



WARRINGAH
COUNCIL

ATTACHMENT BOOKLET 6

ORDINARY COUNCIL MEETING

TUESDAY 24 SEPTEMBER 2013



TABLE OF CONTENTS

Item No	Subject	
ATTACHMENT BOOKLET 1		
6.1	ANNUAL REVIEW OF COUNCIL'S INVESTMENT POLICY	
	Attachment : Policy No FIN PL 215 Investment Policy September 2013.....	4
6.2	MONTHLY FUNDS MANAGEMENT REPORT AUGUST 2013	
	Attachment 1: Application of Funds Invested	13
	Attachment 2: Councils Holdings as at 31 August 2013	14
	Attachment 3: Investment Portfolio at a Glance	15
	Attachment 4: Monthly Investment Income vs. Budget.....	16
	Attachment 5: Economic Notes	17
	Attachment 6: Investment Strategy and Portfolio Review 2012-13 Financial Year	18
6.4	DIVISION OF LOCAL GOVERNMENT - WARRINGAH COUNCIL PROMOTING BETTER PRACTICE REVIEW 2013	
	Attachment 1: Warringah Council - Promoting Better Practice Review 2013 - Letter to GM.....	45
	Attachment 2: Warringah Council - Promoting Better Practice Review 2013 - Final Report	47
6.5	MINUTES OF THE SHOROC INC BOARD MEETING HELD 7 AUGUST 2013	
	Attachment : Minutes of the SHOROC Inc Board Meeting - 7 August 2013.....	142
7.1	WARRINGAH COMMUNITY PANEL	
	Attachment : Community Consultation Mechanisms Report.....	168
ATTACHMENT BOOKLET 2		
7.4	SECURING THE FUTURE OF BROOKVALE OVAL - COMMUNITY CONSULTATION OUTCOMES	
	Attachment : Securing the Future of Brookvale Oval - Post-Exhibition Report - Straight Talk	179
8.2	ANNUAL REVIEW OF GOV-PL 120 - PAYMENT AND REIMBURSEMENT OF EXPENSES INCURRED BY, AND PROVISION OF FACILITIES TO, THE MAYOR, DEPUTY MAYOR AND COUNCILLORS	
	Attachment : Draft - GOV PL 120 - Policy for Payment of Expenses Policy - August 2013	308
ATTACHMENT BOOKLET 3		
8.3	REVIEW OF GOV-PL 130 - WARRINGAH COUNCIL CODE OF MEETING PRACTICE	
	Attachment : Draft GOV PL 130 - Code of Meeting Practice - August 2013.....	332

8.4	STRATEGIC REFERENCE GROUP REVIEW - STAGE TWO - ADOPTION OF REVISED STRATEGIC REFERENCE GROUP GUIDELINES AND CHARTERS	
	Attachment 1: Draft Guidelines - Strategic Reference Groups	404
	Attachment 2: Draft Charter - Strategic Reference Group No 1	413
	Attachment 3: Draft Charter - Strategic Reference Group No 2	415
	Attachment 4: Draft Charter - Strategic Reference Group No 3	416
	Attachment 5: Draft Charter - Strategic Reference Group No 4	417
	Attachment 6: Strategic Reference Group Ground Rules.....	419
8.6	AUSTRALASIAN INDUSTRIAL ECOLOGY CONFERENCE 2013	
	Attachment : Program - Australasian Industrial Ecology Conference	420
8.7	PLANNING PROPOSAL: ANOMOLIES - NATIONAL PARKS	
	Attachment 1: Reconciliation of National Parks & Wildlife Service Holdings within Warringah Local Environmental Plan 2011	426
	Attachment 2: Gateway Determination	514

ATTACHMENT BOOKLET 4

8.7	PLANNING PROPOSAL: ANOMOLIES - NATIONAL PARKS	
	Attachment 3: Submissions	520
8.8	NARRABEEN LAGOON CATCHMENT - ABORIGINAL NATIONAL PARK AND STATE PARK OPTIONS	
	Attachment 1: Gai-Mariagal National Park Proposal Map	537
	Attachment 2: State Park Proposal Map.....	538
	Attachment 3: Land Common to Both Proposals Map.....	539
	Attachment 4: Comparison between Gai-Mariagal National Park Proposal and State Park Proposal Map.....	540
8.9	WHEELCHAIR ACCESS WALKWAY FROM DEE WHY TO LONG REEF - UPDATE REPORT	
	Attachment : Proposed Wheelchair Access Walkway - Dee Why to Long Reef - Maps.....	541
8.10	ADOPTION OF THE MANLY LAGOON FLOOD STUDY	
	Attachment 1: Manly Lagoon Flood Study - Final Report - August 2013.....	552

