

## **Statement of Affairs**

**June 2010**

**(In accordance with the Freedom of Information Act as amended)**

## Statement of Affairs

### INTRODUCTION:

This document is Warringah Council's Statement of Affairs for the twelve-month period ending 30 June 2010. The Statement of Affairs is also available on Council's web site:

<http://www.warringah.nsw.gov.au/>

Section 14 of the Freedom of Information Act 1989 requires the General Manager of a local authority to ensure that an up-to-date Statement of Affairs of the local authority is published at intervals of not more than 12 months.

The content of the Statement of Affairs is also specified in Section 14 of the Freedom of Information Act as including:

1. A description of the structure and functions of the local authority.
2. A description of the ways in which the functions (including, in particular, the decision-making functions) of the local authority affect members of the public.
3. A description of any arrangements that exist to enable members of the public to participate in the formulation of the local authority's policy and the exercise of the local authority's functions.
4. A description of the various kinds of documents that are usually held by the local authority, including:
  - a description of the various kinds of documents that are available for inspection at the local authority (whether as part of a public register or otherwise) in accordance with the provisions of a legislative instrument, whether or not inspection of any such document is subject to a fee or charge; and
  - a description of the various kinds of documents that are available for purchase from the local authority; and
  - a description of the various kinds of documents that are available from the local authority free of charge;
5. A description of the arrangements that exist to enable a member of the public to obtain access to the local authority's documents and to seek amendment of the local authority's records concerning their personal affairs under section 739 of the Local Government Act, including:
  - the designation of the officer or officers to whom inquiries should be made; and
  - the address or addresses at which applications under the FOI Act should be lodged.

## **1.0 STRUCTURE AND FUNCTIONS OF THE COUNCIL**

Your local council is an elected body deriving its powers from the Local Government Act, 1993. It also has a responsibility to administer functions under other legislation such as the Environmental Planning and Assessment Act 1979 and the Companion Animals Act.

Council's structure is based around five areas: the Office of the General Manager; Corporate Services; Planning and Development Services; Community and Environmental Services; and Strategy and Policy.

### **1.1 Office of the General Manager**

The General Manager is the Chief Executive Officer of Council, and has a wide range of delegations to ensure the smooth management of the organisation. The Internal Ombudsman reports directly to the General Manager and deals with complaint management, investigations and internal audit. The Corporate Lawyer also reports directly to the General Manager.

### **1.2 Corporate Services**

This Division has a full time equivalent (fte) staff of 115. This division includes: finance, including rates; information management and technology; procurement; marketing and communications; property and commercial development; and human resources.

### **1.3 Planning and Development Services**

The Planning and Development Services Division has a full time equivalent staff of 125. The Division includes: strategic land use planning, including the preparing and reviewing of planning controls which affect the built and natural environments of the area; development assessment; and compliance services. These areas generally ensure the management of the development application process, the compliance with conditions of those consents and various other Acts. The customer support service including Civic Centre front counter operations is also in this Division.

The functions of Strategy and Policy (fte staff 17.5) have recently been moved to this division, namely the coordination and production of integrated policies and strategies for a range of issues, corporate planning and performance reporting; sustainability planning, and governance which includes services for Councillors and Council Meetings.

### **1.4 Community and Environmental Services**

Community and Environmental Services has a full time equivalent staff of 291. This Division manages services covering the following areas: roads, traffic and waste; parks, reserves and foreshores; natural environment; community and safety services including child care; and cultural services.

## **2.0 IMPACT OF COUNCIL FUNCTIONS ON THE PUBLIC**

Council has the functions conferred or imposed on it by or under the Local Government Act which includes non-regulatory functions as prescribed under Chapter 6, regulatory under Chapter 7, ancillary functions that assist the carrying out of a council's service and regulatory functions under Chapter 8, revenue functions under Chapter 15, administrative functions under Chapters 11, 12 and 13 and functions relating to the enforcement of the Act under Chapters 16 and 17.

The functions (including, in particular, the decision-making functions) of the Council affect members of the public as follows:

Chapter 6 – Classification and reclassification of public land, use and management of community land, tendering, stormwater drainage works and facilities, Council works on private land and graffiti removal work.

