

# *STATUTORY RETURNS*

Local Government Act 1993, Local  
Government (General) Regulation 2005  
and other statutory information.

## LOCAL GOVERNMENT ACT 1993

### SECTION 428 (1)

#### Performance of Principal Activities in the Management Plan

Our performance against Principal Activities in the Strategic Community Plan 2012 is presented on pages 31 to 102.

### SECTION 428 (2) (F)

#### Mayor/Councillor Fees & Expenses

During 2012-2013 the Mayor and Councillors fees amounted to \$274,660.

This included:

Mayoral fee: \$57,660

Councillor fee: \$217,000

During 2012-2013 an additional amount of \$160,152 was incurred by Council under this policy for the provision of facilities and payment of expenses for the Mayor and Councillors.

### SECTION 428 (4)

#### Financial Statements

Our audited Financial Reports for the 2012-2013 financial year commence on page 166.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

(5) A planning authority that has entered into one or more planning agreements must, while any such planning agreements remain in force, include in its annual report particulars of compliance with, and the effect of, the planning agreements during the year to which the report relates.

	VOLUNTARY PLANNING AGREEMENT - CROMER	VOLUNTARY PLANNING AGREEMENT - DEE WHY
VPA ASSOCIATED APPLICATION	Evergreen Estate Planning Proposal – seeking to rezone land at 26 Campbell Avenue, Cromer. 1.4hectares (84%) of the land will become R2 Low Density Residential. 2840sqm (16%) will be dedicated to Council and be rezoned RE1 Public Recreation.	Rezoning Application and associated Development Application No. 2007/1249 – Stage 1 DA for a mixed use development on “Site B” of the Dee Why Town Centre
DESCRIPTION OF PUBLIC BENEFIT OF VPA	Dedication to Council of 2840sqm of land along the northern boundary fronting the existing creek line. This land will be rezoned for public recreation.	<ol style="list-style-type: none"> <li>1. Provision of Town Square Works</li> <li>2. Provision of pedestrian connection and works</li> <li>3. Provision of bus setback works and area on Pittwater Road</li> <li>4. The provision of a monetary contribution for the construction and dedication (by Council) of Church Lane located to the east of the site bordering St Kevin's Church</li> </ol>
OTHER PARTY TO VPA	<ol style="list-style-type: none"> <li>1. Evergreen Development (Dee Why) Pty Ltd</li> <li>2. Binburra Pty Ltd</li> </ol>	Multiplex Pty Limited
STREET ADDRESS	26 Campbell Avenue, Cromer	9 to 17 Howard Avenue, 14 to 16 and 28 Oaks Avenue, 884, 888 to 896 Pittwater Road, Dee Why
STATUS	Executed on 12 June 2013.	Executed and entered into by Council on 12 December 2008, Stage 1 DA approved, currently awaiting lodgement of Stage 2 DA and design of the VPA works

**LOCAL GOVERNMENT (GENERAL) REGULATIONS 2005**

**CLAUSE 132**

Rates and charges written off 2012-2013

WRITTEN OFF 2012 - 2013	
Rates abandoned (postponed)	\$7,338
Interest abandoned (postponed)	\$3,269
Interest abandoned (other)	\$3,006
Mandatory pension rebate	\$1,872,242
Voluntary pension rebate (rates)	\$131,048
Voluntary pension rebate (waste)	\$265,191
<b>TOTAL</b>	<b>\$2,282,094</b>

**CLAUSE 217(1) (A1)**

Councillors Facilities and Expenses

FACILITIES AND EXPENSES	
Dedicated office equipment to Councillors (incl. computers)	\$15,760.55
Communication charges (including phone calls, facsimile and internet)	\$25,307.73
Seminars and conferences attended by Councillors	\$27,227.45
Councillor training and skills development	\$40,368.03
Interstate travel by Councillors	\$0
Overseas visits by Councillors	\$856.06
Expenses of spouse, partner, or person accompanying a Councillor	\$298.62
Provision of care for a child or family member of a Councillor	\$80.00
Other expenses	\$50,253.56
<b>TOTAL</b>	<b>\$160,152.00</b>

**CLAUSE 217(1) (A)**

Overseas Visits by Councillors or Council Staff 2012 - 2013

1. The General Manager and Legal Officer visited various sites in Europe on behalf of Kimbriki Environmental Enterprises Pty Ltd. The trip, undertaken in November 2012, was to inspect recycling and fuel plants and was paid for by Kimbriki Environmental Enterprises Pty Ltd.
2. The Mayor, General Manager and Group Manager Strategic Planning visited Auckland Council, Auckland, New Zealand in March 2013 to review local governance arrangements.