ATTACHMENT BOOKLET 5

8.10	ADOPTION OF THE MANLY LAGOON FLOOD STUDY	
	Attachment 2: Manly Lagoon Flood Study - Mapping Compendium - Final - August 2013	702
	Attachment 3: Manly Lagoon Flood Study - Flood Planning Level - Warringah Council - Final Report - August 2013	774
8.11	NOTES ON THE MANLY LAGOON CATCHMENT COORDINATING COMMITTEE MEETING HELD 25 JULY 2013	
	Attachment : Draft Notes - Manly Lagoon Catchment Coordinating Held 25 July 2013	782

8.12	LINKING LANDSCAPES GRANT - JJ MELBOURNE HILLS MEMORIAL RESERVE	
	Attachment 1:	JJ Melbourne Hills Memorial Reserve Proposed Biobank Site.....868
	Attachment 2:	Biobanking Information - Site Manager869

ATTACHMENT BOOKLET 6

8.15	TORONTO AVENUE CROMER - PROPOSED TRAFFIC CALMING SCHEME	
	Attachment :	Report from Warringah Traffic Committee 3 September 2013873
8.16	RESCISSION OF MANLY WARRINGAH PITTWATER SPORTING UNION'S DELEGATED AUTHORITY TO DETERMINE THE ALLOCATION OF USE OF WARRINGAH COUNCIL'S SPORTS GROUNDS	
	Attachment 1:	History Sporting Union to August 2013.....890
	Attachment 2:	Delegation to Sporting Union.....894
	Attachment 3:	Draft Sportsground Agreement August 2013.....898
6.7	INTERNAL OMBUDSMAN ANNUAL REPORT 2012/2013	
	Attachment	Internal Ombudsman Annual Report 2012/2013 924

**ITEM 3.1 TORONTO AVENUE - RESULTS OF COMMUNITY
CONSULTATION ON PROPOSED TRAFFIC CALMING DEVICES**

REPORTING OFFICER TRAFFIC ENGINEER

TRIM FILE REF 2013/230808

ATTACHMENTS 1 Survey Results Map
2 Summary of Resident Comments
3 Resident survey covering letter
4 Resident Questionnaire
5 Roundabout and linemarking concept plan
6 Speed cushions concept plan
7 Linemarking Plan – Truman Avenue and Macquarie Street

UBD Ref: 157 K12

BACKGROUND

The Warringah Traffic Committee at its meeting on 5 March 2013 considered a report dealing with further residents' representations concerning speed and safety on Toronto Avenue and Truman Avenue. A number of traffic calming devices were considered including a roundabout, edge lines signposting and speed humps.

In respect to the use of speed humps the Committee noted that in view of the volume of traffic such devices could have a negative impact on residential amenity and not be supported by local residents. Accordingly it was decided that the possibility of such devices be explored in the survey of residents in conjunction with the other proposed devices for Toronto Avenue.

After considering the representations, road characteristics, traffic volume and accident data the Traffic Committee recommended as follows:

- A. That the provision of a roundabout at the intersection of Toronto Avenue and Kenna Place not be supported for the reasons detailed in the report.*
- B. That road curve warning symbolic (W1-3A) with supplementary advisory speed '35km/h' sign (W8-2A) be installed at both approaches to the road bend in Toronto Avenue as indicated in the plan in the report.*
- C. That Chevron Alignment Markers (B size) be installed at the road bend in Toronto Avenue as indicated in the plan in the report.*
- D. That the proposed traffic calming scheme for Toronto Avenue and Truman Avenue consisting of the roundabout and line marking treatment be circulated to residents of Toronto Avenue and Truman Avenue for comment and the results be referred back to the Traffic Committee for consideration and advice to Council.*
- E. That Toronto Avenue and Truman Avenue be considered for inclusion in the Road Safety Education Program for 2013.*

Recommendations B, C and E have been implemented together with the installation of raised pavement markers along the centrelines through the road bend in Toronto Avenue.

RESIDENT SURVEY

In accordance with recommendation D a resident survey was distributed to residents of Toronto Avenue and Truman Avenue north of Badcoe Road to determine the level of support for the provision of the proposed traffic devices in Toronto Avenue and Truman Avenue. The survey was sent to residents on 24 July 2013 and submissions closed on 13 August 2013.

