Presidents	Yes
MACROC (Macarthur Regional Organisation of Councils)  3 councils	Section 355 Committee of Campbelltown City Council.	Twelve voting Delegates: Mayor plus 3 councillors from each Council.  General Managers are Non-voting Delegates.	President, Treasurer and General Managers	Information not available
SHOROC (Shore Regional Organisation of Councils)  4 councils	Incorporated Association	Mayors and General Managers from each member Council	President, Vice-President and Treasurer	Yes
SSROC (Southern Sydney Regional Organisation of Councils)  16 councils	Incorporated Association	Two councillors from each council, usually Mayor and Deputy Mayor	President and two Vice-Presidents	Yes
WSROC (Western Sydney Regional Organisation of Councils)  10 councils	Company limited by guarantee	Mayor and one other Councillor from each member Council	President, Senior Vice President, Junior Vice President and Treasurer	Yes



## Comparison of Governance Structure of other NSW ROCs

## Regional ROCs

	Structure	Board or equivalent	Executive	General Managers Advisory Committee
<b>Largely regional ROCs</b>				
CENTROC (Central NSW Councils) 16 councils and 1 County Council	Section 355 Committee of Forbes Shire Council	Usually Mayors and General Managers from each member Council.	10 persons	Yes.
Hunter Councils 11 councils	Incorporated Association	Mayors and General Managers from each member Council	Information not available	Yes
MIDGOC (Mid North Coast Group of Councils) 8 LGAs	Strategic alliance	Mayors and General Managers from each member Council	Information not available	Information not available
NamoiROC (Namoi Regional Organisation of Councils) 5 councils and Namoi CMA	Strategic alliance	Mayors and Chairman (General Managers attend but no voting rights).	Information not available	Yes
NOROC (Northern Rivers Regional Organisation of Councils Inc) 7 councils and 2 county councils	Incorporated Association	Mayors and Chairs (County Councils) from each member Council	Information not available	Yes
OROC (Orana Regional Organisation of Councils) 11 councils	Association	2 delegates from each council	Chair and 2 Deputy Chairs	Information not available
REROC (Riverina Eastern Regional Organisation of Councils) 13 councils	Incorporated Association	Mayors and General Managers from each member Council	Chairperson, Deputy Chairperson and Treasurer	Executive Committee of some Mayors and General Managers
RAMROC (Riverina and Murray Regional Organisation of Councils) 18 councils	Section 355 Committee of Murray Shire	Mayors and General Managers from each member Council	Chairman, Deputy Chairman and Secretary/Treasurer	Yes
Southern Councils Group (SCG) 7 councils	Association	Mayors and 1 Councillor from each member council	Information not available	Yes



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## **Planning an Integrated Built Environment Committee**

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### **11.0          Planning an Integrated Built Environment Committee Business**

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## C11.1 Draft Pittwater Local Planning Strategy

**Meeting:** Planning an Integrated Built Environment Committee

**Date:** 21 March 2011

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**STRATEGY:** Land Use & Development

**ACTION:** Complete Local Strategy and standard LEP template process and review DCP to align with best practice sustainability principles.

Review planning instruments to reflect Council's Strategic Plan, local values and respond to regional and state requirements as well as sustainability and climate change.

Explore opportunities for housing diversity to meet a range of needs.

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### PURPOSE OF REPORT

This report is to inform Council of the process undertaken to prepare a draft *Pittwater Local Planning Strategy* (see **tabled document**) and to provide an overview of the key chapters of the document. This report seeks a resolution for the draft *Pittwater Local Planning Strategy* to be placed on public exhibition and for community consultation to take place in accordance with the attached community consultation plan (**Attachment 1**).

### 1.0 BACKGROUND

- 1.1 The NSW Department of Planning announced in March 2006 that all Councils must revise their Local Environment Plans (LEPs), in the form of a 'Standard Instrument LEP'. Accordingly, all councils across NSW are expected to adopt an LEP that uses the same format, zones, planning language, and definitions.
- 1.2 In 2006 the Department of Planning also released the draft *North East Subregional Strategy* which contains targets requiring the North East Subregion (the Pittwater, Warringah and Manly LGAs) to provide a total of 17,300 new dwellings and 19,500 new jobs by 2031. Of these targets, Pittwater is expected to provide 4600 new dwellings and 6000 new jobs by 2031.
- 1.3 The relative isolation of the Northern Beaches and the limited transport connections to the wider Sydney Metropolitan Area have meant that our region has only been targeted to accommodate a small proportion of Sydney's overall projected growth.
- 1.4 Council has prepared a draft *Pittwater Local Planning Strategy* to provide the basis for a future Standard Instrument LEP for Pittwater that is consistent with Pittwater's community vision, as well as the draft *North East Subregional Strategy*. The *Pittwater Local Planning Strategy* will help Council manage the additional housing and employment expectations in a manner that is acceptable to the community.
- 1.5 The *Pittwater Local Planning Strategy* will also facilitate the achievement of the Pittwater *2020 Strategic Plan* as it responds to a number of specific strategic initiatives of the *2020 Strategic Plan* including:

- complete Local Strategy and standard LEP template process and review DCP to align with best practice sustainability principals;
- review planning instruments to reflect Council's Strategic Plan, local values and respond to regional and state requirements as well as sustainability and climate change; and
- explore opportunities for housing diversity to meet a range of needs.

## 2.0 ISSUES

### 2.1 Preparation of the draft *Local Planning Strategy*

- 2.1.1 In preparing the draft *Pittwater Local Planning Strategy* Council staff have undertaken significant background research, which has been used to set the context for the document, identify the main land use planning issues for Pittwater, analyse supply and demand and provide recommendations for meeting the expectations of the community and the State Government.
- 2.1.2 Council staff completed a review of all relevant strategic documents. These included the *Pittwater 2020 Strategic Plan*, *SHOROC Shaping our Future*, the *SHOROC Regional Employment Study and Addendum*, the draft *North East Subregional Strategy*, the *Metropolitan Plan*, the *NSW State Plan* and the *NSW State Infrastructure Strategy*. Relevant strategic initiatives from the *2020 Strategic Plan*, employment forecasts from the *SHOROC Regional Employment Study and Addendum*, and housing and employment targets from the draft *North East Subregional Strategy*, have been directly addressed throughout the *Pittwater Local Planning Strategy*.
- 2.1.3 A comprehensive mapping exercise (sieve mapping) has been completed, considering a range of environmental, social and economic characteristics in Pittwater. The result of comprehensive mapping exercise provided a land capability map of Pittwater that categorises land into five categories ranging from least constrained to severely constrained.
- 2.1.4 A demographic analysis of the Pittwater community was completed by Council staff, using information from the NSW Bureau of Transport Statistics and the Pittwater Council Community Profile (developed by Informed Decisions).
- 2.1.5 Council staff undertook an audit of existing development trends, including a desktop review of development applications approved for new residential, retail, commercial and industrial development from 2001-2010. The audit determined the progress Pittwater has already made towards meeting targets for housing and employment. Remaining capacity for development within the current zones under the existing planning regime was then identified. This has been compared to a review of forecast demand, with options for meeting any projected shortfall in supply being considered via an analysis of strengths, weaknesses, opportunities and threats (SWOT analysis).
- 2.1.6 To ensure internal consistency the draft *Pittwater Local Planning Strategy* was distributed to internal Council departments, and comments from each relevant section have been incorporated into the draft document.

2.1.7 Consultation was also undertaken with the Planning an Integrated Built Environment (PIBE) Reference Group. The draft *Pittwater Local Planning Strategy* has been reported to the PIBE Reference Group approximately six times and the PIBE Reference Group has also participated in two workshops where they discussed the following key issues or concerns:

- a sustainable future, recognising climate change issues;
- working with the State in creating a LEP tailored to Pittwater's needs; and
- opportunities for people to live close to employment by providing a diverse range of housing and jobs.

2.1.8 An overview of the draft *Pittwater Local Planning Strategy* was also presented to the Natural Environment Reference Group, the Community, Recreation and Economic Development Reference Group and the Governance Reference Group, in preparation for the proposed public exhibition.

2.1.9 The draft *Pittwater Local Planning Strategy* has incorporated all relevant background research and consultation comments into a document that comprises seven key areas relating to land use planning. The key chapters of the draft *Pittwater Local Planning Strategy* are:

- Centres and Corridors;
- Economy and Employment;
- Housing;
- Transport and Infrastructure;
- Environment, Heritage and Resources;
- Parks, Public Places and Culture; and
- Implementation and Governance.

A summary of each chapter is given below.

## 2.2 Centres and Corridors

2.2.1 The draft *Pittwater Local Planning Strategy* examines the existing centres and corridors in the Pittwater LGA and discusses the role of each centre in relation to the centres hierarchy detailed in the draft *North East Subregional Strategy*.

2.2.2 The draft *Pittwater Local Planning Strategy* supports the continued role of Mona Vale as Pittwater's highest order centre, encourages the retention of employment generating uses in our centres, and promotes the continued viability of centres that serve the needs of the local community.

2.2.3 The draft *Pittwater Local Planning Strategy* also recommends the establishment of an enterprise corridor at North Narrabeen, with appropriate zoning adopted under a future Standard Instrument LEP.

## 2.3 Economy and Employment

2.3.1 The draft *Pittwater Local Planning Strategy* provides an analysis of the issues affecting the local economy and employment in Pittwater.

2.3.2 The draft *Pittwater Local Planning Strategy* identifies Pittwater's main issues and trends in relation to the economy and employment. These include:

- the need to provide employment in Pittwater so people can work closer to home;

- the limited number of opportunities for future large scale employment generating development in the LGA;
- the growing influence that transport and traffic conditions have on the ability of Pittwater to attract non-resident workers;
- the increasing levels of local employment in retail and services sectors;
- the decreasing levels of local employment in areas related to manufacturing and industry;
- the affect high housing costs have on the viability of lower paid industries in Pittwater and the ability of these industries to find staff; and
- potential conflict between residential and commercial uses in centres.

2.3.3 The draft *Pittwater Local Planning Strategy* reviews the demand for additional employment in the Pittwater LGA, including the target set by the draft *North East Subregional Strategy* for achieving 6000 new jobs from 2001 to 2031. The chapter also reviews the findings of the *SHOROC Regional Employment Study 2008* and the *SHOROC Employment Lands Study Addendum* prepared in 2011, which forecasts projected growth in demand for retail, commercial, industrial and special uses floorspace. The projected demand for additional floorspace from 2006 to 2031 is as follows:

- 14,478 square metres of industrial floorspace;
- 21,237 square metres of commercial floorspace;
- 106,708 square metres of retail floorspace; and
- 54,348 square metres of special uses floorspace.

2.3.4 A desktop review of development since 2006 has shown that the targets for industrial and commercial floorspace have been achieved, but there still remains unmet demand for retail and special uses floorspace. The draft *Pittwater Local Planning Strategy* recommends the Southern Buffer in Warriewood be investigated as a potential location for future additional floorspace to meet this demand, including potential for bulky goods retail. It also recommends the retention of the existing industrial areas at Mona Vale, Warriewood and North Narrabeen, and recognises the important role they have in providing employment and services for the Pittwater community.

2.3.5 In relation to the unmet demand for special uses floorspace, it is considered that the potential Frenchs Forest Specialised Centre may have significant impact on such demand. The draft *Pittwater Local Planning Strategy* recommends waiting until there is greater planning certainty regarding the future of Frenchs Forest before making any significant recommendations in relation to special uses floorspace.

2.3.6 The draft *Pittwater Local Planning Strategy* considers options for expanding business opportunities in Pittwater when preparing a Standard Instrument LEP, and suggests the creation of an enterprise corridor at North Narrabeen and the promotion of working from home.

## 2.4 Housing

2.4.1 The draft *Pittwater Local Planning Strategy* provides an analysis of the issues affecting housing in Pittwater and the range of residential development types occurring in Pittwater. It also includes an assessment of the capacity and likely dwelling yield under the current Pittwater LEP 1993 and the Warriewood Valley Planning Framework 2010. The draft *Pittwater Local Planning Strategy* compares predicted yield with demand and suggests a future land use planning outlook based on these factors.



2.4.2 The draft *Pittwater Local Planning Strategy* identifies the principal issues affecting planning for housing in Pittwater to be:

- decreasing household size, which is expected to fall from 2.65 persons per dwelling in 2006 to 2.51 persons per dwelling in 2021;
- an ageing population, with the proportion of the population aged 65 years and over expected to increase from 16.0% in 2006 to 22.0% in 2031; and
- decreasing housing affordability, with the mean sale price of all dwellings in Pittwater increasing from \$391,000 in 1997 to \$1,006,000 in 2010, without commensurate increases in income levels.

In response to these issues the draft *Pittwater Local Planning Strategy* recommends encouraging an increased variety of housing choice (including smaller dwellings), the promotion of a centres based focus for additional dwellings, the retention of affordable housing, the creation of new affordable housing in appropriate locations and encouraging the construction of housing that meets design standards adaptable to, or suitable for accommodating people with a disability or with mobility issues.

2.4.3 The draft *Pittwater Local Planning Strategy* reviews the demand for additional housing in the Pittwater LGA, including the target set by the draft *North East Subregional Strategy* for achieving 4600 new dwellings from 2004 to 2031.

2.4.4 The draft *Pittwater Local Planning Strategy* identifies the contribution of different types of residential development to overall housing production in Pittwater and predicts the likely yield to 2031 under the current planning regime (provided by the Pittwater LEP 1993 and the Warriewood Valley Planning Framework 2010). The analysis also considers the recent decision of the Planning and Assessment Commission (PAC) to approve 447 dwellings on 14-18 Boondah Road in Buffer Area 3 of the Warriewood Valley Land Release Area, and acknowledges ongoing uncertainty regarding the total likely yield in Warriewood Valley. The likely total yield will be determined pending a comprehensive strategic study for the whole of Warriewood Valley in relation to height and density standards, to be prepared jointly by Council and the Department of Planning at the recommendation of the PAC.

2.4.5 Based on calculations of likely yield it is predicted that Pittwater will meet the 2031 housing target under the current planning regime, such that there is no short to medium term need for planning initiatives to increase the supply of housing, including no need to identify additional areas for multi unit housing. However, it is important for ongoing monitoring to keep track of development and monitor any changes in development trends that may affect the achievement of the housing target.

## 2.5 Transport and Infrastructure

2.5.1 The draft *Pittwater Local Planning Strategy* examines key transport and infrastructure (including health, sewer and water) challenges and trends in the Pittwater LGA and gives consideration to future demand requirements and likely provision.

2.5.2 The key challenges, trends and needs in relation to transport and infrastructure in Pittwater, include:

- the high level of private vehicle use;
- the low level of public transport use;
- a lack of efficient public transport and the need for improvements, including bus lanes, bus priority measures, increased frequencies, and improved links with other modes;

- heavy congestion on key transport corridors (Pittwater Road, Mona Vale Road and Wakehurst Parkway) during peak periods;
- the growing pressure on the east west transport corridor and the need for dual carriageway along the entire length of Mona Vale Road;
- the need for Wakehurst Parkway to be upgraded for flood free access and a grade separated intersection with Warringah Road;
- the growing influence of traffic and transport issues on employment patterns;
- the need for a new northern beaches hospital and upgrading of Mona Vale Hospital;
- a lack of services to meet the needs of a large ageing population;
- population growth pressures on the Warriewood Sewerage Treatment Plant; and
- the potential future need to provide services to currently un-sewered properties in Ingleside, on Scotland Island and the western foreshores.

2.5.3 It is recognised that most of the current and future transport and infrastructure needs, rely on the State Government for both funding and implementation. It is considered that the role of Council is to communicate the needs of the community and advocate for appropriate provision of transport and infrastructure services to address the key local issues.

2.5.4 It is considered that the Council can work towards reducing the use of private motor vehicles for local trips, by improving opportunities for walking, cycling and other non vehicular transport modes throughout Pittwater.

## 2.6 **Environment, Heritage and Resources**

2.6.1 The draft *Pittwater Local Planning Strategy* considers issues associated with the natural environment (including: biodiversity, threatened species, the coastline, foreshores, waterways, climate change, and hazards), European and Aboriginal heritage, and the sustainable use of resources.

2.6.2 The draft *Pittwater Local Planning Strategy* acknowledges the vast range of environmental and heritage issues in Pittwater and their importance to the community. The draft *Pittwater Local Planning Strategy* has aimed to consider the spatial distribution of areas of environmental and heritage value through a sieve mapping process that has resulted in the production of a land capability map. It is recommended in the draft *Pittwater Local Planning Strategy* that the land capability map inform all future land use planning decisions and provide a basis for the selection of areas capable for more intensive land use (if and when it is decided this is necessary). Through this, the draft *Pittwater Local Planning Strategy* aims to direct any future intensification away from the most environmentally sensitive areas in Pittwater.

2.6.3 The draft *Pittwater Local Planning Strategy* recommends the adoption of appropriate zones and controls in a future Standard Instrument LEP for Pittwater, to protect and control development in environmentally sensitive areas, items and areas of heritage value and areas subject to hazard.

## 2.7 **Parks, Public Places and Culture**

2.7.1 The draft *Pittwater Local Planning Strategy* considers issues associated with parks, public places and culture as they relate to land use planning in Pittwater, such as the provision of quality open space and recreational facilities for the local and tourist populations, and the provision of accessible community facilities to facilitate the growth of local culture and healthy sustainable communities.

- 2.7.2 The draft *Pittwater Local Planning Strategy* recognises the range of open spaces available in Pittwater including Ku-ring-gai Chase National Park, coastal beach reserves, foreshore parks, bushland reserves, local parks, sportsgrounds, golf courses and wetlands. The draft *North East Subregional Strategy* identifies Pittwater as an important regional open space resource for the wider metropolitan community.
- 2.7.3 Despite the generous provision of open space in the Pittwater LGA most of this space is 'passive' open space (such as parks and reserves) and there is a strong and growing demand for playing fields and sports grounds that remains unmet. As one of the few opportunities to add to Pittwater's network of open space and community assets is through section 94 contribution plans for new release areas, the draft *Pittwater Local Planning Strategy* recommends that Council seek an appropriate level of open space provision within the Warriewood Valley Land Release Area and the potential future Ingleside Land Release Area, as well as giving consideration to any other opportunities for additional assets as they arise.
- 2.7.4 The draft *Pittwater Local Planning Strategy* discusses the vital role that community facilities have in connecting the community and recommends future land use and zoning decisions ensure the protection of existing facilities and opportunities for expansion where appropriate.

## 2.8 Implementation and Governance

- 2.8.1 The draft *Pittwater Local Planning Strategy* aims to be integrated, open and transparent. To achieve this the draft *Pittwater Local Planning Strategy* considers the need for community consultation, consistency with the Pittwater 2020 Strategic Plan and other council strategies, consistency with the *Metropolitan Plan* and the draft *North East Subregional Strategy* and the need for an ongoing review process to keep the *Pittwater Local Planning Strategy* current and relevant.
- 2.8.2 The *Pittwater Local Planning Strategy* should be reviewed 12 months after adoption, and at least every five years after that, or in response to significant changes in the direction of relevant Local, Subregional or State Government strategies.

## 2.9 Community consultation plan / public exhibition

- 2.9.1 A community consultation plan (**Attachment 1**) has been prepared, outlining a communication strategy for informing the Pittwater community of the draft *Pittwater Local Planning Strategy* during formal public exhibition. The proposed community consultation plan has been prepared in accordance with Council's Community Engagement Procedures.