## LOCAL GOVERNMENT (GENERAL) REGULATIONS 2005

### CLAUSE 217(1) (A2)

Contracts Awarded in 2012-2013 for Goods and Services in Excess of \$150,000

CONTRACTOR	GOOD AND SERVICES PROVIDED	APPROX. VALUE AS APPROVED BY COUNCIL
Image Property Maintenance Marsupial Landscape Management Skyline Landscape Services	Grass maintenance services	\$484,660 \$72,700 Contingency
Sydney Civil Pty Ltd	Beach and Cliff Roads upgrade works, Collaroy Basin	\$1,185,134
Keystone Projects Group	Major works for Brookvale Occasional Care Centre	\$880,026
Landscape Solutions Pty Ltd	Major works for the upgrade of Cromer Park	\$2,633,662
Project Management Partners Pty Ltd	Project management method and training services	\$330,272
Around The Grounds	Turf cricket wicket and outfield maintenance	\$577,500

### CLAUSE 217(1) (A3)

#### Summary of Legal Proceedings

During 2012-2013 the following expenses were incurred in relation to legal proceedings:

Proceedings favourably finalised	\$364,511
Discontinued	\$15,879
Proceedings not favourably finalised	\$43,805
Proceedings not finalised	\$21,761
<b>TOTAL</b>	<b>\$445,956</b>

## LOCAL GOVERNMENT (GENERAL) REGULATIONS 2005

### DISCONTINUED

Warringah ats Simmat  
Warringah ats Pollifrone

### PROCEEDINGS FAVOURABLY FINALISED

Warringah ats Artz 2 Design  
Warringah ats Greenwood (while a favourable outcome, Council did incur partial applicant costs to the sum of \$41,400 in respect of Class 4 proceedings)

Warringah ats McKees  
Warringah ats Dee Why Grand  
Warringah ats AMP  
Warringah ats Artz 2 Design  
Warringah ats O’Toole  
Warringah ats Broadfoot  
Warringah ats Kelly Trust No. 3  
Warringah ats Bradley  
Warringah ats Dee Why Grand  
Warringah ats AMP  
Warringah ats Gow  
Warringah ats ESH Holdings  
Warringah ats Grey  
Warringah ats Thomas  
Warringah ats Goddard  
Warringah ats Planet Warriewood Pty Limited  
Warringah ats Greenwood (Class 1 proceedings)  
Warringah ats De Luca (costs to be recovered)  
Warringah v Ullrich  
Warringah v Humphries  
Warringah v Diggins  
Warringah v Bonnano  
Warringah v Chivers  
Warringah v Torrisi  
Warringah v Carter  
Warringah v Expella  
Warringah v Tran  
Warringah v Guo

### PROCEEDINGS NOT FAVOURABLY FINALISED

Warringah v Dalton  
Warringah v Donolla

### PROCEEDINGS NOT FINALISED

Warringah v Ma  
Warringah v Gow  
Warringah ats Young  
Warringah ats Totally Managed.

### CLAUSE 217(1) (A4) Council Works on Private Land

Nil.

### CLAUSE 217(1) (A5) Grants and Donations

2012-2013 GRANTS AND DONATIONS	AMOUNT
Australian Tibetan Cookbook Project	\$2,500.00
Autism Community Network	\$4,677.00
Booklovers' Club Warringah	\$1,000.00
Catholic Parish of Warringah	\$3,000.00
Co.As.Is - Womens Wellness Group	\$1,400.00
Collaroy Surf Life Saving Club	\$5,920.00
Computer Pals for Seniors Northern Beaches	\$1,478.00
Constant Companion	\$2,200.00
Dee Why Surf Life Saving Club	\$5,920.00
Disabled Alternative Road Travel Service	\$2,100.00
Disabled Surfers Association of Australia	\$3,300.00
FAMS Theatre Company	\$2,500.00
Fighting Chance Australia	\$5,000.00
Forest Hills Pony Club	\$1,614.20