The survey included a covering letter and plans of the proposal which informed residents of the background, details and locations of proposed traffic devices.

A copy of the resident survey is attached for information.

The survey questionnaire sought residents' views on the proposed traffic devices as shown below:

- A. Roundabout at the intersection of Truman Avenue and Macquarie Street
- B. Speed cushions in Toronto Avenue adjacent to number 86 Toronto Avenue
- C. Speed cushions in Toronto Avenue adjacent to number 132 Toronto Avenue
- D. Edge line treatment in Truman Avenue and Toronto Avenue from Belmore Lane to South Creek Road

A total of 170 surveys were distributed to residents in the area and a total of 68 surveys were returned by the closing date. This represents a response rate of 40%.

SUMMARY OF FINDINGS

A table summarising the survey results are shown below

Toronto Avenue – Community Consultation July-August 2013			
A. Roundabout – Truman Avenue and Macquarie Street	Yes	51	75%
	No	14	21%
	Undecided	3	4%
B. Speed cushions in Toronto Avenue adjacent to number 86 Toronto Avenue	Yes	51	75%
	No	15	22%
	Undecided	2	3%
C. Speed cushions in Toronto Avenue adjacent to number 132 Toronto Avenue	Yes	54	79%
	No	12	18%
	Undecided	2	3%
D. Edge line treatment in Truman Avenue and Toronto Avenue from Belmore Lane to South Creek Road	Yes	56	82%
	No	7	10%
	Undecided	5	8%

The survey showed general resident support for the proposed treatments. However a number of residents particularly some located close to the proposed speed cushions raised objections to these devices.

Four objections were received from residents who were directly impacted by the proposed roundabout at the intersection of Truman Avenue and Macquarie Avenue. The main concerns from the residents included noise, safety, traffic congestion and the bus stop located on the east side of Truman Avenue between Macquarie Street and Badcoe Road.

One objection was received in the vicinity of the proposed speed cushions at number 132 Toronto Avenue and four objections were received near the proposed speed cushions at number 86

Toronto Avenue.

A map for each of the proposed traffic devices showing the responses is attached for information.

DISCUSSION OF OPTIONS

The four treatment options that were included in the survey were a result of a previous investigation undertaken in early 2013. The locations of the speed cushions were selected based on road gradient, daytime visibility and lighting levels at night.

The roundabout was considered as a suitable treatment for the location however there have been objections received from the adjacent residents. Whilst the roundabout would slow traffic and enhance road safety it would be necessary to resolve the residents concerns before any implementation. In this regard it may be appropriate to initially install temporary line marking treatment at the site similar to the treatment proposed near at Kenna Place, and review the roundabout in consultation with the affected residents.

There is general support from residents for the speed cushions near No.132 Toronto Avenue. However the resident of No.79 (located opposite No.132 and the speed cushions) has objected to this proposal. Similarly whilst there was support for the speed cushions near No. 86 Toronto Avenue four adjacent residents are opposed to these devices.

One of the resident response suggested the removal of an existing roundabout at the intersection of Toronto Avenue and Carrington Avenue to deter the 'rat running' from Narrabeen to Beacon Hill. The roundabout at this location effectively reduces vehicle speeds at this location and is required to maintain intersection safety. The removal of this device would result in the increase in traffic speeds and would and is not supported.

The possible construction of a road link from the eastern end of Maybrook Avenue and Moonarie Place was also considered. This was reviewed by Council's engineers and consider that the steep topography, the impacts on environmental, community and existing infrastructure suggest the cost of such a project could not be supported. Similarly the opening of the emergency gate access from Grover Avenue to Carrington Avenue is not supported for the same reasons.

A number of residents have also suggested the provision of a speed cushion between Carrington Avenue and South Creek Road. This section was not considered during the survey stage as the mid block location was not a suitable location for a traffic calming device. Further consideration of a device at this section of Toronto Road will be considered during the later stages of the Toronto Avenue traffic calming scheme.

It is intended to proceed with the speed cushions subject to further consultation and resolving the concerns of affected residents. In this regard it should be noted that the proposed speed cushions can be adjusted in shape and width to minimise noise associated with vehicles traversing them.

EXISTING TRAFFIC CONDITIONS

Traffic counters were deployed during the months of February and May 2013 near house number 86 Toronto Avenue and house number 15 Toronto Avenue. Additional counts from 1990 and 2002 have been included for comparison.

A summary of the traffic counts are tabled below.