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# 3 SUSTAINABILITY ASSESSMENT

## 3.1 Supporting & Connecting our Community (Social)

- 3.1.1 The draft *Pittwater Local Planning Strategy* aims to consider the needs and aspirations of the community and includes consideration of social and cultural issues. It recognises the important role of community facilities and our open space network in facilitating local culture and healthy sustainable communities. It also aims to ensure that the housing and employment targets in the draft *North East Subregional Strategy* can be achieved by 2031 in a manner acceptable to the community.

### 3.2 Valuing & Caring for our Natural Environment (Environmental)

- 3.2.1 The draft *Pittwater Local Planning Strategy* is underpinned by a sieve mapping process that has resulted in a land capability map, reflecting among other things, the spatial distribution of environmentally sensitive and valuable assets in Pittwater. The draft *Pittwater Local Planning Strategy* recommends the land capability map be used to inform future land use planning decisions, thereby ensuring future development is confined to environmentally appropriate locations.

### 3.3 Enhancing our Working & Learning (Economic)

- 3.3.1 The draft *Pittwater Local Planning Strategy* addresses issues relating to the economy and employment and recognises the importance of a strong local economy to the future sustainability of Pittwater. The draft *Pittwater Local Planning Strategy* aims to ensure that the employment targets of the draft *North East Subregional Strategy* and the *SHOROC Regional Employment Study and Addendum* can be achieved by 2031 in a manner acceptable to the community.

### 3.4 Leading an Effective & Collaborative Council (Governance)

- 3.4.1 The draft *Pittwater Local Planning Strategy* considers the need for consultation with the community and aims to provide land use planning actions generally consistent with the 2020 Strategic Plan and other relevant Local, Subregional, State and Commonwealth Government strategies. The draft *Pittwater Local Planning Strategy* also includes consideration of the need for ongoing reviews and updates. This report recommends the draft *Pittwater Local Planning Strategy* be placed on public exhibition to allow for consultation with the community.

### 3.5 Integrating our Built Environment (Infrastructure)

- 3.5.1 The draft *Pittwater Local Planning Strategy* has given consideration to the community vision and the desired character of the Pittwater LGA (as described in the Pittwater 21 Development Control Plan), which focuses on sustainable development and the preservation of the existing character of the environment and our village centres. The draft *Pittwater Local Planning Strategy* considers that any future development for be consistent with both the community vision and desired character.

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## 4.0 EXECUTIVE SUMMARY

- 3.1 The preparation of the draft *Pittwater Local Planning Strategy* (see **tabled document**) is in direct response to a specific strategic initiative of the *2020 Strategic Plan* (contained in the Land Use and Development Strategy), which requires the completion of a Local Strategy.
- 3.2 Council has prepared a draft *Pittwater Local Planning Strategy* to provide for a future Standard Instrument LEP that is consistent with the goals and objectives of the local area as well as the draft *North East Subregional Strategy* and other relevant Local, Subregional, State and Commonwealth strategies.
- 3.3 In preparing the draft *Pittwater Local Planning Strategy* Council staff have undertaken significant background research, including; a review of all relevant strategic documents, a land capability map of Pittwater, a demographic analysis, an audit of existing development trends, a desktop review of development application approvals and an assessment of progression towards meeting specific targets for employment and housing.

- 3.4 The draft *Pittwater Local Planning Strategy* comprises seven key chapters relating to land use planning, which are:
- Centres and Corridors;
  - Economy and Employment;
  - Housing;
  - Transport and Infrastructure;
  - Environment, Heritage and Resources;
  - Parks, Public Places and Culture; and
  - Implementation and Governance.
- 3.5 The major findings of the document include:
- That to meet the 2031 employment target and forecast floorspace demand, the Southern Buffer in Warriewood Valley should be investigated as a potential location for future additional retail floorspace.
  - That it is likely that the 2031 housing target can be met under the existing planning regime, such that there is no short to medium term need for planning initiatives to increase the supply of housing.
- 3.6 A community consultation plan (**Attachment 1**) has been prepared, outlining a communication strategy for informing the Pittwater community of the draft *Pittwater Local Planning Strategy* during formal public exhibition.
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## RECOMMENDATION

1. That the report in relation to the draft *Pittwater Local Planning Strategy* (see **tabled document**) be noted.
2. That the attached Community Consultation Plan be adopted and the draft *Pittwater Local Planning Strategy* and overlay classification map be placed on public exhibition.
3. That the outcomes of public exhibition be reported back to Council prior to formal adoption of the *Pittwater Local Planning Strategy*.

Report prepared by  
Monique Tite, Senior Strategic Planner

Lindsay Dyce  
**MANAGER, PLANNING AND ASSESSMENT**

## **The draft Pittwater Local Planning Strategy – Community Consultation Plan –**

### **1.0 Introduction**

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The need for a *Pittwater Local Planning Strategy* was established by the *Pittwater 2020 Strategic Plan*, which was developed through extensive consultation with the community. The draft *Pittwater Local Planning Strategy* aims to deliver the aspirations of the community in relation to land use planning and it is therefore recognised that there is a need for community input to strengthen the document. The draft *Pittwater Local Planning Strategy* will undergo public exhibition and consultation with the community prior to the preparation of a final *Pittwater Local Planning Strategy* and prior to formal adoption of the *Pittwater Local Planning Strategy* by Council. This consultation plan has been prepared in accordance with the Council's *Community Engagement Procedures*.

### **2.0 Purpose**

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The purpose of this Community Consultation Plan is:

- to identify the specific requirements for community engagement in relation to the draft *Pittwater Local Planning Strategy* in accordance with Council's *Community Engagement Procedures*;
- to clarify the role of the community in providing feedback on the draft *Pittwater Local Planning Strategy*;
- to identify and document consultation that occurred during the planning and preparation of the draft *Pittwater Local Planning Strategy*;
- to identify suitable community consultation and communication methods that will be used to inform the wider community of the draft *Pittwater Local Planning Strategy* and meet community expectations; and
- to identify the key principles that will guide the assessment of community feedback and articulate and how community feedback will contribute to the *Pittwater Local Planning Strategy*.

### **3.0 Objectives of community consultation**

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Pittwater Council's strength is in its residents and community. Council recognises the important contribution that effective community consultation makes to good governance and the delivery of good practice outcomes for Council. The objectives of community consultation for the draft *Pittwater Local Planning Strategy* are as follows:

- to conduct community consultation in a way that demonstrates a genuine commitment to informing the Pittwater Community on all issues that may directly or indirectly affect them;
- to inform the Pittwater community about the draft *Pittwater Local Planning Strategy*, its purpose, goals and intentions;
- to seek the community's views and aspirations in relation to land use planning in Pittwater to 2031; and
- where appropriate, incorporate community aspirations and concerns into the final *Pittwater Local Planning Strategy*.

#### 4.0 Consultation during preparation of the draft *Pittwater Local Planning Strategy*

In the preparation stages of the draft *Pittwater Local Planning Strategy* the Council sought the involvement of the community through consultation and meetings with the Planning and Integrated Built Environment (PIBE) Reference Group. Consultation with this group included discussion of the Strategy at six meetings and two workshops with Council staff. The draft *Pittwater Local Planning Strategy* was also presented to the Community, Recreation and Economic Development Reference Group, the Governance Reference Group and the Natural Environment Reference Group.

Internal consultation within the departments of Councils took place during the preparation of the draft *Pittwater Local Planning Strategy*.

#### 5.0 Council's *Community Engagement Procedures*

Council's Community Engagement Policy requires the draft *Pittwater Local Planning Strategy* to be assessed in relation to the impact or significance it may have to the community. This in turn is used to determine an appropriate level of community participation.

The draft *Pittwater Local Planning Strategy* is considered to a project with a high impact on the whole LGA. It impacts a substantial and significant range of the community (area and people) by setting the strategic planning direction for Pittwater to 2031 and informing the preparation of a Standard Instrument LEP for Pittwater. In addition the draft *Pittwater Local Planning Strategy* is aiming to directly respond to high impact regional strategies and directions that set housing and employment targets.

In accordance with the International Public Participation (IAP2) Spectrum contained in Council's *Community Engagement Procedures*, the levels of community participation proposed in relation to the draft *Pittwater Local Planning Strategy* are 'Inform', 'Consult' and 'Involve'. They are explained in the following table:

Level of Participation	Public Participation Goal	Promise to the Public	Examples
<b>Inform</b>	To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions	We will keep you informed	Advising the community of a situation, proposal, decision or direction
<b>Consult</b>	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	Seeking comment or feedback on a proposal, action or issue
<b>Involve</b>	To obtain feedback on analysis, alternatives and/or decisions	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how the public influenced the decision	Involving the community in discussion and debate through personal contact, meetings or sessions that encourage participation

#### 6.0 Stakeholders

The following stakeholders are identified for the purposes of community consultation:

- all residents and landowners of the Pittwater LGA;
- Pittwater Council reference groups;
- resident and community groups and associations;
- chambers of commerce;
- internal Council departments;
- adjoining Local Government Areas (Warringah, Hornsby and Gosford);

- SHOROC partners;
- NSW State Government departments and agencies (eg. Department of Planning); and
- Federal and State elected representatives.

It is important that the selected communication methods outlined in section 7.0 are sufficient to inform the abovementioned stakeholders, and where stakeholders wish to have more involvement provide options for further consultation and involvement.

## 7.0 Communication methods

The draft *Pittwater Local Planning Strategy* will be publicly exhibited for a minimum of 1 month.

The communication methods are detailed in the following table.

Methods	Description	Timing	Response method
<b>Print Media</b>	Advertisement in the Manly Daily  Mayors Column	At the commencement of public exhibition, and on the first Saturday of the exhibition period  In the first week of public exhibition	Written submissions
<b>Electronic Media</b>	Media Release  Advertisement on the Council website  GM's Blogspot  Monthly online Pittwater Report  Survey Monkey - Targeted Consultation Questions (attachment 1)  Social Media (Facebook and Twitter)	At the commencement of public exhibition or 2 days prior to the end of the exhibition period  For the entire length of public exhibition  At the commencement of public exhibition  During public exhibition  During public exhibition  At the commencement of public exhibition, and 1 week before the close of public exhibition	Written submissions
<b>Direct Mail</b>	Letters to Community groups and Chambers of Commerce  Letters to state and federal elected representatives  Referrals to Statutory Authorities	At the commencement of public exhibition	Written submissions
<b>Displays / signboards</b>	Council Administration Building and local libraries	For the entire exhibition period	Written submissions
<b>Face to Face</b>	Public Meeting	During and potentially after public exhibition depending on public response / interest	Verbal comments and discussion



## **8.0 Resources required**

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It is considered that the following resources will be required to undertake the communication methods outline in section 7.0:

- staff time;
- signage;
- printing and postage;
- online survey (survey monkey); and
- advertising costs.

It is considered that the proposed communication methods for community consultation can be provided within the existing budget.

## **9.0 Evaluation of community feedback**

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Council staff will assess feedback from the community with consideration of general planning principles, local, regional and state policies, goals and targets. It is recognised that the interests of both local and regional stakeholders must be taken into account. Local and regional interests may not always align but both sets of interests must be captured and considered and a balance between local and regional interests must be determined, having regard to all points of view.

Council staff will aim to reflect the overall views of the community in the final *Pittwater Local Planning Strategy*. The results of public exhibition and community consultation will be reported to Council before adoption of any final *Pittwater Local Planning Strategy*.

Any persons who made submissions during the consultation period will be informed of the Council Meeting and advised of Council's decision with regards to adoption of the *Pittwater Local Planning Strategy*.

## **10.0 Evaluating the success of community consultation**

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The following indicators will be used to evaluate the success of the communication methods in engaging with the community:

- Number of submissions
- Number of responses from community groups and organisations
- Number of responses from individuals
- Type of submissions received (electronic / paper)
- Number of calls or inquiries
- Number of people attending the public meeting and information stalls
- Number survey responses
- Number interested in focus groups
- Website hits
- Amount of related social media activity

## Community Consultation Plan Attachment 1

### Targeted Consultation Questions

1. Pittwater needs to provide 6000 new jobs by 2031. Considering the need to be more sustainable, where would you like them to be?
2. Mona Vale is currently the main town centre in Pittwater. How do you see it evolving over the next 10-20 years?
3. The Metropolitan Plan aims to focus residential development within centres and corridors, which have access to public transport and local services, as it is believed these are the most sustainable locations for housing. Do you support this?
4. Which centres in Pittwater do you think are suitable for accommodating further sustainable growth?
5. Which centres in Pittwater do you think are unsuitable for accommodating further sustainable growth?
6. If Pittwater needs to provide areas for new housing in the future, which places in Pittwater would be most suitable for accommodating new multi unit housing?
7. To meet the housing target should development be allowed in non-urban areas?
8. To meet future housing targets should Council allow dual occupancy development throughout Pittwater?
9. If Pittwater needs to provide areas for new housing in the future I would prefer these to be in the form of:
  - a) Medium density development
  - b) Low density development (including dual occupancy)
  - c) Low density development (land release)
  - d) High density development
  - e) A combination of \_\_\_\_\_
10. If Pittwater needs to provide areas for new housing in the future I would prefer the majority of new dwellings to be located in;
  - a) Non-urban areas
  - b) Existing urban areas
  - c) A limited number of existing centres
11. The provision of affordable housing is important for economic and social sustainability. Should affordable housing should be provided even if incentives such as additional floor space or increased height need to be provided?
12. What do you value about living in Pittwater and what are the positive and negative outcomes of population growth?
13. Demographic Questions  
Age, Gender, Employment Status, Resident or non resident
14. Contact Details  
Name, email, phone, address
15. What is your preferred method of consultation?
16. Do you think consultation on this issue is worthwhile?

Links to key documents for background reading:

a) North East Sub Regional Strategy

<http://www.metrostrategy.nsw.gov.au/Subregions/NorthEastsubregion/tabid/76/language/en-AU/Default.aspx>

b) Sydney Metropolitan Strategy

<http://www.metrostrategy.nsw.gov.au/>

c) Sydney Metropolitan Plan

<http://www.metroplansydney.nsw.gov.au/>

d) SHOROC Regional Employment Study

<http://shoroc.com/press-publications/transport-submissions-and-reports/>

e) SHOROC Employment Lands Study Addendum

[http://www.pittwater.nsw.gov.au/building\\_and\\_development/strategic\\_planning/land\\_use\\_planning\\_strategy](http://www.pittwater.nsw.gov.au/building_and_development/strategic_planning/land_use_planning_strategy)

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<b>C11.2</b>	<b>Major Project Declaration on 2 Macpherson Street Warriewood and 23-27 Warriewood Road Warriewood</b>
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**Meeting:** Planning an Integrated Built Environment Committee      **Date:** 21 March 2011

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**STRATEGY:** Land Use & Development

**ACTION:** Coordinate land use planning component of land release

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## **PURPOSE OF REPORT**

The purpose of this report is to inform Council of the Minister's advice dated 28 February 2011 (received 8 March 2011) that a proposal by Meriton for a Major Project Concept Plan for 23-27 and 2 MacPherson Street had been accepted under Part 3A of the Act.

## **1.0 BACKGROUND**

1.1 By letter dated 1 December 2009 the Director-General of the Department of Planning advised Council of his decision regarding a request for a Major Project at a number of sites owned by Meriton in the Warriewood Valley Release Area, being:

- 14-18 Boondah Road
- 23-27 Warriewood Road, and
- 2 Macpherson Street.

The Director-General's letter of 1 December 2009 advised that under delegated authority, he considered the residential proposal for 14-18 Boondah Road Warriewood, a Major Project under Part 3A of the Environmental Planning and Assessment Act. This property is in Buffer Area 3 of the Warriewood Valley Release Area.

Additionally the Director-General's letter declined to authorise the proposal for 23-27 Warriewood Road and 2 Macpherson Street . He stated:-

*"I have also advised Meriton that I am not prepared to authorise the submission of a Concept Plan for the proposal at 23-27 Warriewood Road / 2 Macpherson Street, Warriewood. In this regard, a more strategic approach is required involving the development of the whole of Buffer Area 1 to ensure equitable outcomes are achieved for all landowners and to enable a more careful consideration of existing development capacity and infrastructure constraints [sic] It is also noted that Council's LEP identifies this land as containing development constraints, requiring a more detailed consideration of the future development of this site [sic]"*

The Director-General's letter ( 1 December 2009) made available to Council a copy of Meriton's letter (19 August 2009) to the Department which outlined Meriton's proposal for **23-27 Warriewood Road and 2 Macpherson Street at that time**. It showed development of both properties for 13 buildings containing 399 dwellings of 3-5 storeys. (see **ATTACHMENT 1**)

A map showing all properties currently owned by Meriton is **ATTACHMENT 2**.

- 1.2 The Director-General letter of 1 December 2009 also sought Council's approval to undertake a strategic review. Approval to undertake a strategic review was initially provided by Council

The Department commissioned Worley Parsons to undertake the strategic review based on a brief that was not reviewed or approved by Council.

Council officers' involvement to the strategic review process was limited to providing background documents and information to Worley Parsons, and commentary to the Department on the Draft Review report.

- 1.3 Development of the Warriewood Valley Release Area through a sector by sector approach is based on the *1997 Warriewood Valley Planning Framework and the 2001 STP Buffer Planning Framework*.

The implications of the capping of the contributions rate to \$62,100 per dwelling prompted the need to review the Planning Framework documents for Warriewood Valley to examine additional mechanisms that may be implemented to ensure orderly development continues in the Valley, and assist in reducing any funding shortfall or infrastructure provision as a result of the Minister's direction, including initiatives to encourage development take up.

Council's review commenced in November 2009 and was completed in January 2010. After a public exhibition period, the *Warriewood Valley Planning Framework 2010* was adopted at Council's meeting of 3 May 2010. Council also resolved to, inter-alia :

*"7. ...facilitate the increase in dwelling yields for Buffer Areas 1, 2 and 3 consistent with the dwelling yields identified in the Warriewood Valley Planning Framework 2010, based on the density of 25 dwellings per hectare, and amend Clause 30C of Pittwater LEP as it relates to the maximum dwelling yield permitted in relevant sectors in Warriewood Valley.*

*As such, that Council endorse progression of the statutory rezoning process to increase the maximum dwelling yield permitted in Buffer Areas 1, 2 and 3..."*

Council's proposal to amend Clause 30C, in accordance with Council's resolution, was rejected by the Department of Planning (in a letter dated 7 June 2010).

- 1.4 The Concept Plan for 14-18 Boondah Road, including details of Stage 1 Application, was lodged with the Department of Planning, publicly exhibited from 14 April to 14 May 2010 (and extended to 15 June 2010).

The Department wrote to Meriton advising of the issues raised in submissions and invited Meriton to lodge a Concept Plan and Preferred Project. Council officers made a written submission in regard to the revised Concept Plan Preferred Project, and made a verbal submission to the Planning Assessment Commission in late November 2010.

- 1.5 On 18 January 2011, the Planning Assessment Commission (PAC) issued its determination for the application on 14-18 Boondah Road, issuing a Concept Approval and Project Approval.

The PAC's approval limited the density to 60 dwellings per hectare, with the site area based on developable hectare. 3 storey buildings are along the street frontages while the remainder of buildings are approved as 4 storeys in height (subject to the upper-most storey being stepped back). The PAC approval required the amendments to maintain a minimum of 50% of the developable area as deep soil area.