## Chapter 7 – Approvals which include the following:

### Part A: Structures or places of public entertainment

1. Install a manufactured home, moveable dwelling or associated structure on land
2. Install a temporary structure on land
3. Use a building or temporary structure as a place of public entertainment or permit its use as a place of public entertainment

### Part B: Water supply, sewerage and stormwater drainage work

4. Carry out stormwater drainage work

### Part C: Management of Waste

1. For fee or reward, transport waste over or under a public place
2. Place waste in a public place
3. Place a waste storage container in a public place
4. Dispose of waste into a sewer of the council
5. Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
6. Operate a system of sewage management (within the meaning of section 68A)

### Part D: Community Land

1. Engage in a trade or business
2. Direct or procure a theatrical, musical or other entertainment for the public
3. Construct a temporary enclosure for the purpose of entertainment
4. For fee or reward, play a musical instrument or sing
5. Set up, operate or use a loudspeaker or sound amplifying device
6. Deliver a public address or hold a religious service or public meeting

### Part E: Public Roads

1. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.
2. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

### Part F: Other activities

1. Operate a public car park
2. Operate a caravan park or camping ground
3. Operate a manufactured home estate
4. Install a domestic oil or solid fuel heating appliance, other than a portable appliance
5. Install or operate amusement devices
7. Use a standing vehicle or any article for the purpose of selling any article in a public place

10. Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.

Chapter 7 – Orders to undertake various matters including clearing of private land where the land is considered to be hazardous and removal of unauthorised building works.

Chapter 8 – Acquisition of land and entry onto land.

Chapter 12 – Councils are required to meet at least 10 times each year, each time in a different month. Warringah Council meets 11 times per year and operates under a Code of Meeting Practice and Code of Conduct in accordance with the Local Government Act.

Chapter 13 – Council is made accountable for its actions through the preparation of an annual management plan, the auditing of its financial records and submission of its financial records to the Department of Local Government. Council is also required to prepare an annual report.

Chapter 15 – Council is financed through the issuing of rates assessed on the value of an individual block of land, and through fees, grants, loans and investments.

Chapter 16 – Council can prosecute for various offences including offences undertaken in places, for the recovery of rates and charges, for environmental offences, unauthorised parking, unauthorised building works, and offences relating to the misuse of public office.

Council also has the functions conferred or imposed on it by or under other Acts and laws, including the Environmental Planning and Assessment Act 1979 and the Freedom of Information Act 1989.

### **3.0 PUBLIC PARTICIPATION IN THE FORMULATION OF COUNCIL POLICY**

#### **3.1 Council Meetings**

In accordance with Chapter 4 of the Local Government Act 1993, Council has adopted a policy outlining ways in which members of the public may become involved in the policy making of Council.

#### **3.2 Notice of Meetings**

Meetings of the Council are conducted on the fourth Tuesday of the month commencing at 6.00pm (except in January when no meeting is held and December, when the meeting is held on the second Tuesday). Notice of the meetings is advertised in the Manly Daily, on the Council's website: [www.warringah.nsw.gov.au](http://www.warringah.nsw.gov.au) and on the notice board at the Civic Centre.

#### **3.3 Agendas**

Meeting agendas and reports to Council (excluding matters which are confidential) are made available to the public prior to the meeting at the Civic Centre, Council Libraries at Belrose, Dee Why, Forestville, Warringah Mall and Terrey Hills, at each meeting venue and on Council's website.

#### **3.4 Public Access to Meetings**

All meetings of Council are open to the public except where Council resolves to consider a matter in Confidential Session. Members of the public are able to address the Public Forum on matters pertaining to Council Business at the Council Meeting.

#### **3.5 Further Provisions for Public Influence on Council Policy**

Written submissions are invited by public advertising and via Council's website to all proposed and amended Council policies, Council's management and strategic plans, plans of management for community land and other proposals put on public exhibition.

Members of the public are able to contact Council via mail (paper and electronic), telephone, face to face at Council's Customer Service Centre and through the booking of appointments with Council officers.

### 3.6 Confidential Matters

Confidential matters that are considered in Confidential Session in Council Meetings are assessed in accordance with Section 10 of the Local Government Act.