Toronto Avenue and Truman Avenue Traffic speed and volume count						
		Seven Day Annual Average Daily Traffic (AADT)			Speed (bidirectional) Km/h	
Date	Location	EB (AADT)	WB (AADT)	Combined (AADT)	50th	85th

Mar 1990	East of Carrington Avenue	N/A	N/A	N/A	N/A	61
Mar 1990	West of Carrington Avenue	N/A	N/A	N/A	N/A	72
Mar 2002	Adjacent to no.2 Toronto Avenue	4,355	4,479	8,834	59	68
May 2013	Adjacent to no.15 Toronto Avenue	4,722	4,815	9,537	51	59
May 2013	Adjacent to no.86 Toronto Avenue	3,546	3,535	7,081	56	66

The traffic volume levels in Toronto Avenue are appropriate for the collector road classification. Vehicle speeds are considered excessive for the streets considering that the speed limit in Toronto Avenue and Truman Avenue is 50km/h.

ROAD SAFETY EDUCATION

Toronto Avenue was targeted in the '*Slow down in my Street*' campaign for two consecutive years. The campaign involved the following:

- Consultation with the Highway Patrol and sharing of information.
- Highway Patrol to note speeds in the area and action where possible.
- Bin stickers were issued to residents in 2 identified sections of Toronto Avenue. Stickers indicated the Speed limit of 50km/h.
- Courtesy speed display variable message signs (VMS) were temporarily installed for a total of 6 weeks.
- Traffic volumes and Traffic speeds were recorded.
- Letter sent to resident in the area reminding them of the local speed limits and associated risks to speeding.
- Surrounding streets in Cromer and Collaroy Plateau were also targeted.

CONCLUSION

The community consultation undertaken by Council showed that there is generally good support for traffic calming devices in Toronto Avenue and Truman Avenue. Whilst Council has taken special consideration of the responses from residents directly affected, it would be appropriate to undertake a further consultation prior to commencing with the installation of the devices.

Having regard to the residents' responses and the existing traffic conditions, it is recommended that the proposed traffic devices be undertaken in three stages with a review of traffic conditions to be undertaken after each stage.

Stage 1:

- Install edge line treatment on Truman Avenue and Toronto Avenue from Belmore Lane to South Creek Road.
- Provide painted chevron adjacent to property 130 Toronto Avenue.
- Install painted central chevron treatment at the intersection of Kenna Place and Toronto Avenue including reflective raised pavement markers (RRPMs).

- Install painted central chevron treatment at the intersection of Macquarie Street and Truman Avenue including RRPMS.
- Continued inclusion in Council's road safety education program.

Stage 2:

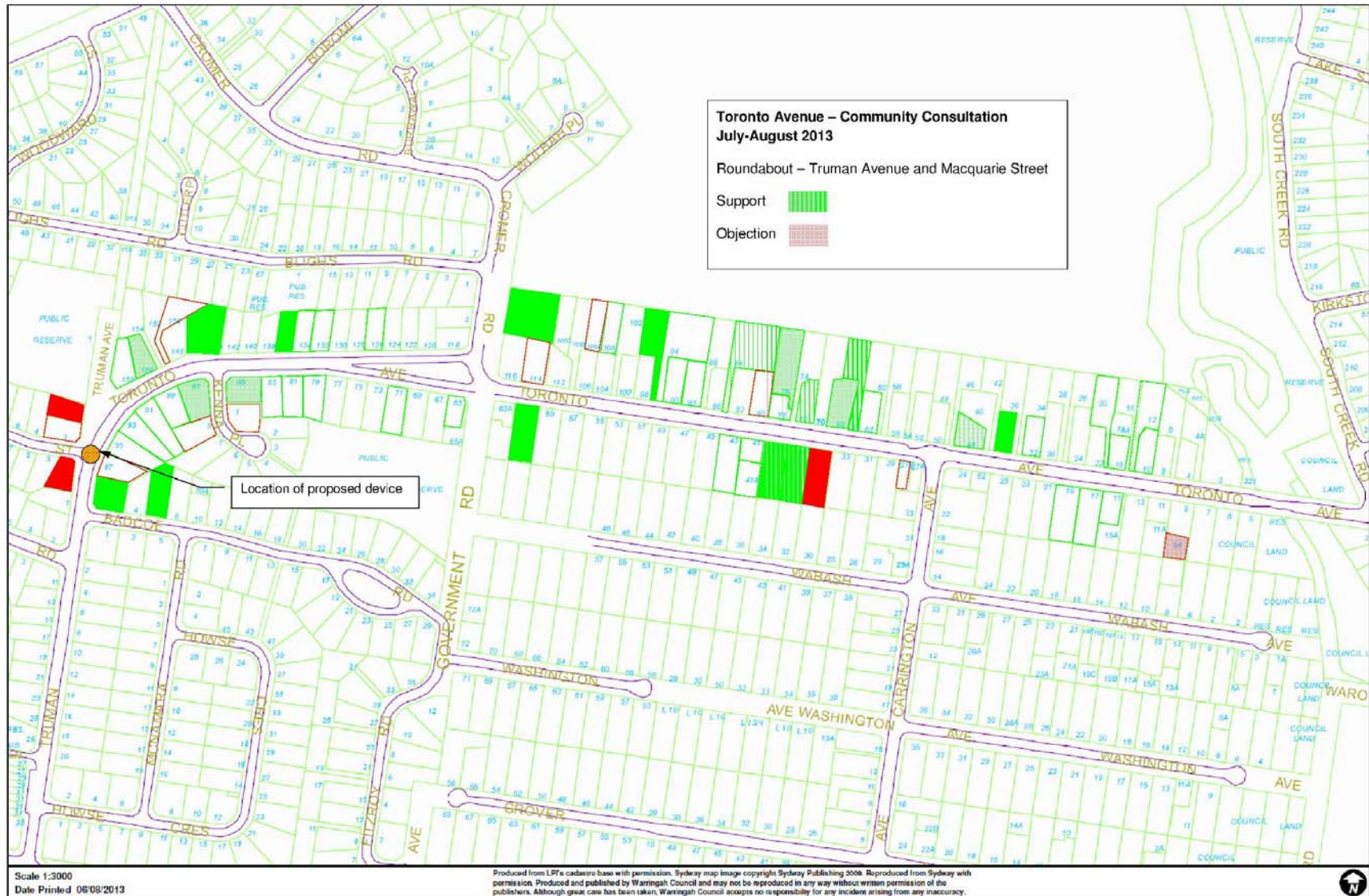
- Provide a roundabout at the intersection of Truman Avenue and Macquarie