Forest Rugby Club	\$624.15
Freshwater Amateur Swimming Club	\$5,000.00
Freshwater Surf Life Saving Club	\$5,920.00
Friends of Freshwater	\$5,000.00
Koori Kids Pty Ltd	\$450.00
Lifestart Northern Beaches	\$2,565.00
Literacy Network Manly	\$4,500.00
Long Reef Surf Life Saving Club	\$5,920.00
Manly & District Dog Training Club	\$250.00
Manly Community Centre	\$4,200.00
Manly Warringah & Pittwater Historical Society	\$2,000.00
Manly Warringah Choir	\$2,000.00
Manly Warringah Netball Association	\$1,395.00
Manly Warringah Pipe Band	\$2,000.00
Manly Warringah Pittwater Community Aid Service	\$2,227.00
Narrabeen Surf Life Saving Club	\$5,920.00
NSW Justice Association	\$3,500.00
North Curl Curl Surf Life Saving Club	\$5,920.00
North Narrabeen Surf Life Saving Club	\$5,920.00
Northern Beaches Chorus	\$2,500.00
Northern Beaches Community Services	\$7,000.00
Northern Beaches Creative Leisure & Learning	\$2,500.00
Northern Beaches Eisteddfod	\$5,000.00
Northern Beaches Interchange	\$5,000.00

Northside Enterprises Incorporated	\$5,000.00
Peer Support Australia	\$2,270.00
Peninsula Senior Citizens Toy Repair Group	\$1,200.00
Permaculture Manly Warringah Pittwater	\$5,000.00
Rotary Club Dee Why	\$2,500.00
Royal Rehabilitation Centre	\$3,300.00
Cloud 9 - Under 21s Musical Festival	\$2,130.73
Schizophrenia Fellowship of NSW	\$2,500.00
Shackfolk Incorporated	\$5,000.00
South Curl Curl Surf Life Saving Club	\$5,920.00
St John Ambulance Australia	\$450.00
St Vincent de Paul - Northern Beaches	\$4,500.00
St Vincent de Paul Youth Reach	\$5,000.00
South Narrabeen Surf Life Saving Club	\$5,920.00
Surf Life Saving Sydney Northern Beaches Branch	\$12,439.00
Tear Australia Incorporated	\$100.00
Terrey Hills Community Library	\$20,000.00
The Link Church	\$5,000.00
Tibetan Community of Australia	\$5,000.00
Vision Australia	\$5,000.00
Water Skills for Life	\$1,390.00
Wheelchair Sports NSW	\$5,000.00
<b>TOTAL</b>	<b>\$234,540.48</b>



## LOCAL GOVERNMENT (GENERAL) REGULATIONS 2005

### CLAUSE 217(1) (A6)

#### External Bodies with Council Delegated Authority

Warringah Development Assessment Panel independently determines major development applications.

### CLAUSE 217(1) (A7)

#### Council Controlled Companies

Kimbriki Resource Recovery Centre  
Kimbriki Environmental Enterprises Pty Ltd (KEE) operates a recycling and waste disposal centre at Kimbriki Road, Terrey Hills. Warringah Council is the major shareholder in KEE with 51% of shares. The remaining shares are held by Pittwater, Manly and Mosman Councils holding 34.45%, 10.75% and 3.84% of shares respectively.

KEE commenced operation on 1 July 2009 following the necessary authorisations pursuant to sections 358 and 625 of the Local Government Act.

### CLAUSE 217(1) (A8)

#### Partnerships, Cooperatives and Joint Ventures

##### Warringah Pittwater Rural Fire Committee

Warringah Council has a 50% interest in the assets and liabilities of a joint venture project with Pittwater Council for the provision, control and management of bush fires. The joint venture will continue on a year-to-year basis until dissolved in accordance with the terms of the deed of agreement. Both Councils have signed a Service Level Agreement with the Commissioner of the NSW Rural Fire Services to cover the provision of these services.

##### Shore Regional Organisation of Councils (SHOROC)

Warringah Council is an equal member of SHOROC along with Manly, Mosman and Pittwater Councils. The SHOROC group develops and delivers regional strategies and initiatives of benefit to the member councils.

### CLAUSE 217(1) (A9)

#### Equal Employment Opportunity (EEO) Activities

Warringah Council supports the PRINCIPALS of Equal Employment Opportunity (EEO) as it relates to recruitment, training and staff development programs, performance management, equal access to information about Council policies, procedures and practices, supervision and management of staff, promotion and conditions of employment.

By putting the PRINCIPALS of EEO into practice Council ensures that all employees, and future employees have an equal opportunity to enjoy a rewarding and challenging career with Warringah Council and enjoy freedom from all forms of discrimination.

Council has an Equal Employment Opportunity (EEO) Management Plan that details the objectives, actions and responsibilities required to ensure that Warringah Council is an equal opportunity employer and that all employees are aware of their rights and responsibilities.