## **4.0 DOCUMENTS AVAILABLE FOR INSPECTION FREE OF CHARGE AND FOR PURCHASE**

The Council has available for inspection and purchase (where relevant) the following documents:

1. Living Warringah Strategic Plan
2. Strategic Community Plan (Formerly the Management Plan)
3. Fees and Charges
4. Code of Conduct
5. Code of Meeting Practice
6. Policy for the Payment of Expenses Incurred by, and the Provision of Facilities to, Councillors
7. Annual Report
8. Internal Ombudsman Annual Report
9. Internal Audit Annual Report
10. Monthly Funds Management Report
11. Delegations Register
12. SHOROC State of the Environment Report
13. Minutes of Council/Committees
  - Council Meeting
14. Plans of Management
  - Allenby Park, November 2000
  - Berry Reserve & Adjoining Foreshores, June 2000
  - Brookvale Park, September 2002
  - Brookvale Community Buildings, February 2005
  - Coastal Lands Plan of Management, September 2002
  - Dee Why Valley & South Creek Open Space Corridor Plan of Management, June 2008
  - Dee Why Lagoon Wildlife Refuge Plan of Management, August 2002
  - District Park, April 2002
  - Duffys Forest Ecological Community North, Threatened Bushland Plan of Management, June 2008

- Duffys Forest Ecological Community South, Threatened Bushland Plan of Management, June 2008
- General Community Use, May 2005
- Generic Parks Plan 2008
- Griffith Park, December 2005
- Harbord Literary Institute & Early Childhood Health Centre, April 2008
- Jamieson Park, April 2000
- JJ Melbourne Hills Plan of Management, July 2001
- John Fisher Park & Surrounds, November 2001
- Manly Warringah War Memorial Park, July 1998
- Mooramba Road Plan of Management, April 2005
- General Community Use Plan of Management, May 2005
- Red Hill & Golden Grove Parks, July 2000
- Dee Why Town Square, June 2003
- Sportsground Plan of Management, December 2007
- Threatened Bushland Reserves (Duffys Forest Ecological Community) Plan of Management, June 2008
- Urban Bushland Reserves Plan of Management for Anembo, Bantry Bay, Condover, Lillihina and Rhoker Reserves, November 2008

15. Warringah Local Environmental Plan 2000
16. Warringah Section 94A Developer Contributions Plan
17. EEO Management Plan
18. Cultural Plan (2007)
19. Northern Sydney Aboriginal Social Plan 2007
20. Recreation Strategy 2009
21. Environmental Strategy (2001)
22. Reconciliation Action Plan 2008
23. Playground Strategy, November 2007
24. Library Strategic Plan
25. Policy Register
26. Land Register
27. Social Plan
28. Children's and Family Services Strategy
29. Local Habitat Strategy (2007)
30. Warringah Regional Multiple-Use Trail Strategy (2007)
31. State of Warringah

32. Statement of Business Ethics
33. Planning Decisions Register

## **5.0 ACCESSING AND AMENDING COUNCIL DOCUMENTS**

Council documents listed above can be inspected at the Civic Centre, 725 Pittwater Road, Dee Why between 8.30am to 5.00pm Monday to Friday. To obtain access to other documents applicants are required to submit an Application to Access Information form, which is available on the Council website or from Customer Services, free of charge. Where a substantial amount of copying is required then a copying charge will be levied.

Accessing documents under Freedom of Information.

Where possible, and in the majority of cases, access to documents is governed in accordance with Section 12 of the Local Government Act, however where applicants choose to lodge a formal application under the Freedom of Information Act 1989, Council will deal with the application in accordance with that Act and will charge an application fee of \$30 plus such other charges (including copying charges) as are determined in accordance with the Act.

The addresses at which applications under this Act should be lodged are as follows:

The General Manager, Civic Centre, 725 Pittwater Road, Dee Why, NSW 2099

Phone: 9942 2111

Contact Council: [www.warringah.nsw.gov.au/council\\_now/contact.aspx](http://www.warringah.nsw.gov.au/council_now/contact.aspx)

Policy documents: a list of Council's policies are listed on Council's website: [Policy Register](#)

The most recent Statement of Affairs published by Council in accordance with the Freedom of Information Act was in June 2010.