Street subject to a further consultation with affected residents.

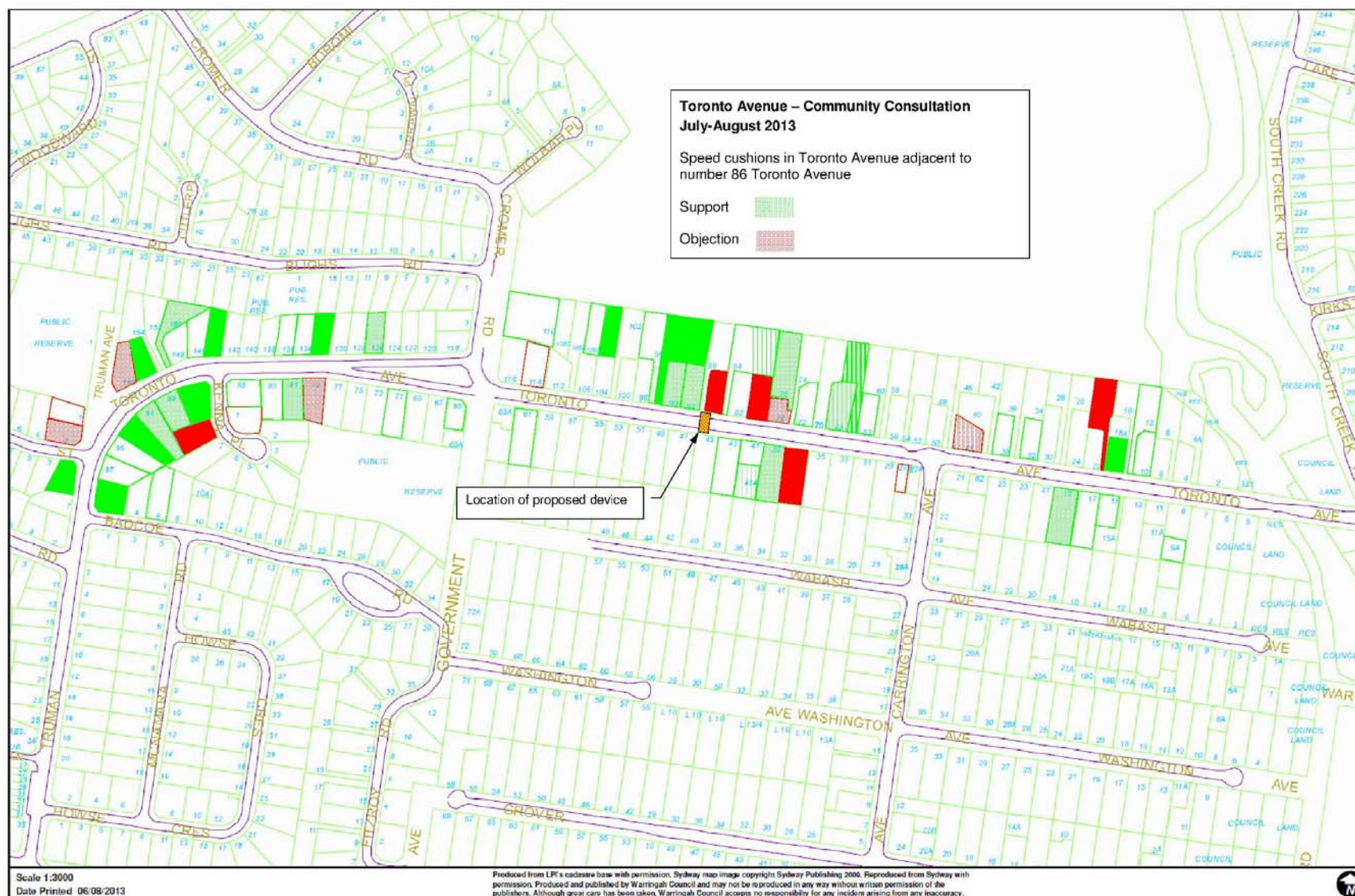
Stage 3:

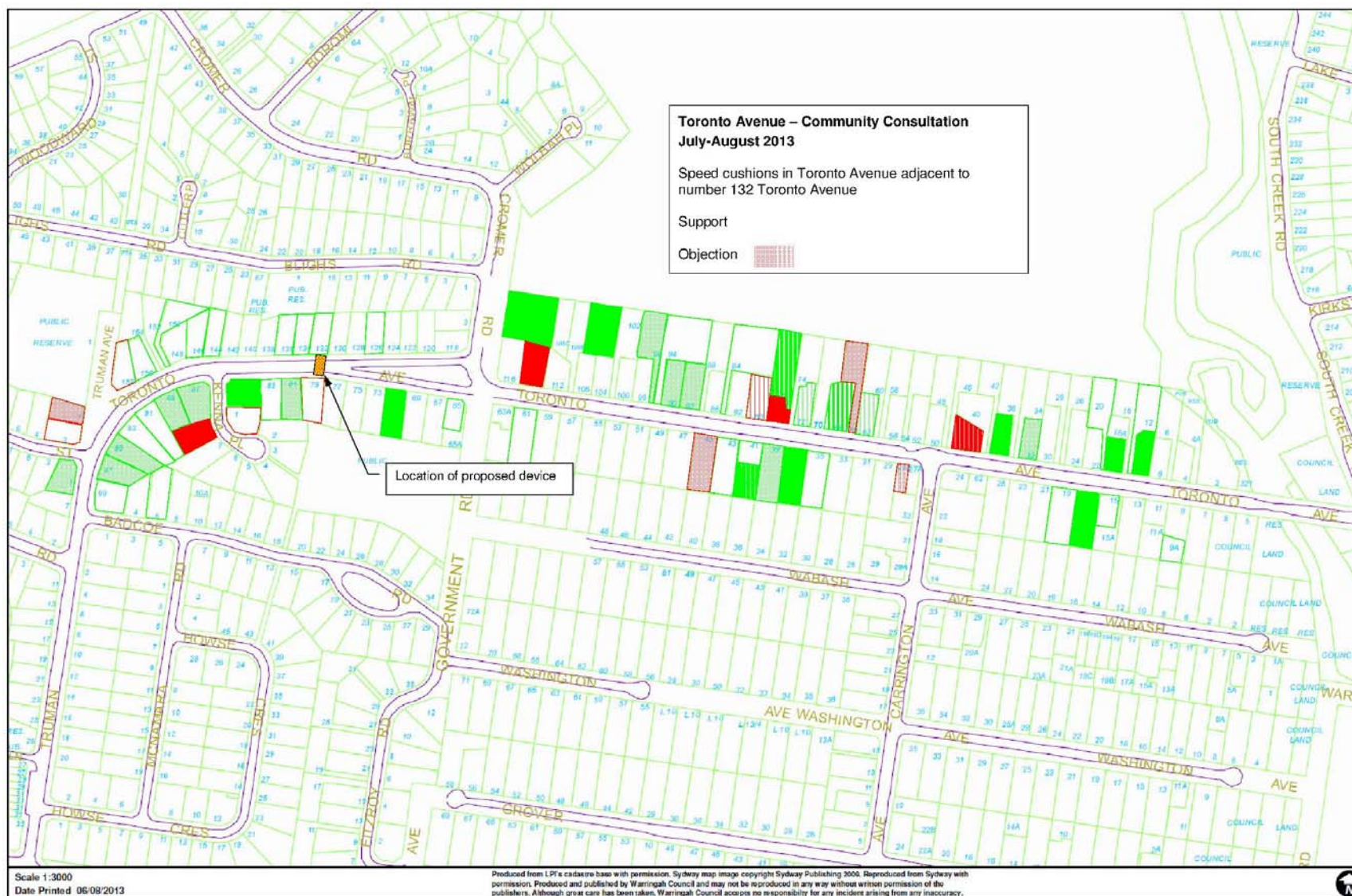
- Subject to further community consultation install speed cushions with appropriate signs and line markings adjacent to 132 and 86 Toronto Avenue, and consideration of an additional speed cushions between Carrington Avenue and South Creek Road.