1.6 The PAC was critical of the Department's commissioned Strategic review of the Buffer Areas.

The PAC's determination also recommended a comprehensive strategic study of all undeveloped sites in the Valley to be completed as a joint-operation between the Department of Planning and Pittwater Council, and that the study considers those matters expressly highlighted by the PAC, namely:

- The appropriateness of Council height and density standards across the valley,
- The role of Warriewood Square, and the potential for higher density residential and employment generating developments adjacent to the centre, its role in the subregion and how it relates to the rest of the Valley in terms of development density, housing mix and traffic and transport,
- The current transport network and necessary improvement works, and
- The demand for physical and social infrastructure in the Valley and the surrounding area.

Any future 'Comprehensive Strategic Study' must reflect the PAC's decision, namely:

*"Firstly, strategic planning should not be driven by individual development proposals. It is preferable to establish the strategic direction for the entire Warriewood Valley before individual development proposals are considered. Of itself, the viability of the development from the proponent's perspective should not be a determining factor in establishing densities. Council should have a reasonable expectation that they can deliver the housing targets within their planning framework.*

*Secondly, the Strategic Review (DoP's) is too narrowly focused on the 3 buffer areas when a more strategic approach to the future development of whole Valley should be undertaken. The Commission notes two sectors (15 and B) were excluded from the review following consultation with Pittwater Council because they were not zoned for residential purposes. A strategic review should not be based on whether a site is currently zoned for residential purposes.*

*The Commission strongly recommends that Council and the Department work together to clarify the role of the Warriewood centre, the potential for higher density residential and employment generating developments adjacent to the centre, its role in the subregion and how it relates to the rest of the Valley, in terms of development density, housing mix and traffic and transport. Council and the Department should jointly prepare a comprehensive strategic study of the whole area ..."*

## 2.0 28 February 2011 MAJOR PROJECT DECLARATION BY THE MINISTER

- 2.1 The Major Project declaration for 2 Macpherson Street and 23-27 Warriewood Road Warriewood was granted by the Minister for Planning on 28 February 2011 (see **ATTACHMENT 3**).
- 2.2 Council received this notification on 8 March 2011. In response, Council has sought information as to the status of the "Comprehensive Strategic Review" from the Department of Planning.
- 2.3 The sites confirmed as the subject of the Major Project are in Buffer Area 1, northeast of the site approved for development by the PAC. The letter from the Minister advises that a request for declaration was also made by Meriton for its other site being 18 Macpherson Street Warriewood in Sector 3 (to the east of the Flower Power). A map is in (see **ATTACHMENT 1**)

- 2.4 No 2 Macpherson Street was identified by Council in its studies as having substantial environmental constraints. Council's adopted Warriewood Valley Planning Framework 2010 identified the site as having no development capacity.

The Department's commissioned Strategic Review Report (Worley Parsons) reiterated the same conclusion applying to No.2 Macpherson Street.

Notwithstanding, the Major Project declaration applies to No 2 Macpherson Street.

- 2.5 Subsequent to the Ministers Declaration a letter was received from Meriton (dated 10 March 2011) requesting for a cooperative approach between Council and Meriton, and submitted a site plan showing No 2 Macpherson Street being set aside for open space (see **ATTACHMENT 4**).

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### **3.0 SUSTAINABILITY ASSESSMENT**

#### **3.1 Supporting & Connecting our Community (Social)**

- 3.1.1 The recent Major Project Declaration again erodes the community's expectations of what was to be developed on this site and the level of infrastructure as based on publicised and accepted Planning framework documents for the Warriewood Valley Release Area.

#### **3.2 Valuing & Caring for our Natural Environment (Environmental)**

- 3.2.1 The Major Project Declaration proposal must be carefully analysed to ensure the protection and rehabilitation of the natural environment, as based on publicised and accepted Planning framework documents for the Warriewood Valley Release Area.

#### **3.3 Enhancing our Working & Learning (Economic)**

- 3.3.1 The Major Project Declaration undermines the orderly and planned development process implemented for Warriewood Valley by Council based on the Warriewood Valley Framework. The proposal for more dwellings in the Valley, without consideration for additional employment opportunities or increased public transport/alternative transport provision does little in assisting Council to achieve employment containment (Closer to home target, as set by the NSW Government).

#### **3.4 Leading an Effective & Collaborative Council (Governance)**

- 3.4.1 The Minister's decision to issue a Major Project Declaration, under Part 3A, again raises concern with the lack of transparency .

#### **3.5 Integrating our Built Environment (Infrastructure)**

- 3.5.1 The Major Project Declaration proposal may effects the amenity of residents, due to the scale of development proposed on the site, inconsistent with planning outcomes and vision for a sustainable community

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## **4.0 EXECUTIVE SUMMARY**

- 4.1 The Major Project Declaration for residential development on 2 Macpherson Street and 23-27 Warriewood Road Warriewood was granted by the Minister for Planning on 28 February 2011.

The Minister's Declaration was granted ahead of a "Comprehensive Strategic Study" of all undeveloped lands in Warriewood Valley has been commenced/completed jointly by the Department of Planning and Council as determined by the Minister's appointed Planning Assessment Commission in regard to a Part 3A application on another property in the vicinity.

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## **RECOMMENDATION**

1. That the report be noted.
2. That Council seek a delegation to the Director-General of the Department of Planning to express its concern with the proposal in the absence of a Comprehensive Strategic Study of the area as recommended by the Planning Assessment Commission.

Report prepared by

Liza Cordoba, Principal Officer Land Release

Lindsay Dyce

**MANAGER, PLANNING AND ASSESSMENT**



Extract from Department of Planning's letter to Council, dated 1 December 2009



*Making Luxury Apartments Affordable*

19 August 2009

Mr Chris Wilson  
Executive Director – Major DA Assessment  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Wilson,

**PROPOSED CONCEPT APPLICATION - WARRIEWOOD VALLEY REDEVELOPMENT**  
14-18 Boondah Rd, Warriewood  
23-27 Warriewood Road and 2 Macpherson Street, Warriewood

I refer to the above properties and our discussions yesterday regarding residential development on those properties.

Under the provisions of Section 75M of the *Environmental Planning & Assessment Act, 1979*, we hereby apply to the Minister for Planning for Concept Approval of the following project:

**14-18 Boondah Rd, Warriewood**

Construction of:

- 17 Residential Flat Buildings ranging in height from 3 to 5 storeys and containing a total of approximately 590 apartments (estimated FSR of 0.65:1);
- Basement car parking beneath each RFB;
- Specialty shops and a Childcare Centre at the entrance to the site of Macpherson Street;
- Flood mitigation works, creekline corridor restoration and site landscaping; and
- Road and footpath works, including placement of services for the development.

**23-27 Warriewood Road and 2 Macpherson Street, Warriewood**

Construction of:

- 13 Residential Flat Buildings ranging in height from 3 to 5 storeys and containing a total of approximately 399 apartments (estimated FSR of 0.75:1);
- Basement car parking beneath each RFB;
- Flood mitigation works, creekline corridor restoration and site landscaping; and
- Road and footpath works, including placement of services for the development.

Please refer to the attached plans by Stanisc & Associates. The development has been designed in consideration of cross ventilation, orientation, solar access, apartment depth, number of units serviced by a single lift core and amenity provisions of SEPP 65 and the *Residential Flat Design Code*.

Level 11, 528 Kent Street, Sydney, NSW 2000 • DX 1177 Sydney 2000  
Telephone: (02) 9287 2888 • Facsimile: (02) 9287 2777  
Email: [general@meriton.com.au](mailto:general@meriton.com.au) • Internet: <http://www.meriton.com.au>  
Trading as Meriton Apartments Member of the Meriton Group ABN 75 000 644 888

The development provides for a mix of affordable 1, 2 and 3 bedroom dwellings in a natural landscape setting and maximises expansive open space areas for the community.

The Council's current and proposed S.94 Contributions of \$70,000 per dwelling are exceedingly high and they have been a driving force in stifling residential development within the Warriewood Valley. In this regard, it is requested that the S.94 Contributions that are applicable to apartment developments within the general Pittwater LGA (outside of the Warriewood Valley), being \$20,000 per dwelling, apply to the proposed development. The quantum of Section 94 charges received under the proposed concept plan exceeds the amount that Council would have otherwise received for development constructed in accordance with their current planning controls.

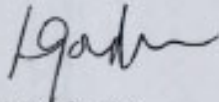
Development of these sites will also help the Council to finalise capping of the nearby Sewerage Treatment Plant.

Development of the subject sites has the potential to deliver hundreds of affordable dwellings to the NSW housing market and help ease the current under supply of housing. In addition, the development will help Pittwater Council to meet their housing supply targets of the Metropolitan Strategy whilst increasing monies received from its rate base.

It is our belief that our proposal would be most appropriately dealt with by the Department of Planning as a Major Project under the provisions of *Part 3A of the Environmental Planning & Assessment Act, 1979*, and we seek the Department's requirements for submission of a *Concept Plan*.

Please contact me in the first instance should you have any queries regarding the proposal.

Yours sincerely  
**MERITON APARTMENTS PTY LIMITED**



Walter Gordon  
**PLANNING & DEVELOPMENT MANAGER**



Meriton Apartments Pty Limited  
*Builders & Developers*

G:\workspace\new planning projects - council\warriewood\part 3a major project\letter to dept 15 aug 09.doc





4 December 2009.

Mr Michael Woodland  
Director Urban Assessments  
NSW Department of Planning  
23-33 Bridge Street  
SYDNEY NSW 2000



**MERITON TOWER**  
Level 11, 528 Kent Street  
Sydney NSW 2000  
Telephone: (02) 9287 2888  
Facsimile: (02) 9287 2777  
general@meriton.com.au

Dear Mr Woodland

**RE: DECLARATION OF MAJOR PROJECT AT 14-18 BOONDAH RD, WARRIEWOOD  
(MP09\_0162) FOR A RESIDENTIAL DEVELOPMENT**

I refer to the Director General's letter dated the 1 December 2009 which declares 14-18 Boondah Road, Warriewood as a project to which Part 3A of the Environmental Planning and Assessment Act applies.

The Director General's authorisation contained two components as listed below:

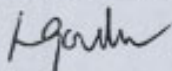
1. Declared the site as a project list under Schedule 1, Group 5 of the Major Development SEPP2005. This permits an applicant to submit an Environmental Assessment Application to the Department of Planning for residential development.
2. Authorisation for the submission of a concept plan in accordance with Sections 75M of the Environmental Planning and Assessment Act. This permits an applicant to submit a separate concept application for the land.

In this regard, Meriton seeks that the Director General requirements incorporate matters relating to a concept plan for the entire site and for a part major project application for residential development.

The project application for a residential development includes the buildings circled red and the internal roads as shown on the attached plan.

Should you require any further information relating to the staging of this development, please do not hesitate to contact me in the first instance.

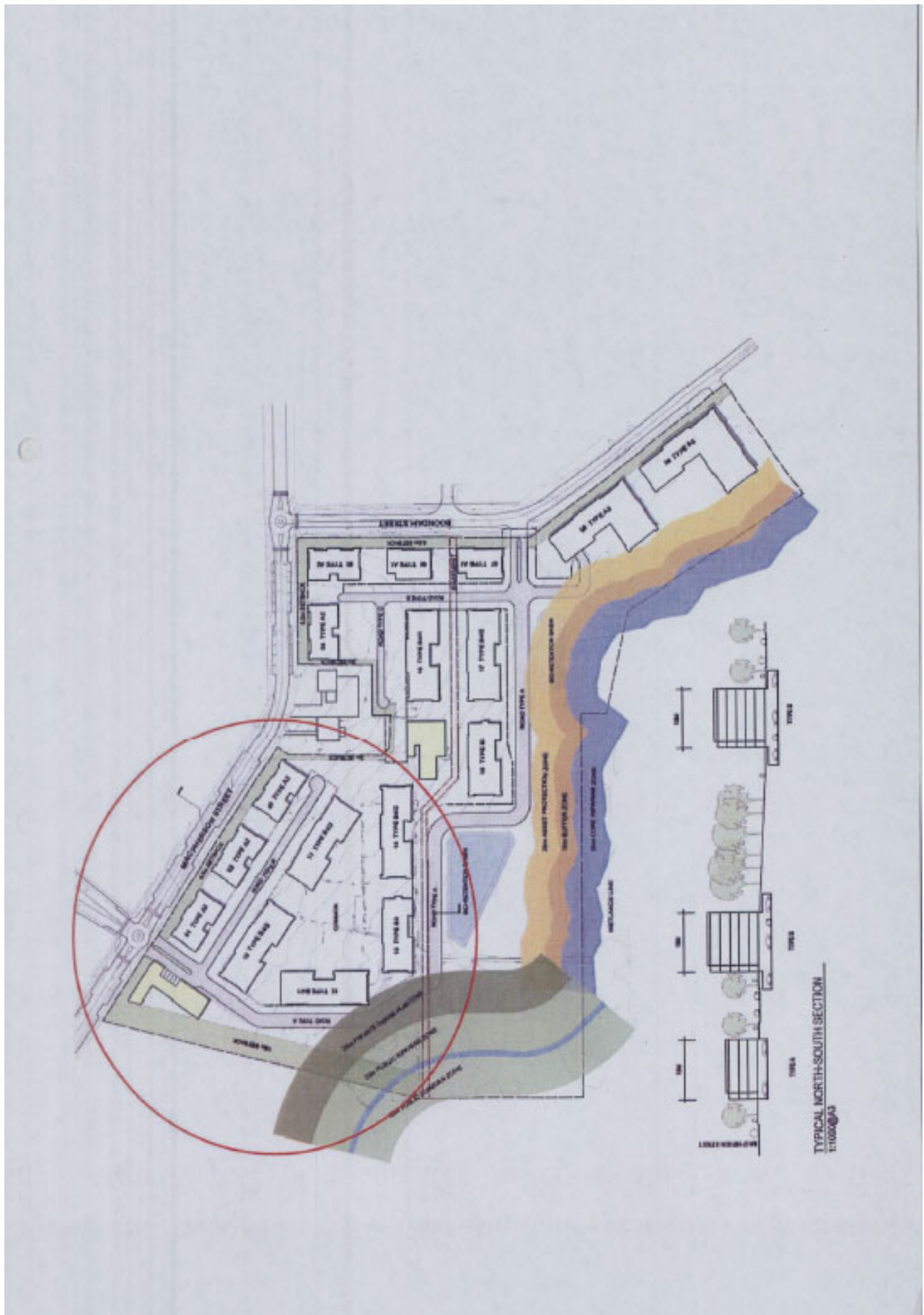
Yours faithfully  
**MERITON APARTMENTS PTY LIMITED**

  
Walter Gordon  
**PLANNING & DEVELOPMENT MANAGER**

C:\s\planning\planning projects - current\warriewood\14-18 boondah rd (part) part 3a major project\part 3a request\correspondence\wp - woodland - 4 dec 09.doc

DX 1177 Sydney 2000 • [www.meriton.com.au](http://www.meriton.com.au)  
Trading as Meriton Apartments. Member of the Meriton Group ABN 75 000 644 888





# SITE 1

## WARREWOOD

PROJECT ADDRESS  
MACHIESSON STREET,  
WARREWOOD

FROM  
MERITON APARTMENTS PTY LTD

STRANGE ASSOCIATES ARCHITECTS  
LEVEL 3, 272 MERT STREET, BRISBANE 4000  
T 0829 7847 T 0829 7872 [www.strange.com.au](http://www.strange.com.au)



PROVISION

Scale 1:200 (AS 11000:2015)

CD01

14.00.00

## FRAMEWORK PLAN



**SUMMARY**

Site Area	81180 sqm
Total Units	388
Total GFA	62380 sqm
FSC	8.50:1

### SCHEDULE OF UNITS AND ACCOMMODATIONS

Building	Area (sqm)	Units	Building Area	Units	Types
1	278 (20A-16)	200	57% A.2	7228	18 A.2
2	278 (20A-16)	200	57% A.2	7228	18 A.2
3	278 (20A-16)	200	57% A.2	7228	18 A.2
4	278 (20A-16)	200	57% A.2	7228	18 A.2
5	278 (20A-16)	200	57% A.2	7228	18 A.2
6	278 (20A-16)	200	57% A.2	7228	18 A.2
7	278 (20A-16)	200	57% A.2	7228	18 A.2
8	278 (20A-16)	200	57% A.2	7228	18 A.2
9	278 (20A-16)	200	57% A.2	7228	18 A.2
10	278 (20A-16)	200	57% A.2	7228	18 A.2
11	278 (20A-16)	200	57% A.2	7228	18 A.2
12	278 (20A-16)	200	57% A.2	7228	18 A.2
13	278 (20A-16)	200	57% A.2	7228	18 A.2
14	278 (20A-16)	200	57% A.2	7228	18 A.2
15	278 (20A-16)	200	57% A.2	7228	18 A.2
16	278 (20A-16)	200	57% A.2	7228	18 A.2
17	278 (20A-16)	200	57% A.2	7228	18 A.2
18	278 (20A-16)	200	57% A.2	7228	18 A.2
19	278 (20A-16)	200	57% A.2	7228	18 A.2
20	278 (20A-16)	200	57% A.2	7228	18 A.2
21	278 (20A-16)	200	57% A.2	7228	18 A.2
22	278 (20A-16)	200	57% A.2	7228	18 A.2
23	278 (20A-16)	200	57% A.2	7228	18 A.2
24	278 (20A-16)	200	57% A.2	7228	18 A.2
25	278 (20A-16)	200	57% A.2	7228	18 A.2
26	278 (20A-16)	200	57% A.2	7228	18 A.2
27	278 (20A-16)	200	57% A.2	7228	18 A.2
28	278 (20A-16)	200	57% A.2	7228	18 A.2
29	278 (20A-16)	200	57% A.2	7228	18 A.2
30	278 (20A-16)	200	57% A.2	7228	18 A.2
31	278 (20A-16)	200	57% A.2	7228	18 A.2
32	278 (20A-16)	200	57% A.2	7228	18 A.2
33	278 (20A-16)	200	57% A.2	7228	18 A.2
34	278 (20A-16)	200	57% A.2	7228	18 A.2
35	278 (20A-16)	200	57% A.2	7228	18 A.2
36	278 (20A-16)	200	57% A.2	7228	18 A.2
37	278 (20A-16)	200	57% A.2	7228	18 A.2
38	278 (20A-16)	200	57% A.2	7228	18 A.2
39	278 (20A-16)	200	57% A.2	7228	18 A.2
40	278 (20A-16)	200	57% A.2	7228	18 A.2
41	278 (20A-16)	200	57% A.2	7228	18 A.2
42	278 (20A-16)	200	57% A.2	7228	18 A.2
43	278 (20A-16)	200	57% A.2	7228	18 A.2
44	278 (20A-16)	200	57% A.2	7228	18 A.2
45	278 (20A-16)	200	57% A.2	7228	18 A.2
46	278 (20A-16)	200	57% A.2	7228	18 A.2
47	278 (20A-16)	200	57% A.2	7228	18 A.2
48	278 (20A-16)	200	57% A.2	7228	18 A.2
49	278 (20A-16)	200	57% A.2	7228	18 A.2
50	278 (20A-16)	200	57% A.2	7228	18 A.2
51	278 (20A-16)	200	57% A.2	7228	18 A.2
52	278 (20A-16)	200	57% A.2	7228	18 A.2
53	278 (20A-16)	200	57% A.2	7228	18 A.2
54	278 (20A-16)	200	57% A.2	7228	18 A.2
55	278 (20A-16)	200	57% A.2	7228	18 A.2
56	278 (20A-16)	200	57% A.2	7228	18 A.2
57	278 (20A-16)	200	57% A.2	7228	18 A.2
58	278 (20A-16)	200	57% A.2	7228	18 A.2
59	278 (20A-16)	200	57% A.2	7228	18 A.2
60	278 (20A-16)	200	57% A.2	7228	18 A.2
61	278 (20A-16)	200	57% A.2	7228	18 A.2
62	278 (20A-16)	200	57% A.2	7228	18 A.2
63	278 (20A-16)	200	57% A.2	7228	18 A.2
64	278 (20A-16)	200	57% A.2	7228	18 A.2
65	278 (20A-16)	200	57% A.2	7228	18 A.2
66	278 (20A-16)	200	57% A.2	7228	18 A.2
67	278 (20A-16)	200	57% A.2	7228	18 A.2
68	278 (20A-16)	200	57% A.2	7228	18 A.2
69	278 (20A-16)	200	57% A.2	7228	18 A.2
70	278 (20A-16)	200	57% A.2	7228	18 A.2
71	278 (20A-16)	200	57% A.2	7228	18 A.2
72	278 (20A-16)	200	57% A.2	7228	18 A.2
73	278 (20A-16)	200	57% A.2	7228	18 A.2
74	278 (20A-16)	200	57% A.2	7228	18 A.2
75	278 (20A-16)	200	57% A.2	7228	18 A.2
76	278 (20A-16)	200	57% A.2	7228	18 A.2
77	278 (20A-16)	200	57% A.2	7228	18 A.2
78	278 (20A-16)	200	57% A.2	7228	18 A.2
79	278 (20A-16)	200	57% A.2	7228	18 A.2
80	278 (20A-16)	200	57% A.2	7228	18 A.2
81	278 (20A-16)	200	57% A.2	7228	18 A.2
82	278 (20A-16)	200	57% A.2	7228	18 A.2
83	278 (20A-16)	200	57% A.2	7228	18 A.2
84	278 (20A-16)	200	57% A.2	7228	18 A.2
85	278 (20A-16)	200	57% A.2	7228	18 A.2
86	278 (20A-16)	200	57% A.2	7228	18 A.2
87	278 (20A-16)	200	57% A.2	7228	18 A.2
88	278 (20A-16)	200	57% A.2	7228	18 A.2
89	278 (20A-16)	200	57% A.2	7228	18 A.2
90	278 (20A-16)	200	57% A.2	7228	18 A.2
91	278 (20A-16)	200	57% A.2	7228	18 A.2
92	278 (20A-16)	200	57% A.2	7228	18 A.2
93	278 (20A-16)	200	57% A.2	7228	18 A.2
94	278 (20A-16)	200	57% A.2	7228	18 A.2
95	278 (20A-16)	200	57% A.2	7228	18 A.2
96	278 (20A-16)	200	57% A.2	7228	18 A.2
97	278 (20A-16)	200	57% A.2	7228	18 A.2
98	278 (20A-16)	200	57% A.2	7228	18 A.2
99	278 (20A-16)	200	57% A.2	7228	18 A.2
100	278 (20A-16)	200	57% A.2	7228	18 A.2