The General Manager has overall responsibility for the implementation and coordination of the Equal Employment Opportunity Management Plan.

The Equal Employment Opportunity Management Plan includes strategies to ensure fair outcomes in all areas of employment with the following focus:

- Promotion of EEO and Diversity PRINCIPALS
- Maintaining workplaces free from discrimination, harassment and bullying
- Accessible policies and procedures
- Grievance procedures
- Ongoing analysis of employment data

The EEO plan was revised during 2011-2012 to ensure consistency with Council's corporate direction.

In keeping with the EEO plan, information about Council's EEO policy and grievance procedure is provided to all new employees at corporate induction. In addition, refresher courses (including Code of Conduct) are offered to staff every two years, and Human Resources staff are available to provide advice on grievance resolution at any time.



## LOCAL GOVERNMENT (GENERAL) REGULATIONS 2005

EEO data is collected on a voluntary basis, to alleviate privacy concerns. Statistics at present are as follows:

- Nine staff have a disability
- 55 staff with a Non English Speaking Background (NESB) background
- Eight staff have an indigenous background

### CLAUSE 217 (1) (B) (C) Senior Staff Salaries

Between 1 July 2012 and 30 June 2013 the following senior staff salaries were paid:

Council has three senior staff as defined by the Local Government Act (General Manager, Deputy General Manager Community and Deputy General Manager Environment). All senior staff are engaged under the standard employment contract issued by the Department of Premier and Cabinet – Division of Local Government and are subject to performance agreements. The contract term for the General Manager, the Deputy General Manager Community and Deputy General Manager Environment is five years. The all-inclusive remuneration packages that incorporate salary, employer superannuation, performance and higher duties payments and fringe benefits tax for the senior staff for the financial year ending 30 June 2013 were as follows:

	General Manager	Senior Staff
Salary component of the package	\$367,464.32	\$505,368.26
Bonus, performance and other payments	\$0	\$0
Councils contribution to superannuation	\$16,406.76	\$49,568.31
Non cash benefits accounted in the package	\$0	\$2,601.49
Fringe benefits tax for non-cash benefits	\$12,877.48	\$15,415.30
<b>TOTAL PACKAGE</b>	<b>\$396,748.56</b>	<b>\$572,953.36</b>

### CLAUSE 217 1 (F) Companion Animals Act and Regulation

#### Lodgement of Pound Data Collection Returns with the Department

Records from Council's pound show that a total of 425 animals were impounded during the financial year, made up of 339 dogs and 86 cats. Council continues to try either reuniting or re-homing all animals that are impounded. This will be reported through to the Division of Local Government before the deadline of 30 September 2013.

#### Reporting Dog Attacks to the Department

Council reports attacks to the Division of Local Government, by the Companion Animals register, within 72 hrs of being notified of the attack. Last financial year 48 incidents were reported.

#### Expenditure on Companion Animal Management and Activities

Some \$112,876 was spent on the management of companion animals and related activities.

The funds were dispersed as follows.

Employment related costs	\$28,450
Pound Fees	\$58,534
Advertising/promotion	\$7,645
Materials/consumables	\$15,749
Other	\$2,498
<b>TOTAL</b>	<b>\$112,876</b>

The Division of Local Government contributed \$68,338 towards these costs.

## LOCAL GOVERNMENT (GENERAL) REGULATIONS 2005

### Companion Animal Community Education Programs Carried Out

As part of Council's ongoing pet education strategy, a number of new initiatives were undertaken. New brochures on 'Owning a dog in Warringah' were produced which give information on both requirements of owners under the Companion Animals Act 1998 as well as other useful information relevant to the local area and general pet ownership. The dog brochure included an updated list of dog unleashed exercise areas as well as a list of prohibited areas.

Warringah's 'Dogs Big Day Out' was held again with more than 4,000 attendees. Demonstrations on agility and obedience were conducted and a number of veterinarians and welfare groups were on hand to answer questions on dog ownership. Council continues to hand out 'pooch pouches' which can be attached to the lead for owners to put dog waste collection bags in. Cat collars with bells are also handed out at this event to promote responsible pet ownership.

### Strategies Council has in Place to Promote and Assist in the Desexing of Dogs and Cats

Council promotes the desexing of dogs and cats through its educational activities including the promotion of desexing in publications.

### Strategies to Seek Alternatives to Euthanasia for Unclaimed Animals

Council has a no kill policy at its pound for re-homable animals and has arrangements with the Animal Welfare League, Cat Protection Society and RSPCA to take unclaimed dogs and cats that are suitable for re-homing (i.e. not dangerous).