**SITE 2**  
**WARRIEWOOD**

PROJECT ADDRESS  
MADPHENSON STREET,  
WARRIEWOOD

FOUR  
MERTON APARTMENTS PTY LTD

STANISL ASSOCIATES ARCHITECTS  
LEVEL 3, 244 KERRY STREET, STONEY MOUNT  
T 8099 7871 / F 8099 7872 [www.stanisls.com.au](http://www.stanisls.com.au)











**SITE 1 + SITE 2**  
**WARRIEWOOD**

PROJECT ADDRESS  
MACPHERSON STREET,  
WARRIEWOOD

FOU  
MERITCH APARTMENTS PTY LTD

STANBIC ASSOCIATES ARCHITECTS  
1/2000 ST1 / 1/2000 ST2  
STANBIC ASSOCIATES ARCHITECTS

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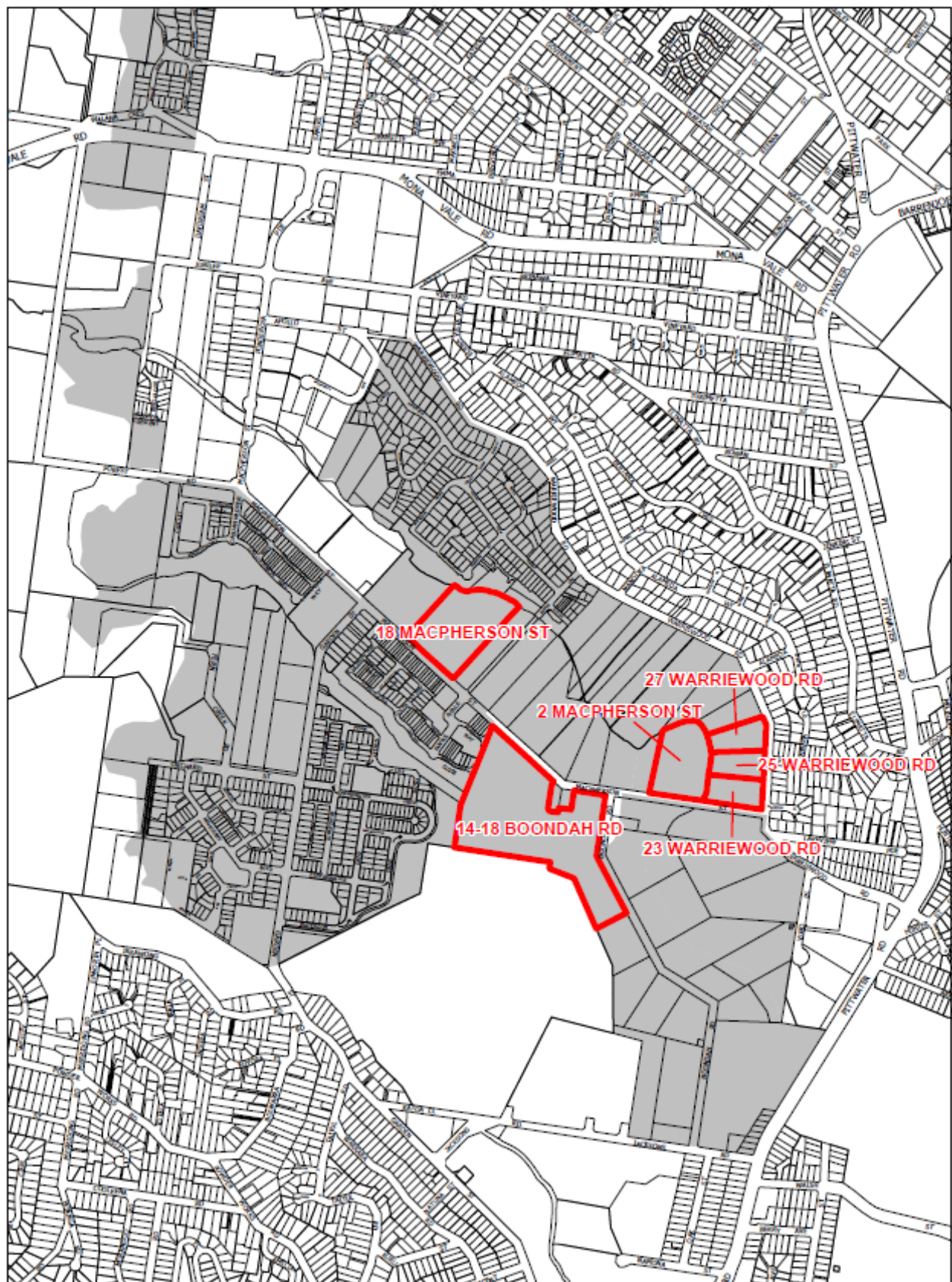
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**CONCEPT PLAN**









Hon Tony Kelly MLC  
Minister for Planning  
Minister for Infrastructure  
Minister for Lands  
Deputy Leader of the Government in the Legislative Council  
Leader of the House in the Legislative Council

The General Manager  
Mr Mark Ferguson  
Pittwater Council  
PO Box 882  
Mona Vale 1660



Dear Mr Ferguson,

**MAJOR PROJECT REQUEST: CONCEPT PLAN FOR 2 AND 18 MACPHERSON STREET AND 23- 27 WARRIEWOOD ROAD, WARRIEWOOD**

I refer to a recent request from Menton Apartments Pty Ltd to declare a proposed residential development at 2 and 18 Macpherson Street and 23 - 27 Warriewood Road, Warriewood as a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979*

After careful consideration, I have formed the opinion that the proposal for land at 2 Macpherson Street and 23-27 Warriewood Road (in Buffer Area 1) meets the non-discretionary criteria for a Major Project under Clause 13, Schedule 1 of the *State Environmental Planning Policy (Major Development) 2005* and is a project to which Part 3A of the Act applies for the purposes of Section 75B of the Act. I have also authorised the submission of a Concept Plan under section 75M of the Act for the proposal on this land

In forming this opinion, I consider that the Proponent should carefully review the Planning Assessment Commission's (PAC) determination of the Concept Plan at 14-18 Boondah Road, particularly in respect to density and height of this proposal. In addition, further analysis will need to be undertaken in regard to impacts upon the local road network and intersections in terms of the proposed increased densities

However, I am not prepared to authorise the submission of a Concept Plan for the proposal at 18 Macpherson Street in Sector 3. The subject land is located outside of the Buffer Areas that were the subject of the 2010 Strategic Review and this land should be included in the Comprehensive Strategic Study of the Warriewood Valley recommended by the PAC

Should you have any further enquiries regarding this Project, I have arranged for Michael Woodland, Director, Metropolitan & Regional Projects South to assist you. Michael may be contacted at the Department's Bridge Street Office on telephone number (02) 9228 6150

Yours sincerely

Tony Kelly MLC  
Minister for Planning

28 FEB 2011

Level 34, Governor Macquarie Tower  
1 Farrer Place, Sydney NSW 2000  
T (02) 9228 3999 F (02) 9228 3988

Room 809 Parliament House  
Macquarie Street, Sydney NSW 200  
T (02) 9230 2528 F (02) 9230 2530



**MERITON**  
MAKING LUXURY APARTMENTS  
AFFORDABLE

**MERITON TOWER**

Level 11, 528 Kent Street  
Sydney NSW 2000  
Telephone: (02) 9287 2888  
Facsimile: (02) 9287 2777  
general@meriton.com.au

10 March 2011.

Mr Harvey Rose  
Mayor  
Pittwater Council  
PO Box 882  
MONA VALE NSW 1660

Also by email: [Harvey\\_rose@pittwater.nsw.gov.au](mailto:Harvey_rose@pittwater.nsw.gov.au)

Dear Mr Rose

**RE: MAJOR PROJECT ANNOUNCEMENT – 23-27 WARRIEWOOD ROAD, WARRIEWOOD**

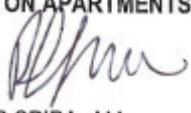
Both Council and our Company recently received notification from the Minister for Planning that the above project has been declared a Major Project. This land holding also includes 2 MacPherson Street, which is currently being used as a nursery.

I read your comments in the Manly Daily this morning in which you refer to the above land as being flood prone. This statement is only true in relation to 2 MacPherson Street and not the vast majority of 23-27 Warriewood Road, which are elevated properties. We enclose a site plan of these properties in which we outline the area of land upon which we propose to put our development should we receive consent. Clearly this shows that 2 MacPherson Street would be left as open space.

We had made an appointment to see your Mr Lindsay Dyce on Wednesday morning, 9 March at which meeting we would have explained our proposal in more detail to him, however he cancelled the meeting and we are waiting for him to reschedule. I would take this opportunity to state our Company intends to work cooperatively with Council in the construction of our already approved development at 14-18 Boondah Road, Warriewood, which will ultimately provide much needed housing at affordable prices as well as a child care facility and public road and open space to be dedicated to Council.

Should you wish to discuss our proposals further please do not hesitate to contact me.

Yours sincerely  
**MERITON APARTMENTS PTY LIMITED**

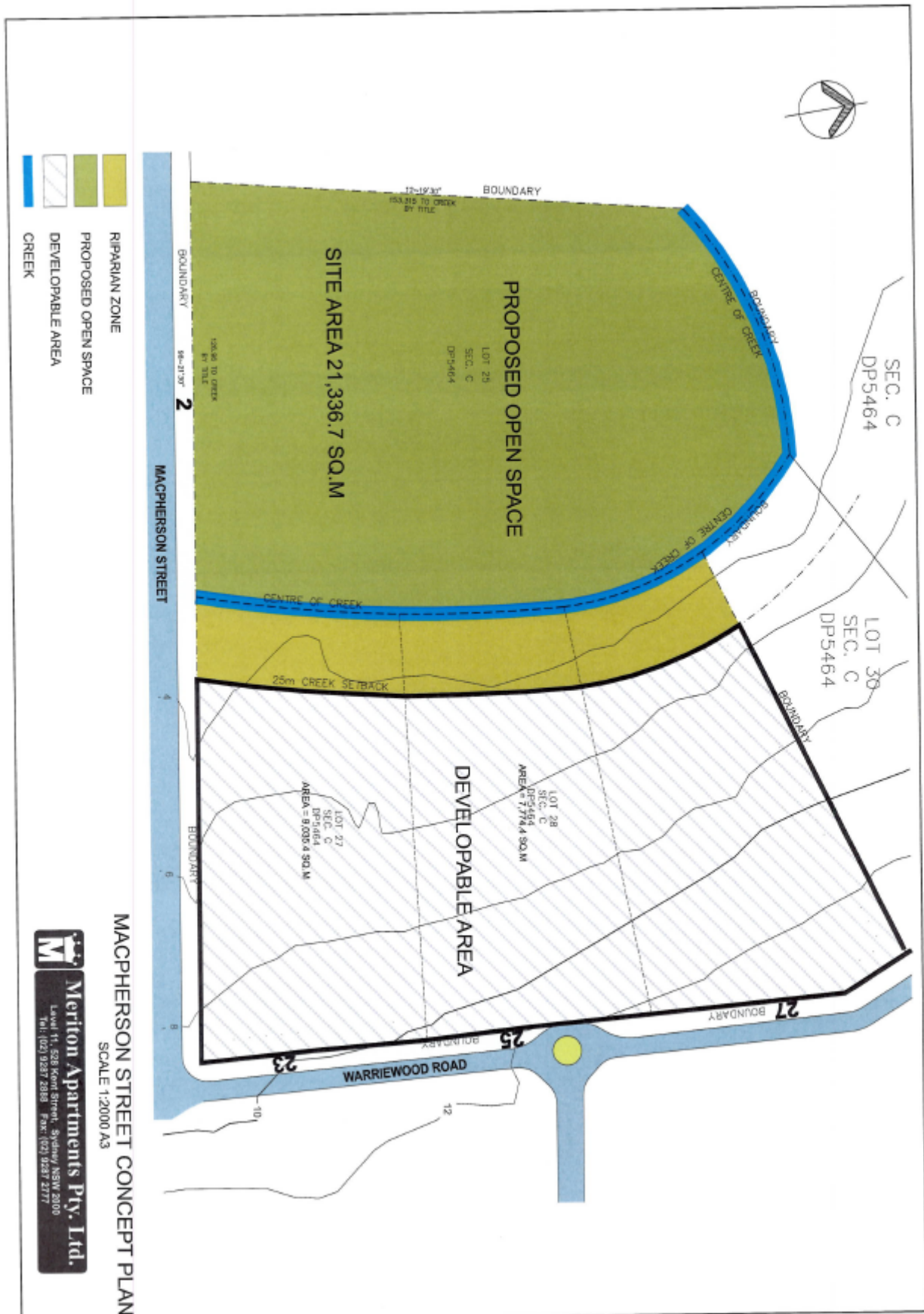
  
**PETER SPIRA AM**  
General Manager

Cc: Mr Mark Ferguson – General Manager

G:\mgp\Warr\peter.spira\warriewood\letters and faxes\pittwater council - h rose - 10 mar11.docx

DX 1177 Sydney 2000 • [www.meriton.com.au](http://www.meriton.com.au)  
Trading as Meriton Apartments. Member of the Meriton Group ABN 75 000 644 888





**M** Meriton Apartments Pty. Ltd.  
 Level 11, 528 Kent Street, Sydney NSW 2000  
 Tel: (02) 9287 2888 Fax: (02) 9287 2177

MACPHERSON STREET CONCEPT PLAN  
 SCALE 1:2000 A3

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<b>C11.3</b>	<b>Minutes of the Pittwater Traffic Committee Meeting held on 15 February 2011</b>
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**Meeting:** Planning an Integrated Built Environment Committee

**Date:** 21 March 2011

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**STRATEGY:** Traffic and Transport

**ACTION:** Provide planning, design, investigation and management of traffic and transport facilities.

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## **PURPOSE OF REPORT**

To present to Council for consideration, the Traffic Committee Minutes of 15 February 2011.

### **1.0 BACKGROUND**

- 1.1 The Traffic Committee recommendations for the Traffic Committee of 15 February 2011 (refer **Attachment 1**) are referred to Council for consideration. In accordance with the delegation of the Roads and Traffic Authority of NSW to Council, Council must consider the advice of the Traffic Committee before making a decision with respect to the management of traffic in Pittwater.

### **2.0 ISSUES**

#### **2.1 Item 4.1: Avalon Tattoo – 18.6.2011**

Street closures to allow March to proceed along Old Barrenjoey Road.

#### **2.2 Item 4.2: Avalon ANZAC Day March – 25.4.2011**

Street closures to allow March to proceed.

#### **2.3 Item 4.3: Barrenjoey Road, Palm Beach**

Proposed 40kph High Pedestrian Activity Zone investigation.

#### **2.4 Item 4.4: Ocean Road, Palm Beach**

Proposed 10kph Shared Zone investigation (including Ocean Place).

#### **2.5 Item 4.9: Walsh Street, North Narrabeen**

Proposed temporary suspension of 3T load limit to allow use by trucks undertaking Narrabeen Lagoon Entrance sand clearing project for Council.

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### **3.0 SUSTAINABILITY ASSESSMENT**

A sustainability assessment is not required for Minutes of Meetings.

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### **4.0 EXECUTIVE SUMMARY**

- 4.1 To present to Council the recommendations of the Traffic Committee contained in the minutes of the meeting of 15 February 2011 for Council's consideration.

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### **RECOMMENDATION**

That the Traffic Committee recommendations contained in the Minutes of the Meeting of 15 February 2011 be adopted.

Report prepared by  
Paul Davies – Principal Engineer – Strategy, Investigation and Design

James Payne  
**MANAGER, URBAN INFRASTRUCTURE**



# **Minutes**

## **Pittwater Traffic Committee Meeting**

Held in the Ground Floor Meeting Room at Conference Room,  
Level 3, 5 Vuko Place, Warriewood on

**15 February 2011**

Commencing at 1:00pm for the purpose of considering the items  
included on the Agenda.