As a result of the strategies in place no re-homable animals were euthanased.

### Off-Leash Areas Provided in the Council Area

Warringah has eight unleashed dog exercise areas with an additional four available at restricted times. This includes a dog swimming area at Curl Curl lagoon. Our aim is to provide accessible options for residents to take their dogs for a walk and let them off the leash safely, while also protecting our natural environment and considering the needs of the wider community. We will continue to review these as required.

## GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009

### BACKGROUND

The Government Information (Public Access) Act 2009 (GIPA Act) became operational on 1 July 2010 and introduced a new “right to information” approach for access to government information.

Council is required to prepare an annual report in accordance with the requirements of section 125 of the GIPA Act and clause 7 of the Government Information (Public Access) Regulation (GIPA Regulation). This annual report includes statistical information on formal access applications in the form required by Schedule 2 of the GIPA Regulation.

#### 1. REVIEW OF PROACTIVE RELEASE PROGRAM

Warringah continually reviews its proactive release program to identify the kinds of information that can be made publicly available. This information is made available through extensive publication on Council’s website or through inspection and/or provision of information in response to a written application.

During the reporting period, this program resulted in the release of information relating to: Council services; events; community issues; planning and development services and environmental matters.

#### 2. NUMBER OF ACCESS APPLICATIONS RECEIVED

During the reporting period, Warringah received a total of 14 formal access applications (including withdrawn applications but not invalid applications).

#### 3. NUMBER OF REFUSED APPLICATIONS FOR SCHEDULE 1 INFORMATION

During the reporting period, Warringah did not refuse any formal access application because the information requested was information referred to in Schedule 1 to the GIPA Act.

GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009

4. STATISTICAL INFORMATION ABOUT ACCESS APPLICATIONS - CLAUSE 7(D) AND SCHEDULE 2

**TABLE A:**  
Number of Applications by Type of Applicant and Outcome\*

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm / deny whether information is held	Application withdrawn
Media	1	0	0	0	0	0	0	0
Members of Parliament	1	0	0	0	0	0	0	0
Private Sector Business	0	0	0	0	0	0	0	0
Not for Profit Organisations or Community Groups	0	0	0	0	0	0	0	0
Members of the Public (application by legal representative)	0	0	0	0	0	0	0	1
Members of the Public (other)	5	2	2	0	1	0	0	1

\*More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.

**TABLE B:**  
Number of Applications by Type of Application and Outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm / deny whether information is held	Application withdrawn
Personal information applications*	0	0	0	0	0	0	0	0
Access applications (other than personal information applications)	7	2	2	0	1	0	0	2
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0

\*A personal information application is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual). The total number of decisions in Table B should be the same as Table A.

## GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009

**TABLE C:**  
Invalid Applications

Reason For Invalidity	Number of Applications
Application does not comply with formal requirements (Section 41 of the Act)	0
Application is for excluded information of the agency (Section 43 of the Act)	0
Application contravenes restraint order (Section 110 of the Act)	0
Total Number of applications received	0
Invalid applications that subsequently became valid applications	0

**TABLE D:**  
Conclusive Presumption of Overriding Public Interest Against Disclosure: Matters Listed in Schedule 1 to Act

	Number of Times Consideration Used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0

\*More than one public interest consideration may apply in relation to a particular access application and, if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

**TABLE E:**  
Other Public Interest Considerations Against Disclosure:  
Matters Listed in Table to Section 14 of Act

	Number of Occasions When Application Not Successful
Responsible and effective government	1
Law enforcement and security	0
Individual rights, judicial processes and natural justice	3
Business interests of agencies and other persons	0
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0

**TABLE G:**  
Number of Applications Reviewed Under  
Part 5 of the Act (by Type of Review and Outcome)

	Decision varied	Decision upheld	Total
Internal review	0	0	0
Review by Information Commissioner*	0	0	0
Internal review following recommendation under section 93 of Act	0	0	0
Review by ADT	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>

\*The Information Commissioner does not have the authority to vary decisions, but can make recommendation to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made.

**TABLE F:**  
Timelines

	Number of Applications
Decided within the statutory timeframe (20 days plus any extensions)	14
Decided after 35 days (by agreement with applicant)	0
Not decided within time (deemed refusal)	0
<b>TOTAL</b>	<b>14</b>

**TABLE H:**  
Applications for Review under Part 5 of the Act (by  
Type of Applicant)

	Number of Applications for Review
Applications by access applicants	0
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0