**Attendance:****Voting Members of the Committee are invited to attend, namely:**

Cr Julie Hegarty, Chairperson  
Mr John Begley, Road and Traffic Authority  
Mr Janarthanan Jegathesan, Road and Traffic Authority  
Mr Andrew Johnston (Representing Member for Pittwater)  
Sergeant Rob Jenkins, NSW Police – Northern Beaches

**Non Voting Members:**

Mr Anthony Christie – State Transit Authority

**Council Staff:**

Paul Davies, Principal Engineer – Strategy, Investigation & Design  
Michelle Carter, Road Safety Officer  
Sherryn McPherson, Administration Officer (Minute Taker)

# **Pittwater Traffic Committee Meeting**

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<b>1.0</b>	<b>Apologies</b>
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**COUNCIL DECISION**

That apologies be received and accepted from Mr Allen Macguire (Forest Coaches), Mr Dominique Larosa (State Transit Authority), Sgt Charles Buttrose (NSW Police Service, Northern Beaches) and leave of absence be granted from the Traffic Meeting held on 15 February 2011.

(Cr Hegarty / Sgt Rob Jenkins)

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<b>2.0</b>	<b>Declarations of Pecuniary Interest - Nil</b>
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<b>3.0</b>	<b>Confirmation of Minutes</b>
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**COMMITTEE RECOMMENDATION**

That the Minutes of the Traffic Committee Meeting held on 16 November 2010, be confirmed as a true and accurate record of that meeting.

(Mr John Begley / Cr Hegarty)

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<b>4.0</b>	<b>Committee Business</b>
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<b>TC4.1</b>	<b>Avalon Tattoo – Saturday, 18 June 2011</b>
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**COMMITTEE RECOMMENDATION**

1. That the Traffic Committee, to enable the proposed Avalon Tattoo March to be held on 18 June 2011, supports the temporary closure of Old Barrenjoey Road (Dress Circle Road to Barrenjoey Road), Avalon Parade (Bellevue Avenue to Barrenjoey Road) and Bowling Green Lane (at Dunbar Park) on that day.
2. That the Traffic Committee, should the march route need to be changed, supports the temporary closure of Old Barrenjoey Road (Avalon Parade north to Barrenjoey Road) in lieu of closure of Avalon Parade and Bowling Green Lane.

(Cr Hegarty / John Begley)

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<b>TC4.2</b>	<b>ANZAC March - Monday, 25 April 2011</b>
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**COMMITTEE RECOMMENDATION**

That the Traffic Committee supports the proposed March route to be held on Monday 25 April 2011 along Old Barrenjoey Road, Avalon Parade and Bowling Green Lane at Dunbar Park.

(Cr Hegarty / Sgt Rob Jenkins)

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<b>TC4.3</b>	<b>Barrenjoey Road, Palm Beach - Proposed 40kph High Pedestrian Activity Zone</b>
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**COMMITTEE RECOMMENDATION**

1. That the Traffic Committee supports undertaking public consultation for a proposed 40kph High Pedestrian Activity Zone in Barrenjoey Road, Palm Beach, as shown in Council's concept plan – 02 -TC - 2011.
2. That the results of any public consultation and the traffic investigation report be reported to the Traffic Committee prior to consideration by Council.

(John Begley / Cr Hegarty)

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<b>TC4.4</b>	<b>Ocean Road, Palm Beach - Proposed 10kph Shared Zone</b>
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**COMMITTEE RECOMMENDATION**

1. That the Traffic Committee supports undertaking public consultation for a proposed 10kph Shared Zone in Ocean Road, Palm Beach between Ocean Place and Palm Beach Road, and for the full length of Ocean View Place as shown in Council's concept plan 01-TC-2011.
2. That the results of any public consultation and the traffic investigation report be reported to the Traffic Committee prior to consideration by Council.

(Sgt Rob Jenkins / John Begley)

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<b>TC4.5</b>	<b>Surf Road, Palm Beach - Double Separation Lines</b>
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**COMMITTEE RECOMMENDATION**

That the Traffic Committee supports the rangers' request for traffic changes at the Surf Road/Bynya Road intersection to improve traffic and pedestrian safety by the following measures (see Council Plan 06-TC-2011):

1. Replace the existing 'Give Way' controls in Surf Road with 'Stop' controls.
2. Provide double separation lines on the road centreline of Surf Road and Bynya Road for a distance of approximately 20m from the intersection.

(Cr Hegarty / Mr Andrew Johnston)

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<b>TC4.6</b>	<b>Garden Street, North Narrabeen - 'No Stopping' Restrictions</b>
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**COMMITTEE RECOMMENDATION**

1. That the Traffic Committee supports the implementation of 'No Stopping' restriction signs in Garden Street as follows (shown on Council Plan 03-TC-2011):
  - Between No 141 and No 145 to reinforce existing 'No Stopping' restrictions, and
  - Between No 176 and No 178 on western side of road to meet existing restrictions at the Irrawong Road roundabout.
2. That the adjacent residents be advised of the Traffic Committee's recommendations prior to consideration of the matter by Council.

(Cr Hegarty / John Begley)

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<b>TC4.7</b>	<b>Pittwater Road, Bayview - 'No Stopping' Parking Restrictions</b>
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**COMMITTEE RECOMMENDATION**

That the Traffic Committee supports the extension of the 'No Stopping' restrictions for the bus stop in Pittwater Road, opposite No 1857, for a distance of approximately 30m to the south (to a point opposite the pathway between No's 1851 and 1853 Pittwater Road) to improve pedestrian safety as requested by local residents (see Plan 04-TC-2011).

(Sgt Rob Jenkins / Cr Hegarty )

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<b>TC4.8</b>	<b>Hilltop Road, Clareville - 30 Minute Parking Restriction</b>
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**COMMITTEE RECOMMENDATION**

That the Traffic Committee supports the creation of 3 x 30 minute timed parking spaces (8am to 5pm every day) in the Clareville Shops public carpark in Hilltop Road as requested by the shopkeepers and local community and shown on Council Plan 05-TC-2011.

(Cr Hegarty / Sgt Rob Jenkins)

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<b>TC4.9</b>	<b>Walsh Street/Narrabeen Park Parade and North Narrabeen 3 Tonne Load Limit - Temporary suspension</b>
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**COMMITTEE RECOMMENDATION**

That the Traffic Committee supports the temporary suspension of the 3 Tonne Load Limit in Narrabeen Park Parade (Ocean Road to Walsh Street) and Walsh Street (full length) for the period of time necessary for the Narrabeen Entrance Sand Clearance Project to be completed should Council decide to proceed with the project.

(John Begley / Cr Hegarty)

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<b>5.0</b>	<b>General Business</b>
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1. **Elanora Heights - 182 Elanora Bus Service** – Cr Hegarty tabled a residents letter seeking an extension of the 182 bus service to Wilga Street. Sydney buses advised that the extension would not be possible until Ingleside Land Release provides additional customers. Land release is only at the preliminary investigation stage.  
**Action** – Committee noted advice. This will not be a future agenda item.
2. **Keenan Street, Mona Vale** – Council representative tabled a request from the RTA to consider options to improve safety for users of the school crossing in Warratah Street (to east of Keenan Street) by addressing issues of left turning vehicles from Keenan Street proceeding without slowing down. Suggestion of erecting 'Stop' control in Keenan Street was discussed and supported. RTA representative advised that stop signs could be erected immediately with approval of the Traffic Committee as this was considered to be an essential safety action.  
**Action** – Committee supported the immediate erection of 'Stop' controls on both sides of the Keenan Street / Warratah Street intersection to control traffic exiting Keenan Street and that this decision be reported to Council in the Traffic Committee meeting minutes. This will not be a future agenda item.
3. **Wakehurst Parkway, Frenches Forrest** – Council representative tabled a letter from a resident enquiring as to the operation of the traffic signals at the Wakehurst Parkway / Warringah Road Intersection.  
**Action** – RTA representative advised that a response would be sent to the resident. This will not be a future agenda item.

4. **Pittwater Road, Bayview** – Council representative raised concerns for residents in respect to vehicles on Pittwater Road illegally overtaking vehicles queued in traffic waiting to collect children from the Loquat Valley School and where traffic is queuing across a marked pedestrian crossing on Pittwater Road.

**Action** – RTA to advise Council of possible actions to ensure pedestrian crossing sight distances are preserved and Council Road Safety Officer to approach the school in respect to education of carers collecting children from the school by car. This may be a future agenda item.

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<b>6.0 Next Meeting</b>
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### **COMMITTEE RECOMMENDATION**

That the next meeting of the Traffic Committee is to be 12 April 2011 and will be held at Level 3, 5 Vuko Place, Warriewood commencing at 1.00pm.

**THERE BEING NO FURTHER BUSINESS  
THE MEETING CONCLUDED AT 2.05PM ON TUESDAY  
15 FEBRUARY 2011**



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**Council Meeting**

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**12.0          Adoption of Governance Committee Recommendations**

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**13.0          Adoption of Planning an Integrated Built Environment  
Committee Recommendations**

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**14.0          Councillor Questions**

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## **Committee of the Whole**

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### **15.0 Confidential Items**

Pittwater Council is committed to, and has fostered, the practice of open local government. Some matters, however, are of a sensitive nature and are dealt with in Closed Session. The nature of such matters are contained within Section 10A(2) of the Local Government Act, 1993, the text of which is recorded within the recommendation hereunder:

- (i) That in the public interest, and pursuant to Section 10A(2) of the Local Government Act, 1993, the Council move into Closed Session to consider Item C15.1 – Planning Assessment Commission Decision – Part 3A at 14-18 Boondah Road Warriewood.
- (ii) That pursuant to Section 10A(2) of the Local Government Act, 1993, the press and public be excluded from the proceedings of the Committee of the Whole on the basis that the items to be considered are of a confidential nature, that reason in this instance being:
  - (g) Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- 2. The grounds on which a meeting is closed to the public must be specified in the decision to close the meeting and recorded in the minutes of the meeting.
- 3. A person (whether a Councillor or another person) is not entitled to be present at a meeting if expelled from the meeting by a resolution of the meeting.
- (iii) That the correspondence and reports relevant items considered in Closed Session be withheld from access to the press and the public.
- (iv) That upon resumption of the Council meeting in Open Session the General Manager (or nominee) report those resolutions made by the Committee of the Whole.

Mark Ferguson  
**GENERAL MANAGER**

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<b>C15.1</b>	<b>Planning Assessment Commission Decision - Part 3A at 14-18 Boondah Road Warriewood</b>
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**Meeting:** Committee of the Whole

**Date:** 21 March 2011

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**STRATEGY:** Land Use & Development

**ACTION:** Coordinate land use planning component of land release

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**CONFIDENTIAL CLAUSE**

*This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993:*

*(g) "Advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege."*

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**PURPOSE OF REPORT**

Council on 7 February 2011 resolved to seek independent legal advice from Michael Astill of Blake Dawson. This advice is attached (**see Attachment 1**).

Prior to this decision it was agreed that Mallesons would separately instruct Mr Leeming SC. This advice is attached (**see Attachment 2**).

This report provides both advices for consideration. The advices from Mr Astill and Mr Leeming were referred to all Councillors on 22 February 2011. Attached also is a further advice from Mallesons on prospects and costs (**see Attachment 3**). Additional advice from Mallesons received by email is also included quoted within this report.

This matter was discussed at the Legal Briefing to Councillors of 7 March 2011.

**1.0 BACKGROUND**

1.1 On 7 February 2011, Council considered a Notice of Motion and resolved as below. Council also considered a separate report on the Planning Assessment Commission decision on the Concept Plan and Project Application for 559 dwellings at 14-18 Boondah Road Warriewood.

1.2 Council resolved :-

*"That Council seek urgent independent legal advice from Michael Astill of Blake Dawson on the following:*

- 1. Is there standing to challenge the decision of PAC?*
- 2. Is there merit to make a Class 4 challenge to set aside the validity of the decision?*
- 3. What, if any, steps should Council take to protect itself from further applications similar to that submitted by Meriton Apartments Pty Limited?*
- 4. Such other related questions that the General Manager considers appropriate."*

- 1.3 The matter was discussed at the Legal Briefing on 7 February 2011 prior to the Council meeting of 7 February 2011, wherein it was advised that consideration be given to Mallesons instructing Mr Mark Leeming SC to obtain an opinion.

## **2.0 RIGHTS OF APPEAL**

2.1 From discussion at the last legal briefing it is confirmed that:-

- Meriton has a right of appeal to the Land and Environment Court, in regard to the PAC's decision on the Concept Approval and the Project Approval.
- The appeal provisions expire after 3 months from the PAC's determination.
- Meriton may request a Modification of the Concept Approval to revoke or vary a condition(s) or impose additional condition(s), or change the terms of the Approval. This request is submitted to the Director-General of the Department of Planning.
- There is no right of appeal, in regard to merit, by a third party.
- Council, or another party, can seek a judicial review of the process and decision.
- The judicial appeal provisions also expire after 3 months.

## **3.0 BLAKE DAWSON ADVICE (Attachment 1)**

3.1 In relation to point (1) of Council's instruction Mr Astill of Blake Dawson advises:-

"... Council does not have a right of merit appeal....."

"....Council does have standing to challenge the decision...Such proceedings can only be brought on legal grounds...."

3.2 In relation to point (2) of Council's instruction Mr Astill advises:-

"....We have not identified any legal grounds which would give us any confidence that a challenge would succeed."

3.3 In relation to point (3) of Council's instruction Mr Astill advises:-

"Legally there is little that the Council can do in respect of applications that might be made under Part 3A in the future. The only scope for ousting the Minister's discretion to approve an application is to zone land so that it both:

- a) prohibits the proposal, and
- b) identifies the land as and (sic) area of environmental sensitivity"

#### 4.0 SENIOR COUNSEL ADVICE (Attachment 2)

##### 4.1 Mr Leeming in summary states:-

"I think there are available grounds of review, going to the heart of PAC's decision (namely, the very substantially increased dwelling density) which have reasonable prospects of success..... Based on what I have seen, I think that there are grounds of challenge which are fairly arguable, and have a real chance of a court finding that the approvals are invalid. (3)"

Mr Leeming raises two primary issues that he feels provide "grounds of review which have merit":-

##### Issue (1) - Are the approvals uncertain and therefore invalid? - Section 75J conditions

Mr Leeming states: "...But what of the fact that the PAC's conditions leaves to the proponent a wide leeway of possible modifications all of which comply with what has been approved? (14) ....In my view, this is a ground of review which has merit. Its success will turn on matters of fact and degree. Ultimately, the legal question is whether s75J authorises a condition which leaves to the proponent the measure of choice involved in this approval.....it has become clear that the legal question is not whether the condition is certain, or final, but whether it is of a class of conditions authorised by the Act. That is of some importance to the present case, where (in the case of a Part 3A project approval) the source of power to impose conditions is s75J (15).....How to resolve the question of fact and degree as to whether the extent to which Meriton is given choice within the constraints of the conditions of approval takes the condition outside the scope of the power? To my mind, it is significant that this is a residential development in an urban area, so that the location and form of the building envelopes is something which is critical to what has been approved....where as here what is proposed is a series of buildings, the total number of dwellings is arguably the most critical feature, but nonetheless, the height and positioning of the buildings remains critical....then in my view it is reasonably arguable that all leeways of choice given to Meriton exceed the power conferred by s75J. All of that said, I think that the prospects of success on this ground are finely balanced (17)...."

##### 4.2 Issue (2) - What evidence supports the 60 dwellings per hectare density?

Mr Leeming states: "...PAC rejected Council's .....Planning Framework 2010, but also rejected the Departments ...Strategic Review...principally because of the limited nature of the review...the PAC ...chose to 'take its lead' from the Metropolitan Strategy (19).... In the Strategy "low rise" means three storeys or less, and medium density means 25-60 dwellings per hectare.....Yet the outcome of the PAC is something which is, at least arguably, not 'low rise medium density' as those terms are defined (20).... In my view the matters referred to above do, reasonably arguably, disclose judicially reviewable error....Firstly, it arguably follows ... that there was no evidence before the PAC that the density permitted by the conditions was appropriate (22).... Secondly, the same reasoning suggests that the PAC failed to take into account a relevant consideration, namely, the existing density permitted under the PLEP (23)....Thirdly, I would not at this stage rule out Wednesbury unreasonableness (25).....In my view, there is some scope for asking for an affirmative answer to that question-given the substantial exceedance of the density in the LEP, given the way in which the PAC has strived to achieve an outcome at the very limit of what might be justifiable under the Strategy, given the absence of studies that would ordinarily accompany such a decision, and given the peremptory way in which the PAC has required the elaborate plans be modified 25...."

#### 4.3 Advice re Prospects of Success

Mr Leeming states: "...I think there are available grounds of review, going to the heart of the PAC's decision (namely, the very substantially increased dwelling density) which have reasonable prospects of success (3).

The term "reasonable prospects of success", although very familiar and now enshrined in statute, can be understood differently by different people. For that reason I will try to be more precise. Based on what I have seen, I think that there are grounds of challenge which are fairly arguable, and have a real chance of a court finding that the approvals are invalid. I do not think I can be more precise, because I am conscious that (a) there are wide differences in approach between the six judges one of whom will hear a challenge, (b) it is likely that upon further examination, additional grounds of attack will emerge, and counter-arguments are apt to be developed, and (c) against that, I expect that a court, as a matter of impression, will form the view that, amongst the large class of planning approvals the subject of applications for judicial review, this is one of the better reasoned ones, and one which addresses a pressing social need. Although judicial review formally turns on questions of law, my impression is that the Court's perception of the underlying merits is an important factor in its decision to accede to or reject a challenge (4).

#### 5.0 MALLESONS OVERVIEW (Attachment 3)

5.1 By letter dated 1 March 2011 Mallesons provided an overview of the Counsel's advice and a discussion on prospects and costs.

5.2 Mallesons have advised that:-

"...we do not believe that the Council would have more than a 50% chance of success in raising such arguments based upon our knowledge of the material gained to date....If the Council brings proceedings challenging the validity .... and is successful in obtaining a declaration that both determinations are invalid, the Part 3A applications will remain as undetermined applications which can be further considered by the Planning and Assessment Commission once identified errors in the decision making process have been addressed.... "

"...we have given some thought to the likely legal costs that the Council would incur in doing so. It is difficult at this stage to provide the Council with accurate costs figures. Nevertheless, our best estimate is that the Council's legal costs going forward would be in the order of \$80,00....If the Council succeeds and obtains a favourable costs order, it should expect to recover in the order of 70% of its costs. If it is unsuccessful and is ordered to pay both the Minister and Meritons costs, we expect the Council would in that event incur an additional amount in the order of \$100,000."

5.3 Further advice regarding the demise of Part 3A dated 3 March 2011:-

"...I have been asked to provide some further comments in relation to the circumstances which might arise if the Council is successful in challenging the validity of the approvals and if, by that time, Part 3A of the Environmental Planning and Assessment Act has been repealed. In particular, I have asked to comment on what would happen to an undetermined Part 3A Application if Part 3A was repealed. In my opinion, it is inconceivable that Part 3A will be repealed without some form of savings and transitional arrangements. However, if Part 3A is repealed with no applicable savings and transitional arrangements, the undetermined application would be then incapable of determination and the only option for Meriton would be to start again with a development application under Part 4.

I have been asked also to consider whether taking steps to delay the determination of a challenge to the Part 3A approvals would be advantageous. Firstly, the Council could not delay the commencement of proceedings beyond 18 April 2011 by reason of section 75X(4) of the Act. The Council should also be aware that challenge proceedings need to seek two types of orders from the court:

- 1) a declaration that the approval is invalid; and
- 2) an order restraining Meriton from acting upon the approval.

The nature of challenge proceedings is such that the Court has a broad discretion whether or not to make any orders, even where it is satisfied that there has been a breach of the law. Delay is a factor which is very important in the exercise of the Court's discretion and, if the Court were persuaded that the Council had unreasonably delayed in either commencing or prosecuting challenge proceedings, there would be a significant risk that the Court would decline to make any orders even if the Council's legal arguments were successful. The risk would be particularly acute if Meriton had acted upon the approvals and managed to undertake significant works by the time of the Court's determination. The mere commencement of proceedings does not mean that Meriton is unable to rely upon the approvals. If Meriton has commenced the project under the approvals it is entitled to continue to rely on them unless and until a Court order preventing that activity. If Council commences proceedings and Meriton takes steps to act on the approvals, the Council will need to consider whether to approach the Court for an interlocutory injunction to restrain Meriton from carrying out the project until the final determination of the challenge and, if it does so, will need to consider whether it is prepared to offer an undertaking to the court to pay for any damages suffered by Meriton as a consequence of the interlocutory injunction in the event that the Council is ultimately unsuccessful in its challenge.

Rather than delay, it is more likely that any challenge proceedings would be expedited, either at the request of Meriton or of the Council in an effort to minimise any liability for damages to Meriton."

## **6.0 Conclusion**

Given the lack of certainty of success in challenging the PAC's decision based on the advice from Blake Dawson and Mr Leeming SC, the prospects advice from Mallesons of 50%, the potential for a remedy to the 'errors' to be found and redetermination of the application by PAC or Minister, potential costs of approximately \$200,000 should Council be unsuccessful, potential for damages should an interlocutory injunction be sought to stop work and Council is unsuccessful, it is recommended that Council not challenge the PAC's decision. Also should Council be successful Meriton/Minister may seek to appeal the decision to a higher Court with resultant exposure to costs.

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## **7.0 SUSTAINABILITY ASSESSMENT**

A sustainability assessment is not required.

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## 8.0 EXECUTIVE SUMMARY

- The legal advice informs Council that there is opportunity to challenge the PAC decision. Senior Counsel is of the opinion that there are arguable grounds for review of the PAC decision, in particular in relation to the uncertainty in the conditions of consent in relation to critical issues to do with dwelling form, placement and density and also to do with the lack of cogent evidence as to PAC's decision on the 60 dwelling per hectare dwelling density.
- The legal advice is tempered by Counsel's caution as to the term "reasonable prospects of success".
- Mallesons have advised that there is a 50% chance of success.
- Mallesons advise that the total cost to Council, if Council's challenge is unsuccessful, would be in the order of \$180,000.
- Mallesons advise that if Council was successful, Council could receive approximately \$65,000 (70% of its \$80,000 legal costs).
- Mallesons have advised that if Council was successful, the applications (Concept Plan and Project Plan) would then be deemed undetermined and could be referred back to the PAC once the "errors" are addressed. In this regard there is no information to hand as to whether Part 3A or the PAC will exist post the next State election.
- To stop the development activity on site would require an interlocutory injunction which would usually require an undertaking from Council to pay damages.
- Should Council be successful, Meritons may seek to appeal the decision to a higher Court.

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## RECOMMENDATION

That the legal advice be noted.

Report prepared by

Steve Evans  
**Director of Environmental Planning and Community**



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Attention Ms Liza Cordoba / Mr Steve Evans

21 February 2011

Dear Ms Cordoba / Mr Evans

14-18 Boondah Road Warriewood (Site)  
Advice on PAC Decision

### 1. Introduction

We refer to our meeting on 11 February 2011.

You have requested our urgent advice by today in relation to the decision of the Planning Assessment Commission (PAC) to grant approval under Part 3A of the *Environmental Planning and Assessment Act* (EP&A Act) for the development of the Site.

In particular, you have requested our advice as to the following matters:

- 1.1 Does Council have standing to challenge the decision of PAC?
- 1.2 Is there merit to make a class 4 challenge to set aside the validity of the decision?
- 1.3 What, if any, steps should council take to protect itself from further applications similar to that submitted by Meriton Apartments Pty Limited?

### 2. Summary of advice

The matter raises some complex issues and we recommend a full reading of this advice. However in summary our view is:

- 2.1 The Council does not have a right of merit appeal against the decision of the PAC in the circumstances.

However under section 123 of the EP&A Act any person may bring

**Our reference**  
MJA 02 2029 0703

**Partner**  
Michael Astill  
T 61 2 9258 6102  
[michael.astill@blakedawson.com](mailto:michael.astill@blakedawson.com)

proceedings to remedy or restrain a breach of the EP&A Act, and accordingly Council does have standing to challenge the decision.

- 2.2 Such proceedings can only be brought on legal grounds, rather than merit grounds of review. We have not identified any legal ground which would give us any confidence that a challenge would succeed.
- 2.3 Legally there is little that the Council can do in respect of applications that might be made under Part 3A in the future. The only scope for ousting the Minister's discretion to approve an application is to zone land so that it both:
  - (a) prohibits the proposal, and
  - (b) identifies the land as and area of environmental sensitivity.

### 3. Facts and circumstances

You have provided us with certain documents in hard copy and on CD-ROM. We have also obtained further documents from the Department of Planning (Department) website and the PAC's website. We also discussed the matter in conference with Council's planning staff on 11 February 2011.

From all this information we have gained the following understanding of the relevant facts and circumstances. We set this out expressly as our opinion is based on it. If it is incorrect or materially incomplete then please let us know as our advice may change.

- 3.1 In approximately 1991 the Minister for Planning directed Warringah Shire Council (the predecessor to Council) (WSC) to investigate land release in certain parts of the Shire.
- 3.2 WSC formed a land release advisory committee to investigate, plan and implement the process. The committee consisted of representatives of a variety of State Government agencies as well as WSC. WSC also formed a resident's consultative committee to facilitate land owner and resident participation in the process.
- 3.3 The outcome was a document titled "Ingleside/Warriewood Urban Land Release Draft Planning Strategy".
- 3.4 In 1992 Pittwater Council came into existence and carried on the work involved in the land release.
- 3.5 In 1995 the Draft Planning Strategy was exhibited and ultimately forwarded to the Department for its consideration.
- 3.6 In 1997 the Minister for Planning announced a restricted release of land for urban development within the Warriewood Valley. The announcement related to approximately

110 hectares of land with a preliminary projection of 1,510 new dwellings and various associated areas for industrial/commercial and community facilities and infrastructure.

- 3.7 Within the Warriewood Valley is a sewage treatment plant (STP). At that time in 1997, the Minister deferred consideration of the release of any land within 400 metres of the STP.
- 3.8 In May 1999, Part 3, Division 7A was inserted into the Pittwater Local Environmental Plan 1993 (LEP). This imposed certain additional requirements to be met before development consent may be granted in the Warriewood Valley including:
- (a) the council must first consider the objectives of the zone (clause 30B(2));
  - (b) arrangements satisfactory to council have been made for certain listed matters including slope, soil structure, geotechnical instability, protection of significant vegetation or fauna, remediation of contaminated land, management and provision of traffic networks and facilities (clause 30B(3)),
  - (c) certain requirements as to dwelling yield were imposed (clause 30C);
  - (d) that the Director General must first have certified that satisfactory arrangements had been made in relation to the impact of odours from the STP (in the buffer areas);
  - (e) that essential infrastructure either has been provided or that satisfactory arrangements have been made for it (clause 30E).
- 3.9 At all relevant times for the purpose of the Part 3A application the Site was zoned "residential 2F" under the LEP and the proposal is permissible with consent under the land use table.
- 3.10 In 2001 council adopted a planning framework for the valley, including the area within 400 metres of the STP, following Sydney Water's decision to cap the STP.
- 3.11 In 2005 Part 3A was inserted into the EP&A Act. In Part 4 of this advice we set out some detail of Part 3A in its current form.
- 3.12 In 2005 State Environmental Planning Policy (Major Development) 2005 (Major Development SEPP) was made. Subject to the Minister forming a confirmatory opinion, clause 6 declares certain development by reference to the Schedules in the Major Development SEPP to be projects to which Part 3A applies. Relevantly the declaration includes residential development with a value of more than \$100 million.
- 3.13 On 18 November 2008 the then Minister for Planning Kristina Keneally delegated her functions under sections 75J and 75JA to the PAC in certain circumstances, including where there had been a political donation by a proponent. These sections include the

power of determination of a project application made under part 3A. The delegation did not include the power to determine concept plan applications or applications for critical infrastructure.

- 3.14 On 4 March 2009 Minister Keneally delegated further functions including
- (a) the power to declare development to be a Part 3A project,
  - (b) the formation of the confirmatory opinion required under clause 6 of the Major Development SEPP, and
  - (c) the authorisation or requirement for a concept plan,
- to the Director General of Planning (Director-General).
- 3.15 On 4 December 2009 Kristina Keneally ceased to be Minister for Planning and on 8 December 2009 Tony Kelly became Minister for Planning.
- 3.16 Work continued on planning for the Warriewood Valley and in late 2009 the Director-General called a meeting with the General Manager of the Council indicating that Council should consider increasing permissible densities.
- 3.17 On 3 May 2010 the council adopted the Warriewood Valley Planning Framework 2010 (2010 Framework).
- 3.18 The 2010 Framework divided the release area into various sectors, including certain areas identified as buffer areas (with respect to the STP).
- 3.19 In the meantime, council had received notification of a Part 3A application having been made by Meriton in respect of certain land in Buffer Area 3. The proposal was for approximately 600 houses in a large residential development. The application was for both Concept Plan approval under section 75O and Project approval for stage 1 under section 75J.
- 3.20 With the application there was lodged a disclosure of a political donation having been made by the proponent (and so the prerequisite for the delegation to the PAC made by Minister Keneally on 18 November 2008 appears to be satisfied).
- 3.21 We have seen a document signed by the Director-General dated 1 December confirming that he had formed the opinion under clause 6 of the Major Development SEPP for the Site.

- 3.22 We have also seen a letter dated 1 December 2009 from the Director-General to the effect that he:
- (a) had formed the view that the development is a project to which the Major Development SEPP applies, and
  - (b) authorises the submission of a Concept Plan under section 75M.
- 3.23 On 25 January 2010 the then (and current) Minister for Planning Tony Kelly revoked the delegations made by the previous Minister (except those referred to in paragraph 3.13) but then re-delegated a large number of functions including relevantly those referred to in paragraph 3.14 above.
- 3.24 Council was consulted in relation to the Director-General's requirements (DGRs) for the environmental assessment (EA) and many of council's suggestions were incorporated within the DGRs. included amongst these were requirements that Meriton:
- (a) justify the increased density;
  - (b) consider the precedent effect.
- 3.25 The EA was prepared and exhibited between April and June 2009.
- 3.26 The Department of Planning briefed Worley Parsons to undertake a strategic review. However, this review only considered the Meriton site and did not consider the wider valley. Further, Worley Parsons had previously been consultants to Meriton for another development (ultimately approved by council).
- 3.27 In conjunction with the Part 3A application, the Department also obtained a traffic study from Halcrow. Again, Halcrow just looked at the traffic implications of Buffer Area 3. Also, Halcrow had previously been consultants to Meriton.
- 3.28 The Director-General requested Meriton to prepare a preferred project report which it did and submitted this in August 2010.
- 3.29 On 23 August 2010 Minister Kelly delegated his powers under sections 75O and 75P in respect of the Concept Plan Application for the Site to the PAC.
- 3.30 On 15 November 2010 the Director-General forwarded a number of documents to the PAC including:
- (a) the Director-General's Environmental Assessment Report,
  - (b) the Proponent's response to submissions,
  - (c) recommended conditions of consent,



- (d) the Proponent's statement of commitments, and
  - (e) submissions (total of 545) received during exhibition of the EA.
- 3.31 In approximately November 2010, the PAC indicated that it had received all of the documentation and was considering it. It invited the council, the Department and Meriton to visit the PAC and to make any oral representations, in addition to submissions made by the parties.
- 3.32 The council submitted a lengthy report in October 2010. The report objected to approval of the Part 3A application on a number of bases including:
- (a) equity and precedent;
  - (b) departure from orderly planning process;
  - (c) inadequate infrastructure and services;
  - (d) impact on amenity (internal and external);
  - (e) community expectations.
- 3.33 Much of this relied on the proposed density sought by Meriton. As noted above, the application originally sought approval to 600 dwellings although through the process its application was reduced to 559 dwellings.
- 3.34 Council contended that an appropriate density would be approximately 25 dwellings per hectare (considering developable area only) which would result in approximately 180 dwellings.
- 3.35 Ultimately the PAC granted consent, but to approximately 440 dwellings. This amounts to approximately 60 dwellings per hectare. It is generally acknowledged that medium density for the site is appropriate. However, medium density is a concept which encapsulates a range of densities from approximately 25 dwellings per hectare to approximately 60 dwellings per hectare.
- 3.36 The PAC has published a report dated 18 January 2011 outlining its process and reasoning in granting the approval.
- 3.37 In terms of the process followed by the PAC, and the Department of Planning in processing the application, council makes no complaint. Its views were sought and obtained and it was relevantly consulted at relevant times.

#### 4. Discussion

##### 4.1 Statutory Part 3A Process

The environmental impact assessment process under Part 3A of the EP&A Act is as follows. In the case of the Site, the Minister has delegated certain functions to the PAC and so in respect of those functions, references to the Minister should be read as the PAC. All references to sections are to sections of the EP&A Act.

- (a) Part 3A applies only to development that is declared to be within Part 3A. This can be done by Ministerial order in the Gazette or by State Environmental Planning Policy (SEPP) (section 75B).
- (b) Pursuant to section 75B the Major Development SEPP has been made. Clause 6 provides that development that in the opinion of the Minister falls within certain schedules is declared to be a Project under Part 3A. Schedule 1, clause 13 includes development for residential purposes with a capital investment value of more than \$100 million.
- (c) a person must not carry out development that is a project to which Part 3A applies unless the Minister has approved of the carrying of the project under Part 3A (section 75D(1));
- (d) the proponent may apply for the approval of the Minister under Part 3A to carry out a project (section 75E);
- (e) when an application is made for the Minister's approval for a project, the Director General is to prepare "environmental assessment requirements" having regard to any relevant guidelines in respect of the project (section 75F(2));
- (f) the proponent is to submit to the Director General the "environmental assessment" required under Part 3A for approval to carry out project (section 75H(1)). Section 75H also sets out the mechanism by which the "environmental assessment" is dealt with by the Director General and placed on public exhibition. The mechanism is as follows:
  - (i) if the Director General considers that the "environmental assessment" does not adequately address the "environmental assessment requirements", the Director General may require the proponent to submit a revised "environmental assessment" to address the matters notified to the proponent (section 75H(2));
  - (ii) after the environmental assessment has been accepted by the Director General, the Director General must, in accordance with any guidelines

- published by the Minister in the Gazette, make the environmental assessment publicly available for at least 30 days (section 75H(3));
- (iii) during that period, any person (including a public authority) may make a written submission to the Director General concerning the matter (section 75H(4);
- (g) the Director General is provide copies of submissions received by the Director General or a report of the issues raised in those submissions to the proponent, the Department of Environment and Conservation and any other public authority the Director General considers appropriate (section 75H(5));
- (h) the Director General may require the proponent to respond to the submissions and to consider modifying the project (section 75H(6)). The Director General may require the proponent to submit to the Director General:
- (i) a response to the issues raised in those submissions; and
- (ii) a preferred project report that outlines any proposed changes to the project to minimise its environmental impact; and
- (iii) any revised Statement of Commitments;
- (i) if the Director General considers that significant changes are proposed to the nature of the project, the Director General may require the proponent to make the preferred project report available to the public (section 75H(7));
- (j) the Director General is to give a report on a project to the Minister for the purposes of the Minister's consideration of the application for approval to carry out the project (section 75I(1)). The Director General's report is to include:
- (i) a copy of the proponent's environmental assessment and any preferred project report; and
- (ii) any advice provided by public authorities on the project;
- (iii) a copy of any report of the PAC in respect of the project (section 75H(2)(c));
- (iv) a copy of or reference to the provisions of any SEPP that governs the carrying of the project (section 75I(2)(d));
- (v) except in the case of a critical infrastructure project – a copy of, or reference to, the provisions of any environmental planning instrument that would (but for this part) substantially govern the carrying out of the project



- and have been taken into consideration in the environmental assessment of the project under this provision (section 75I(2)(e));
- (vi) any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate (section 75I(2)(f));
  - (vii) an assessment of the environmental impact of the project (clause 8B(a) of the EP&A Regulations);
  - (viii) any aspect of the public interest that the Director General considers relevant to the project (clause 8B(b));
  - (ix) the suitability of the site of the project (clause 8B(c)); and
  - (x) copies of the submissions received by the Director General in connection with the public consultation under section 75H or a summary of the issues raised in those submissions (clause 8B(d));
- (k) the Minister may approve or disapprove of the carrying out of the project:
- (i) if the proponent has duly applied to the Minister for approval under Part 3A to carry out a project; and
  - (ii) the environmental assessment requirements under Division 2 of Part 3A with respect to the project have complied with (section 75J(1));
- (l) the Minister, when deciding whether or not to approve the carrying out of the project is to consider:
- (i) the Director General's report on the project and the reports, advice and recommendations contained in the report;
  - (ii) if the proponent is a public authority – any advice provided by the Minister having portfolio responsibility for the proponent; and
  - (iii) the findings or recommendations (in any) of the PAC (section 75J(2));
- (m) the Minister may but is not required to take into account the provisions of any environmental planning instrument applying to the Site (section 75J(3)). This is subject to the regulations.
- (n) pursuant to clauses 8N and 8O of the EP&A Regulation
- (i) where an environmental planning instrument prohibits the development a project application cannot be approved without a concept plan first having been approved, and

- (ii) where an environmental planning instrument prohibits the development and the land is also identified as either -
  - (A) a sensitive coastal location, or
  - (B) an environmentally sensitive area of State significance,
 a project application cannot be approved.
- (o) section 75K and section 75L set out the appeal rights in relation to a project. These are discussed below.
- (p) The Minister may authorise or require the proponent to apply for approval of a concept plan for the project (section 75M). If authorised or required then the provisions of sections 75F and 75H apply to concept plan applications in the same way as they apply to project applications.
- (q) Ultimately the Minister may approve a concept plan for a project (section 75O) after taking into account similar matters to those required under section 75J for a project application (see paragraph (l) above).
- (r) when determining an application for a concept plan the Minister may also determine the further process required to be undertaken before the project may actually be carried out, such as requiring development consent under Part 4, assessment under Part 5, project approval under Part 3A or no further approval (section 75P).

#### 4.2 Delegations

Because many of the matters in this matter were done under delegation we set out the provisions of section 23 of the EP&A Act for ease of reference:

- (1) The Minister, corporation or Director-General may, by instrument in writing, under seal (in the case of the corporation), delegate any of the Minister's, the corporation's or the Director-General's functions conferred or imposed by or under this or any other Act as are specified in the instrument to:
  - (a) any officer of the Department,
  - (b) any officer, employee or servant of whose services the Director-General makes use in pursuance of this or any other Act,
  - (c) (Repealed)
  - .....
  - (f) the Planning Assessment Commission, .

- (2) A function, the exercise of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised from time to time in accordance with the terms of the delegation.
- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any of the functions delegated, or as to time or circumstance, as may be specified in the instrument of delegation.
- (4) Notwithstanding any delegation under this section, the Minister, corporation, Director-General, Commission or panel, as the case may be, may continue to exercise all or any of the functions delegated.
- (5) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done or suffered by the Minister, corporation, Director-General, Commission or panel, as the case may be, and shall be deemed to have been done or suffered by the Minister, corporation, Director-General, Commission or panel, as the case may be.
- (6) An instrument purporting to be signed by a delegate of the Minister, corporation, Director-General, Commission or panel, in the capacity as such a delegate, shall in all courts and before all persons acting judicially be received in evidence as if it were an instrument executed by the Minister, corporation, Director-General, Commission or panel, as the case may be, under seal (in the case of the corporation), and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Minister, corporation, Director-General, Commission or panel, as the case may be, under this section.
- (7) The Director-General shall cause to be published in the Gazette a notice setting out the details of any instrument referred to in subsection (1), but this subsection does not affect the provisions of subsection (1).
- (8) Nothing in this section authorises the delegation of:
  - (a) the power of delegation conferred by this section, or
  - (a1) the function of the Minister under Part 3A of determining whether to approve under section 75J the carrying out of a critical infrastructure project or under section 75O the concept plan for a critical infrastructure project, or
  - (b) any function of the Minister conferred by section 80 (7), 117 or 118 or by section 130 (4).

.....

#### 4.3 Third Party Rights in Respect of Administrative Decisions – general

In general terms, where a decision such as that made by the PAC is sought to be overturned, there are generally two possible avenues:

- (a) an appeal right; or
- (b) a challenge to the validity of the decision (judicial review).

#### 4.4 Appeal Right under EP&A Act

In respect of the grant of approval to a Part 3A application, there is a statutory right of appeal which is contained in section 75L. This gives an appeal right to an objector in certain circumstances. However, for an appeal to lie at the suit of an objector (which the council is in this case), all four criteria set out in section 75L(1) need to be satisfied, namely:

- (a) the project must not be a critical infrastructure project; and
- (b) there must not have been an approval of a concept plan for the project; and
- (c) the project has not been the subject of a review by the PAC; and
- (d) the project would be designated development, but for the fact that it was being considered under Part 3A.

In our view, the appeal right under section 75L does not exist because the criteria under paragraphs (b) and (d) have not been met.

#### 4.5 Judicial review

Judicial review is primarily activated by errors of law committed by the decision maker, whether in process or substance, rather than errors of fact, or differences in opinion.

There are two matters to consider namely –

- standing to challenge, and
- grounds of challenge.

##### Standing to Challenge

In general terms the right to enforce the legal requirements of a statute are limited to either the Attorney-General or a person who can show some special interest in the subject matter.

However in respect of review of actions taken under the EP&A Act this is not necessary due to section 123 which reads –

- (1) Any person may bring proceedings in the Court for an order to remedy or restrain a breach of this Act, whether or not any right of that person has been or may be infringed by or as a consequence of that breach.

Accordingly the Council would have standing to challenge the PAC decision without needing to demonstrate any special interest.

Grounds of Challenge.

Whilst the possible categories of judicial review are not necessarily closed the following generally encompass the range of grounds which have been found to exist by the courts over the years:

- (a) Taking into account an irrelevant matter,
- (b) Failing to take into account a relevant matter,
- (c) Bad faith or fraud,
- (d) Improper purpose,
- (e) Unreasonableness,
- (f) Lack of power (including jurisdictional fact),
- (g) Procedural Fairness, and
- (h) Uncertainty.

We discuss whether there is any potential to argue that any of these grounds may be made out in this case in turn as follows.

(a) Irrelevant Considerations

A decision may be invalid where a decision maker has taken an irrelevant consideration into account in the exercise of a power.

The taking into account of an irrelevant consideration by a decision-maker can arise in different ways: as a result of misconstruing the statutory framework; by applying the wrong test; or, in limited circumstances, by basing a decision on an error of fact. It may also be necessary for a court to also find that the irrelevant consideration has been more than an insubstantial element in the decision.

Where, as in this case, the relevant Act does not expressly or exhaustively define the matters that are relevant, these may be inferred from the terms, purpose and subject matter of the legislation, the nature of the power to be exercised, and the nature of the office held by the decision-maker.

In our view the matters to be considered by the PAC in the determination of the matter are the relatively broad matters set out in the objects of the EP&A Act.

On our reading of the report of the PAC of 18 January 2011, it does not appear to have considered any irrelevant matter.

(b) Failure to take account of Relevant Considerations

Where a decision is made without regard to relevant considerations, the decision may be challenged.

However, a decision-maker is not bound or required to consider all matters that are relevant to the exercise of a power. A party affected by a decision is not entitled to make an exhaustive list of all the matters which the decision-maker might conceivably regard as relevant and then attack the decision on the ground that a particular one of them was not specifically taken into account.

The test generally imposed on this is that failure to consider a relevant matter may vitiate a decision only where the matter not considered was of "central relevance".<sup>1</sup>

This is sometimes included under the unreasonableness ground discussed below on the basis that without a centrally relevant fact being ascertained and considered, the decision lacks plausible basis.

Here, we do not consider that the PAC failed to consider any centrally relevant matter in the process of considering the applications.

The material before the PAC seems to us to have been adequate for it to form a view as to whether the proposal should be approved or not, and if so on what conditions.

(c) Bad Faith and Fraud

Bad faith and fraud are grounds for vitiating a decision and the two grounds are interrelated.

We are not aware of any basis on which it could be suggested that the PAC showed bad faith and we can find no evidence of fraud on the part of any person involved.

(d) Improper Purpose

An authority exercising a power conferred by a statute is required to exercise the power for the purposes for which the power is conferred; an exercise of the power for a different purpose is invalid.

This ground is generally only relevant to powers which may be exercised unilaterally, such as a power to deport an illegal immigrant or to suspend or cancel a licence. If the power is exercised for an improper purpose (ie. Outside the intent of the statute in which the power is conferred) it may be invalid.

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<sup>1</sup> Prasad v Minister (1985) 6 FCR 155.



However, where a power is enlivened by an application, such as here, the purpose of the exercise of the power will almost invariably be for the determination of the application.

We can find no basis here on which it could be argued that the PAC determined the application for an improper purpose.

(e) Unreasonableness

The validity of a decision may be challenged on the ground that it was unreasonable.

However, the hurdle of unreasonableness has been set very high by Courts. It will certainly not be enough to convince the Court that it would have come to a different view or that a better decision was available.

The decision must be so unreasonable that no reasonable person could have so exercised the power in the manner that it was.

Courts have said that in applying the ground the court should not substitute its judgment on the merits of an issue for that of the decision-maker.

A decision may be unreasonable where there has been an error in a finding of fact which is critical to the decision<sup>2</sup>. Sometimes this is based on ground 2 above.

In this particular case the PAC clearly came to a view which was different to that of the Council. You have explained in conference as to the numerous and comprehensive planning studies undertaken by the Council and the several bases (at least) on which the Council's view should be preferred to that taken by the PAC in deciding the development is acceptable.

However this is not the test, and even if the Council could convince the Court that its view was to be preferred to the PAC's this would not be enough.

The decision of the PAC would need to be shown to be one not open to a reasonable mind. In this regard it is to be remembered that the Department (and the proponent's consultants) argued for a density and form of development more than that approved by the PAC. This tends to support the view that the PAC decision was not an extreme one, but rather was one reasonably open to it.

In our view the PAC reasoning and its decision is not devoid of rationality and we do not think this ground would succeed.

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<sup>2</sup> *GTE (Aust) Pty Ltd v Brown* (1986) 14 FCR 309

(f) Lack of Power

Review on the ground of want of jurisdiction encompasses

- (i) the common law ground of lack of jurisdiction in the "narrow original" sense of absence of power including the common law doctrine of jurisdictional fact, and
- (ii) the question of whether a purported delegate of a decision-maker was formally empowered to act as a delegate.

*Jurisdiction*

As to (i) jurisdiction, before the PAC had power to make the decision, a number of required steps needed to have been taken under the EP&A Act.

We have considered this in terms of the essential steps required under Part 3A and that which was in fact done as set out below.

Where each of these steps also required a decision to be made, these decisions are themselves subject to the grounds of judicial review set out in this part 4.5 of our advice. We have considered whether any of the individual steps could be successfully challenged on any ground and have concluded that they could not. The point being that if any essential step involved a decision which itself is challengeable, then the PAC would not have jurisdiction to determine the application.

1. Declaration as a Part 3A Project

This was done through the Major Development SEPP and by the confirmatory opinion of the Director-General (acting as the Minister's delegate).

2. Application for approval

Meriton made both:

- (a) a concept plan application; and
- (b) a project application.

A concept plan application requires authorisation and this was done by letter dated 1 December 2009 from the Director-General (again acting as the Minister's delegate).



3. DGRs and EA

The Director-General issued DGRs and the EA was prepared and exhibited from April to June 2009.

4. Preferred Project Report

The Director-General required this from Meriton and this was provided in August 2010.

5. Director-General's Assessment Report

This was submitted to the PAC (as the Minister's delegate) in November 2010, and included all the matters under section 75I.

6. Approval

The PAC (as the Minister's delegate) approved the project in January 2011.

In our view, all the required steps necessary to give the PAC the jurisdiction or power to determine the application occurred.

*Delegations*

As to (ii) exercise of delegated power it seems that wherever the Director-General or the PAC exercised a power which the EP&A Act gave to the Minister, this was pursuant to an instrument of delegation executed by the Minister.

As noted above there is a broad power of delegations under section 23 and in our opinion both –

- (i) the delegations by the Minister were within that power, and
- (ii) the exercise of the powers by the Director-General and the PAC respectively were within the scope of the powers delegated.

One aspect which we have considered in detail is the consequence, if any, of the Minister for Planning changing in December 2009. If the Minister changed then we considered there would be an argument that any delegations made by the old Minister would not continue. As the person delegating the power no longer had that power, it seemed to us it might be argued that the power might equally not be available to anyone holding a delegation from that person.

We have carried out considerable research on the question and have found a Victorian Supreme Court decision<sup>3</sup> to support the argument. However there are more recent NSW Court of Appeal and Federal Court decisions to the contrary<sup>4</sup> following a Canadian case<sup>5</sup>. The rationale for the principle may be gleaned from the relevant passage in that case as follows –

The consent given by the previous Minister continued to be valid until revoked or varied by the incoming Minister. While it is undoubtedly good practice that a new Minister should, immediately upon assuming office, ensure that he exercises his authority in respect of all necessary consents and delegations under the statutes which he administers, previously existing authorities granted or conferred by his predecessor continue until such time as he is able to put his mind to endorsing or otherwise disposing of them. To hold otherwise would be to cause great difficulties in the administration of statutes during the period of transition in the normal transfer of portfolios from one Minister to another. Such acts represent the authority of the office, not of the individual, and they do not cease to have effect because the incumbent changes, unless the statute otherwise declares.

We do not think any argument arises from the change in Minister that would cast doubt on the validity of the delegation of power.

(g) Procedural Fairness

The term "procedural fairness", or "natural justice", encapsulates a duty to observe fair procedures when making decisions which affect a person's rights, interests or legitimate expectations in a direct or immediate way.

The scope of the obligation depends on the statutory and factual context. This is a ground which has occupied a good deal of time in various appellate level courts across Australia and other common law countries.

However, we do not think it necessary to examine the principles at any length as the Department and the PAC appear to have kept the Council informed and provided the Council with the opportunity to make submissions and be heard in relation to the application. These opportunities went beyond that required by the EP&A Act which arguably codifies the obligation in any event.

We do not consider that there is any opportunity to challenge the decision on this ground.

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<sup>3</sup> *Wood v Pfeiffer* [1925] VR 167

<sup>4</sup> *R v GS* [2002] NSWCCA 4, *Kelly v Watson* (1985) 64 ALR 113

<sup>5</sup> *Re Putnoki and Public Service Grievance Board* (1975) 56 DLR (3d) 197

(h) Uncertainty

Where a decision is incapable of comprehension, understanding or implementation because it is lacking clarity it may be amenable to challenge on the grounds of uncertainty.

However in the case of Part 3A approvals this is difficult to establish as the courts have given recognition to the fact that these projects are large and often intended to be undertaken over a large time frame. Accordingly they are subject to change over time and an approval which allows for this is not invalid due to uncertainty.<sup>6</sup>

We do not consider that there is any opportunity to challenge the decision on this ground.

#### 4.6 Future Applications

Legally the Council's avenues are limited.

As noted above the only way to deprive the Minister of the power to determine any project application is if clause 8N of the Regulation applies. As set out above that applies only where -

- (a) an environmental planning instrument prohibits the development, and
- (b) the land is also identified as either -
  - (i) a sensitive coastal location, or
  - (ii) an environmentally sensitive area of State significance.

We anticipate that Council is fully aware of the process of making an LEP but we would be happy to advise further if required.

Yours faithfully



Michael Astill  
Partner

*(Accredited Specialist – Local Government and Planning Law – Law Society of NSW)*

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<sup>6</sup> Rivers SOS –v- Minister for Planning [2009] NSWLEC 213

**PITTWATER COUNCIL**

**- v -**

**MERITON APARTMENTS PTY LTD  
(14-18 BOONDAH RD, WARRIEWOOD)**

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**MEMORANDUM OF ADVICE**

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Mallesons Stephen Jaques  
Level 61  
Governor Phillip Tower  
1 Farrer Pl  
Sydney NSW 2000

Attention: Debra Townsend/  
Andrew Paloni

**PITTWATER COUNCIL**

**- v -**

**MERITON APARTMENTS PTY LTD  
(14-18 BOONDAH RD, WARRIEWOOD)**

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**MEMORANDUM OF ADVICE**

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1. **Background.** My instructing solicitors act for Pittwater Council. The question for me is whether there are grounds for challenging a Concept Plan and Project Approval for a large residential development at 14-18 Boondah Rd, Warriewood, each approved on 18 January 2011 pursuant to Pt 3A of the Environmental Planning and Assessment Act (**Act**) by the Planning Assessment Commission (**PAC**), under delegation from the Minister. My solicitors have, in their observations (dated 9 February 2011), outlined the procedural background to the approvals, and identified 10 potential grounds for challenge.
  
2. I understand that what is principally sought are my views as to whether there are reasonable prospects of Council successfully challenging the approvals, rather than the much larger task of identifying with precision all of the available grounds and assessing the prospects of success. I have also sought to do so as

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concisely as possible. Accordingly, I do not repeat in this memorandum the background to the decision-making process, or the (varying) details of what Meriton was proposing, except to the extent necessary to explain and analyse the various grounds. I have sought to give closest attention to the grounds which seem to me to be strongest.

3. **Summary.** I think there are available grounds of review, going to the heart of PAC's decision (namely, the very substantially increased dwelling density) which have reasonable prospects of success.
4. The term "reasonable prospects of success", although very familiar, and now enshrined in statute, can be understood differently by different people. For that reason I will try to be more precise. Based on what I have seen, I think that there are grounds of challenge which are fairly arguable, and have a real chance of a court finding that the approvals are invalid. I do not think I can be more precise, because I am conscious that (a) there are wide differences in approach between the six judges one of whom will hear any challenge, (b) it is likely that upon further examination, additional grounds of attack will emerge, and counter-arguments are apt to be developed, and (c) against that, I expect that a court, as a matter of impression, will form the view that, amongst the large class of planning approvals the subject of applications for judicial review, this is one of the better reasoned ones, and one which addresses a pressing social need. Although judicial review formally turns on questions of law, my impression is that the court's perception of the underlying merits is an important factor in its decision to accede to or to reject a challenge.

5. **PAC's decision.** The decision was made by the PAC. The validity of decision-making by that body, where there have been political donations made by the proponent, pursuant to the Minister's general delegation of 18 November 2009, was upheld in *Kennedy v NSW Minister for Planning* [2010] NSWLEC 129 at [41]-[51]. That reasoning would appear to be wholly applicable to the decision to approve the project, and would be followed by another judge as not being "clearly wrong": see *NSW Aboriginal Land Council v Minister Administering the Crown Lands Act (No 2)* [2008] NSWLEC 13 at [69]-[78]. However, as noted on p3 of the PAC's reasons, the Concept Plan Approval fell outside the general delegation, and a special delegation was made on 23 August 2010 (which I have now seen). There is nothing in it that would displace the presumption of regularity (cf *Walker v Kempsey Shire Council* [2001] NSWLEC 84 at [9]). I have not for present purposes looked more closely to see if there is a scope for a more general challenge to decision-making by the PAC.
  
6. **Process not reviewed here.** My solicitors instruct me that they have undertaken a review of the procedural steps in relation to the Concept Plan and the Project Application and have identified no obvious errors. I have not sought to duplicate that task. The grounds of challenge, therefore, all relate to the outcome, rather than the decision-making process.
  
7. **Dwelling density.** I have focussed my attention on the grounds directed to density, which go to the heart of the decision, which were treated by the proponent, objectors, government and the PAC as central (for example, "increased density and height" was the first "key issue" identified in the PAC's reasons, and that issue dominates section 7.0 – see pp8-10), and which are least likely to give rise to issues of severability.

8. Briefly, in contrast with the approval to subdivide and erect **135** dwellings obtained by Meriton from Council in 2008, in the Pt 3A process, a density of **25** dwellings per hectare (consistently with PLEP cl 30C), Meriton initially sought approval for **600** units (see Environmental Assessment (**EA**) p12). Page 67 of the EA drew to the reader's attention the fact that this was far more than provided for under the LEP, but asserted that "as outlined in this report, it is considered that this site can accommodate this dwelling yield sustainably"). Following exhibition of the EA, Meriton's Preferred Project Report (**PPR**) reduced the density to **559** apartments, or **75** dwellings per hectare (p1). It was noted in the Worley Parsons Strategic Review (commissioned by the Department) that Council had calculated a net developable area of around 7.4 hectares, rather than the 8.116 hectares previously relied upon by Meriton, which had the effect of altering the density to **81** dwellings per hectare (p18).
  
9. Condition B1.b imposed further modifications, *inter alia* restricting the height of the development to 3 storeys, save in the case of Buildings D, E, F and G which could extend to a fourth storey, so long as any 4<sup>th</sup> storey had "a smaller footprint than the 3<sup>rd</sup> level below to provide articulation to the building form." The approval states that:
 

"Amended plans demonstrating compliance with these modifications shall be submitted to, and approved by the Director General."
  
10. **Are the approvals uncertain and therefore invalid?** Plainly there are no plans presently in existence which describe the development approved by the Project Approval. Plainly there is a multitude of potential modifications to the existing plans which might conform to those newly imposed constraints. Seemingly, the Director-General is obliged to approve any modified plans which so conform. Is this something which is authorised by the Act?



11. The conventional starting point for analysis is *Mison v Randwick Municipal Council* (1991) 23 NSWLR 734, which identified two bases of challenge: where the condition significantly alters the development, and where it is uncertain. The present focus is on the latter; I see little scope for challenge on the first basis: s75J expressly authorised approval to be given "with such modifications of the project ... as the Minister may determine" (a point emphasised by Preston CJ in *Ulan Coal Mines Ltd v Minister for Planning* (2008) 160 LGERA 20 at [74]), and it is plain from decisions such as *Barrick Australia Ltd v Williams* (2009) 74 NSWLR 733 that the power to modify, especially in Part 3A, is broad (certainly, broader than its Part 4 counterpart s96).
  
12. Dealing with uncertainty, Clarke JA (with whom Meagher JA agreed) posed the test in the following terms (at 740):
 

"Where a consent leaves for later decision an important aspect of the development and the decision on that aspect could alter the proposed development in a fundamental respect, it is difficult to see how that consent could be regarded as final."
  
13. The condition held invalid in *Mison* was that "Overall height of the dwelling house being reduced to the satisfaction of Council's chief town planner." Clarke JA referred to *Lend Lease Management Pty Ltd v Sydney City Council* (1986) 68 LGRA 61 where a condition which left to the townplanner which of two substantially different floor ratios should be applied was struck down.
  
14. As a matter of construction, the Project Approval has produced one of two outcomes. Either the plans contained in the EA and PPR are to be modified so as to adhere to the new constraints upon density and height, and as modified the

Director-General *must* approve them so long as he is satisfied they comply with the conditions, or alternatively there remains a discretion reposed in the Director-General to reject modified plans even if they otherwise comply. In my view, the latter construction would more likely than not be invalid – it amounts to the delegate PAC delegating its own function to the Director-General, which is contrary to the Act, and is contrary to notions of finality. That said, although I think that latter construction is a *possible* construction, I do not think it is the preferable construction of the approval, and a Court will prefer a construction which tends to validity rather than invalidity. If the function of the Director-General is merely to check that the constraints imposed by the conditions of approval are all met in the modified plans, then I do not think that as a *matter of delegation* that will be beyond the scope of what is authorised by s75J. But what of the fact that the PAC's conditions leaves to the proponent a wide leeway of possible modifications all of which comply with what has been approved?

15. In my view, this is a ground of review which has merit. Its success will turn on matters of fact and degree. Ultimately, the legal question is whether s75J authorises a condition which leaves to the proponent the measure of choice involved in this approval – the legal test is *not* merely whether what has been approved is “certain” (if that were so, Council's challenge would succeed!). For, subsequently to *Mison*, it has become clear that the legal question is not whether the condition is certain, or final, but whether it is of a class of conditions authorised by the Act. That is of some importance to the present case, where (in the case of a Part 3A project approval) the source of power to impose conditions is s75J. In *Ulan Coal Mines Ltd v Minister for Planning* (2008) 160 LGERA 20, dealing with a condition requiring a reduction in the scale of mining operations if insufficient water was available, Preston CJ said (emphasis added):

73 Ulan also argues that Condition 29 is uncertain because it does not specify the precise way in which Moolarben must adjust its mining

operations, that is to say, specify the parameters governing any adjustment.

74 However, the power to grant approval on conditions in s 75J of the Act, neither expressly nor impliedly requires, in order for a condition to be valid, that a condition set the parameters for adjustment of a project to achieve an outcome or an objective specified in the conditions. The power to impose conditions on an approval under Part 3A of the Act is not confined in the manner specified for conditions of development consent under Part 4 of the Act (see sections 80 and 80A of the Act). The power to grant approval under s 75J is expressly stated to be able to be exercised, first, "with such modifications of the project" and, secondly, "on such conditions", as the Minister may determine in both cases.

75 Clearly, the power to impose conditions on an approval under Part 3A is wide. There is no warrant to read that power down by imposing the limitation argued by Ulan that parameters of any adjustment to the Project to meet any outcome or objective specified, must also be specified.

76 In these circumstances, the failure of Condition 29 to specify the permissible parameters for adjustment of the scale of mining operations does not cause the Condition to be outside the class of conditions which s 75J permits.

77 Moreover, Ulan's argument that without such specification of parameters, there is legally unacceptable uncertainty, is not established. Questions of degree are always involved in determining whether a condition is sufficiently uncertain so as to be outside power: *Transport Action Group Against Motorways v Roads and Traffic Authority* [1999] NSWCA 196; (1999) 46 NSWLR 598 at 629 [117].

78 Retention of practical flexibility, leaving matters of detail for later determination, and delegation of supervision of some stage or aspect of the development, may all be desirable and be in accordance with the statutory scheme: see *Scott v Wollongong City Council* (1992) 75 LGRA 112 at 118; *Transport Action Group Against Motorways v Roads and Traffic Authority* [1999] NSWCA 196; (1999) 46 NSWLR 598 at 629 [117] - 630 [122]; *Kindimindi Investments Pty Ltd v Lane Cove Council* [2006] NSWCA 23; (2006) 143 LGRA 277 at 292 [55] and *Hurstville City Council v Renaldo Plus 3 Pty Limited* [2006] NSWCA 248 (8 September 2006) at [89].

79 In this case, leaving a choice of the means by which the outcome or objective of ensuring sufficient water for all stages of the project is to be met, to the proponent, including the nature and extent of adjustments that should be made, cannot be said to be outside the statutory scheme of Part

3A of the Act and in particular the power under s 75J to grant approval subject to conditions.

80 The scale of the projects subject to approval under Part 3A, which are often complex, extensive and multi-stage projects, make the retention of such flexibility appropriate and inevitable, a point also made in relation to other large scale projects under Part 5 of the Act (see *Transport Action Group Against Motorways v Roads and Traffic Authority* [1999] NSWCA 196; (1999) 46 NSWLR 598 at 630 [124] - 631 [125]) and under Part 4 (see *Kindimindi Investments Pty Ltd v Lane Cove Council* [2006] NSWCA 23; (2006) 143 LGERA 277 at 292 [54]).

81 It must also be remembered that any adjustments to mining operations that might be made pursuant to Condition 29 cannot cause the project to depart from the essential outer parameters set by the definition of the project and the other conditions of the approval, notably Conditions 2, 5 and 6 in Schedule 2 of the approval.

16. Those principles were repeated and applied in *Rivers SOS Inc v Minister for Planning* [2009] NSWLEC 213 at [133]-[136].
  
17. How to resolve the question of fact and degree as to whether the extent to which Meriton is given choice within the constraints of the conditions of approval takes the condition outside the scope of the power? To my mind, it is significant that this is a *residential* development in an urban area, so that the location and form of the building envelopes is something which is critical to what has been approved. In my view, one cannot uncritically apply reasoning applicable to, say, a coal mine approved under Part 3A; more apposite is Clarke JA's statement in *Mison* that "the height and positioning of the building on site were, arguably, the two most critical features of the development" (at 640). Where as here what is proposed is a series of buildings, the total number of dwellings is arguably the most critical feature, but nonetheless, the height and positioning of the buildings remains critical. It is clear from the reference in the conditions to "any change in the siting or form of the envelopes" that variation in the footprint as well as the height is – *expressly* – authorised. Where it can be said that one does not know

(a) how many buildings (b) where they will be located, and (c) what shape or height they will be, save that they must comply with an overall dwelling density and building ceiling, then in my view it is reasonably arguable that the leeways of choice given to Meriton exceed the power conferred by s75J. All of that said, I think that the prospects of success on this ground are finely balanced – principally because Part 3A should be construed liberally, and because it may be said with some force that it will be necessary for Meriton substantially to adhere to the plans it has submitted to the extent possible.

18. **Challenging the concept plan too?** Although I am conscious that the Concept Plan approval attracts different principles, and in particular any *Mison* attack ought to be even more difficult in the case of a decision which is more abstract than the Project Approval, I incline to the view that the two approvals, whose terms mirror each other, and which were plainly (and properly) treated together by the PAC, will stand and fall together.
  
19. **What evidence supports the 60 dwellings per hectare density?** I turn to a separate point. On a fair reading of its reasons, it seems clear that the PAC rejected Council's Warriewood Valley Planning Framework 2010 (limiting development to 25 dwellings per hectare) for reasons set out at p8, but also rejected the Department's Warriewood Valley Strategic Review (permitting 81 dwellings per hectare) principally because of the limited nature of the review (pp8-9). After recommending a joint "comprehensive strategic study", the PAC chose not to await its outcome, but instead to "take its lead" from the Metropolitan Strategy, which document, the PAC said, "has guided the Commission's conclusions regarding the appropriate development density and height at the site" (p9).

20. Now true it is that Action D2.1 in the Strategy is in these terms:

"Ensure local planning controls include more low rise medium density housing in and around smaller local centres",

and low rise means three storeys or less, and medium density means 25-60 dwellings per hectare (see p113 of the Strategy). Yet the outcome of the PAC is something which is, at least arguably, *not* "low rise medium density" as those terms are defined. *First*, buildings which are four storeys are on any view medium rise – and 7 of the 16 buildings on the site, and 4 of the 7 in Stage 1, may be 4 storeys high! *Secondly*, and obviously, the number 60 has been chosen as the *maximum* density so as to fall within what the Strategy defines as "medium"; those two considerations alone suggest that it would be inapt to describe what has been approved as "low rise medium density".

21. **Does this found a judicially reviewable error?** It is insufficient merely to identify a error in the PAC reasoning process, even one which demonstrates irrationality or illogicality. Merits review of the approvals is not available, and "It is clear that neither erroneous findings of primary fact, nor the drawing of illogical or inappropriate inferences, will thereby constitute an error of law": see per Basten JA in *Minister Administering the Crown Lands Act v Bathurst Local Aboriginal Land Council* (2009) 166 LGERA 379 at [197]-[203], where some of the authorities are collected.
22. However, in my view the matters referred to above do, reasonably arguably, disclose judicially reviewable error. First, it arguably follows from the reasoning referred to above that there was no evidence before the PAC that the density permitted by the conditions was appropriate – except the evidence of the Warriewood Strategic Review which it rejected (cf ground 2 of the grounds proposed for consideration by my solicitors). "No evidence" is a conventional

ground of judicial review, most commonly invoked in the federal sphere (where special provisions apply: see *Administrative Decisions (Judicial Review) Act 1977* (Cth), s5(3)), but which Spigelman CJ has formulated as amounting, at common law, to “no probative evidence”: *Bruce v Cole* (1998) 45 NSWLR 163 at 188-189; *Skiwing Pty Ltd v Trust Company of Australia* [2006] NSWCA 276 at [52]-[53]. I think it can fairly be said that although the PAC relied upon the Strategy, that provides no real probative basis for the decision reached, since the Strategy is addressed in terms of generality to the metropolitan area, and even then encourages a less dense outcome (no more than 3 storeys) than has eventuated.

23. Secondly, the same reasoning suggests that the PAC failed to take into account a relevant consideration, namely, the existing density permitted under the PLEP. Giles JA has said, with the agreement of Priestley JA, that:

Taking relevant matters into consideration called for more than simply advertent to them. There had to be an understanding of the matters and the significance of the decision to be made about them, and a process of evaluation, sufficient to warrant the description of the matters being taken into consideration...”: *Weal v Bathurst City Council* (2000) 111 LGAR 181.

24. That formulation has been criticised, as tending too much to intrude into the merits: see eg *Kindimindi Investments Pty Ltd v Lane Cove Council* (2006) 143 LGAR 277 at [74]-[81], and it may be difficult to reconcile with what was recently said in *Minister for Immigration and Citizenship v SZJSS* [2010] HCA 48 at [32]-[35]. The essence of the argument is that there was no foundation for any assessment of the impacts following the rejection of the Warriewood Valley Strategic Review, hence there was no evaluation of why it was proper to depart from the PLEP. That is strengthened by the consideration (pointed out by my instructing solicitors) that s75I(2)(e) has not been complied with, although of itself

it seems to me that s75X(5) is a complete answer to that deficiency: see *Hill Top Residents Action Group Inc v Minister for Planning* (2009) 171 LGERA 247 at [107]-[109].

25. Thirdly, I would not at this stage rule out *Wednesbury* unreasonableness – depending in particular upon the effective density achieved by the approvals which would emerge as the quotient if the calculation as set out in the Strategy were performed. The question identified in *Minister for Immigration and Citizenship v SZIAI* (2009) 259 ALR 429 at [16] applicable to this ground is:

“was there deficiency in process which was so linked to the decision reached as to make it manifestly unreasonable?”

In my view, there is some scope for asking for an affirmative answer to that question – given the substantial exceedance of the density in the LEP, given the way in which the PAC has strived to achieve an outcome at the very limit of what might be justifiable under the Strategy, given the absence of studies that would ordinarily accompany such a decision, and given the peremptory way in which the PAC has required the elaborate existing plans be modified.

26. **Other grounds.** I will deal more concisely with the remaining grounds in my observations, which I do not at present think are as promising as those set out above. That is not to say they should be discarded; to the contrary, there is much to be said, in my view, for advancing a broad ranging attack on the approvals. Certainly, very often a challenger has a large number of grounds, and successful challengers typically only require success on one of them.
27. **(a) Site amalgamation.** The Director-General's Environmental Assessment Requirements required the proposal to seek to amalgamate with 5 and 7



MacPherson St. As noted in my observations, this is not fairly addressed in the EA or thereafter in the process. However, I regard the ground as relatively weak, principally as a matter of impression. It would amount very much to the tail wagging the dog, and why may it not, in substance, be cured subsequently?

28. **(b) Dedication.** The 15,601 square metres of public open space to be dedicated pursuant to condition 3 of the Concept Plan Approval is not subject to a timeframe. An example where the difficulties attendant upon a similar condition, without an express time limit, were exposed, is *Coalcliff Community Association Inc v Minister for Urban Affairs and Planning* [1999] NSWCA 317. However, I am inclined to doubt that a court would find that such a condition is beyond the power conferred by s75O.
  
29. **(c) Financial viability.** It is suggested that the PAC took into account an irrelevant matter, the financial viability of the development. This ground is based upon two references in the PAC's reasons (at pp 6 and 9). The second ("the viability of the development from the proponent's perspective should not be a determining factor...") suggests that the PAC was (properly) *not* basing its decision on financial viability. I think the likely short answer to the ground is that to read the reasons as if financial viability were a matter of significance to the decision is to read them with an eye improperly keenly attuned to the detection of error: *Minister for Immigration and Ethnic Affairs v Wu Shan Liang* (1996) 185 CLR 259 at 272.
  
30. **(d) Roads in Stage 2.** Finally, I think there is some merit in the proposition that although the PAC considered it appropriate that the Stage 2 development application should demonstrate that the road improvement works would be implemented in advance of residents moving into State 2, no condition was

imposed requiring this, with the result that Council will be placed under difficulty in requiring this, because, so it may be said, that for Council to impose such a condition is, although wholly consistent with the PAC's *reasons*, is not generally consistent with the *terms of the approval*, contrary to s75P(2)(a). My preliminary view is a Court will be reluctant to adopt such an argument, and that one answer to it is that a condition in a subsequent consent, may not collide with s75P(2)(a) and be within power even though it is not required by the Part 3A approval.

31. **Conclusion.** Based on the materials briefed, I think a range of reasonably arguable challenges to both the Project Approval and the Concept Plan Approvals are available to Council. I am conscious that this memorandum presupposes familiarity with the site and the history of the approvals, and is far from being exhaustive; I would be happy to elaborate any aspect of it if so requested.



Mark Leeming SC

Chambers, 18 February 2011

# MALLESONS STEPHEN JAKUES

**Attention: Mr Steve Evans**

1 March 2011

The General Manager  
Pittwater Council  
DX 9018  
MONA VALE

Dear Sir

**Meriton Part 3A Project - Boondah Road, Warriewood**  
**Senior Counsel's advice in relation to potential grounds for challenge to the approvals**

In accordance with your instructions we briefed and obtained written advice from Mr Mark Leeming SC in connection with the decision by the Planning Assessment Commission ("PAC") to approve the Meriton Part 3A Applications for the site at Boondah Road, Warriewood. The PAC was exercising the power of the Minister pursuant to two delegations granted to it in respect of both a concept plan and a project application.

Mr Leeming's advice was forwarded to the Council on 21 February 2011 and indicated that "a range of reasonably arguable challenges to both the Project Approval and the Concept Plan Approvals are available to the Council". We have been asked to indicate whether it is possible, at this stage, to provide the Council with our advice as to the prospects of success in relation to the grounds of challenge identified in Mr Leeming's advice, to address the consequences for the Council if such a challenge is successful and to address the question of likely legal costs in such proceedings.

**Prospects of success**

Mr Leeming's advice indicates that, in his opinion, the Council has "grounds of review, going to the heart of the PAC's decision...which have reasonable prospects of success". The work undertaken to brief Mr Leeming was, because of the time constraints involved, necessarily somewhat preliminary. Nevertheless, we were able to review a significant amount of material in that exercise and we do have a reasonable understanding of the background to the matter having been involved in the provision of advice to the Council at various stages during the consideration of the preparation of the strategic review by Worley Parsons and the Council's merit submissions to the Department of Planning opposing the proposal.

We agree with Mr Leeming's assessment that the determinations do raise questions which could form the basis of a challenge to the approvals. However, we do not believe that the Council would have more than a 50% chance of success in raising such arguments based upon our knowledge of the material gained to date.

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If the Council is minded to proceed with a challenge, we would be entitled to obtain access to the Department of Planning's files in connection with the application and material held by the Planning and Assessment Commission. It would only be after a review of that material that a more considered assessment of the Council's prospects of success could be provided.

## **Likely outcome if Council is success**

If the Council brings proceedings challenging the validity of the determination of the concept plan and project application and is successful in obtaining a declaration from the Court that both determinations are invalid, the Part 3A applications will remain as undetermined applications which can be further considered by the Planning and Assessment Commission once identified errors in the decision making process have been addressed. It is therefore possible that the ultimate outcome could be that the applications are again approved, either in their current form or in some amended form.

It is also possible (although we think unlikely) that the project approval may be found to be invalid but the concept plan may be upheld by the Court. If that were the outcome of challenge proceedings, again the project application would remain an undetermined application that could be determined once the matters that founded the errors had been addressed. Alternatively, a fresh project application could be made and, if consistent with the concept plan, would be likely to be approved.

If the Council is unsuccessful in its challenge to both the concept plan and the project approval, Meriton will be free to act upon those approvals in accordance with their terms.

## **Costs**

The nature of proceedings necessary to challenge the validity of the approvals is such that the court applies the "usual cost rules". This means that the party that succeeds in the proceedings is ordinarily entitled to have its costs paid on a party and party basis by the unsuccessful party. Applying that ordinary rule, if the Council succeeds in its challenge to the approvals, it would expect to recover a significant proportion of its legal costs through an order for payment of its costs on a party and party basis. If, however, the Council is unsuccessful then it would be expected to pay the costs of the successful parties.

The usual costs rules will apply even when there are multiple successful parties. Generally, the Court will try to minimise such costs by keeping the number of active parties to a minimum. The Court will only make a costs order that does follow the usual rules where there are good reasons for doing so. This might include a situation where the additional parties are not proper parties to the proceedings, where the additional parties raise the same issues as other parties leading to duplicate costs, or where other conduct disentitles them to costs.

Assuming the Council wishes to commence proceedings challenging the approvals, we have given some thought to the likely legal costs that the Council would incur in doing so. It is difficult at this stage to provide the Council with accurate costs figures. Nevertheless, our best estimate is that the Council's legal costs going forward would be in the order of \$80,000 for

both solicitor and counsel's fees, assuming that the Council wished to brief senior counsel in the matter. If the Council succeeds and obtains a favourable costs order, it should expect to recover in the order of 70% of its costs. If it is unsuccessful and is ordered to pay both the Minister and Meriton's costs, we expect the Council would in that event incur an additional amount in the order of \$100,000.

## **Time for Commencement of Proceedings**

Section 75X(4) of the Environmental Planning and Assessment Act provides that the validity of approval under Part 3A cannot be questioned in legal proceedings unless the proceedings are commenced within 3 months after public notice of the decision was given. In the present case, notice of decision was given on 18 January 2011. The Council should therefore commence any proceedings by 18 April 2011.

Yours faithfully



for Debra Townsend

Partner

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## **Council Meeting**

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### **17.0      Adoption of the Committee of the Whole Recommendation**

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