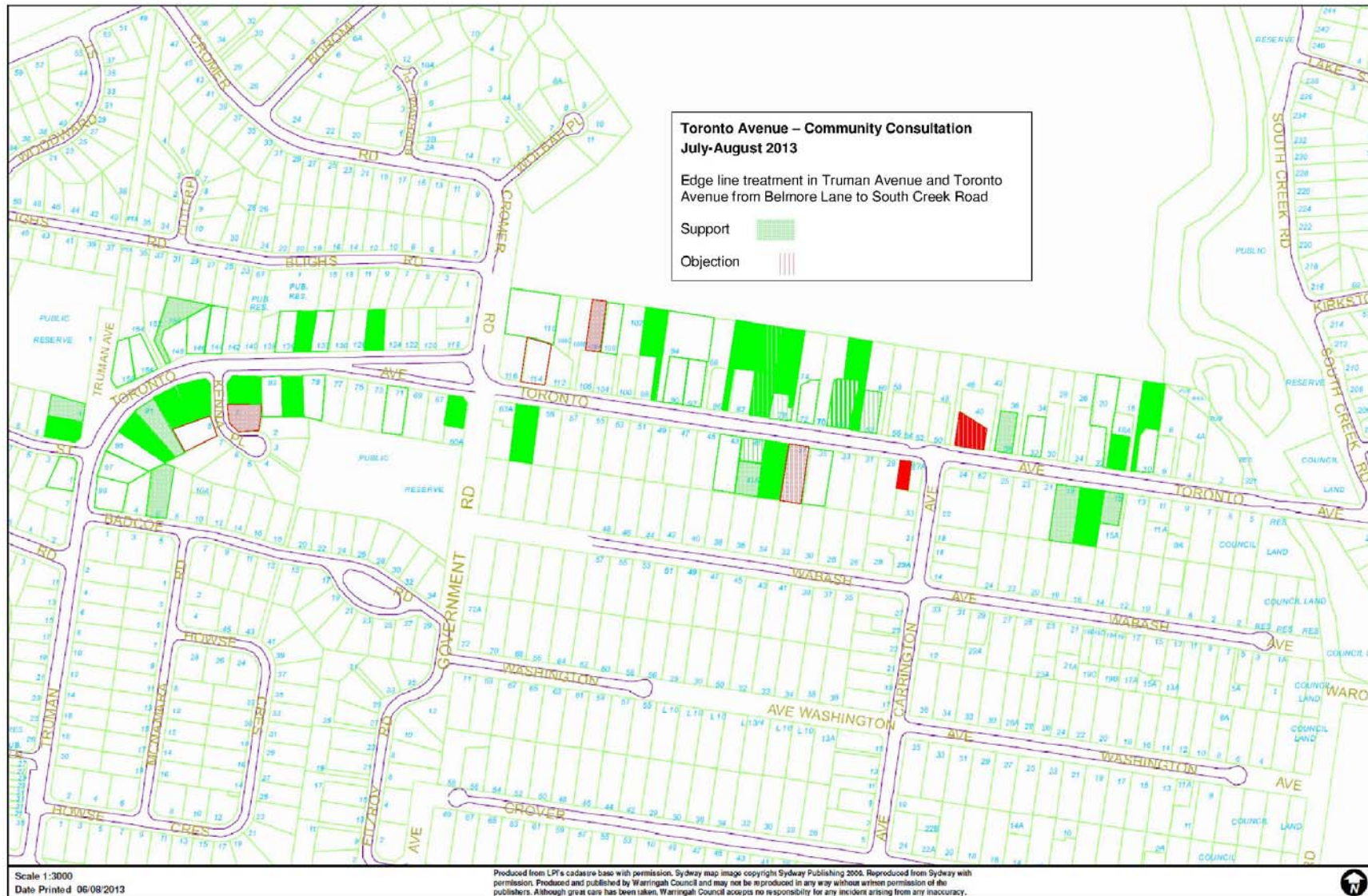
RECOMMENDATION TO TRAFFIC COMMITTEE

- A. That the staged introduction of a traffic calming scheme on Toronto Avenue and Truman Avenue be supported.
 - B. That Stage 1 of the proposed traffic calming scheme for Toronto Avenue and Truman Avenue be implemented.
 - C. That the provision of a roundabout at the intersection of Truman Avenue and Macquarie Avenue at an estimated cost of \$60,000 be listed in Council's future traffic works ledger at priority 4 Desirable.
 - D. That the provision of two speed cushions in Toronto Avenue located adjacent to 132 and 86 Toronto Avenue at an estimated cost of \$ 30,000 be listed in Council's future traffic works ledger at priority 4 Desirable.
-









Toronto Avenue Community Consultation – Summary of Comments	
August 2013	
Resident Comments	Staff Comments
Wholeheartedly support this. Thanks to zero police presence traffic speeds on Toronto are excessive.	Noted.
Strongly support Toronto Ave has been a race track for a long time.	Noted.
Traffic calming devices are certainly needed particularly given the actions of a number of "hoons" who speed excessively (commencing at Carrington roundabout)	Noted. Negligent or furious driving is a matter for the NSW Police who are aware of the issues in the area.
As a resident of the above address, there has been a series of potential accidents to myself and family trying to reverse out of our driveway due to excessive speed by drivers.	Noted.
I don't believe Toronto Ave is busy enough to warrant such changes. Also noise levels would increase.	Concern regarding increased noise noted.
There needs to be a physical slow down for cars who are driving faster than ever. Paint work and speed cushions will NOT WORK! The number of idiots speeding up and down Toronto Avenue is crazy. At [REDACTED] Toronto Ave we cannot exit our driveway safely. Also cars keep doing dangerous U turns at the top of Kenna Place.	The edge line treatment has been shown in other locations to contribute to a reduction to the overall vehicle speeds.
Unsure = edgeline treatment. I think we have enough roundabout everywhere.	Noted. See comments regarding edge lines.
Noise from cars/trucks/buses slowing and speeding up from 'road cushions' is unacceptable.	Concern regarding increased noise noted. Buses and trucks with wider axle widths would be able to bypass the speed cushions.
It will be good to slow the traffic travelling down the street, but they also fly up the street and it is really hard coming out of our drive at [REDACTED] as they fly up the hill too fast.	Noted.
Speed cushions should be continued down to or past 32 Toronto --> 195 a speedway after going through roundabout	The provision of a speed cushion was not included in the initial survey as the location must take into consideration road grade, lighting levels at night and visibility. Speed cushions located between Carrington Avenue and South Creek Road will be considered during stage 3 of the Toronto Avenue traffic calming scheme.
Was Truman Ave / Badcoe Rd intersection roundabout considered?	A roundabout at this location was considered, however it was decided to locate the roundabout at Macquarie Street, located closer to the road bend which would be more effective in reducing vehicle speeds.
These measures are needed as soon as possible before another accident ends with loss of life.	Noted.
Could we have explanations of terms? Bike lanes instead of edgeline treatment. Drivers exiting Kenna Place have no visibility of cars to their left - put the roundabout there and speed humps up at corner of Macquarie. What is edgeline treatment? What is an RRPM? What is a Chevron??	The provision of bicycle lanes would require the removal of on-street parking which would significantly impact residents. Attached plans and report on Council's website show further information on proposal.
Please can you install more close to Good Start Day Care (2 Toronto Ave, Cromer)	See previous response regarding traffic calming devices at the eastern end of Toronto Avenue.
Bedrooms are located at the front of house and would disturb the children ie: excess noise. Would make it harder to get out of our driveway as it's hard enough already with the slope of our driveway.	Concern regarding increased noise noted. Speed cushions should not impact on access in or out of driveways.
Bus stop in front of 99 Toronto will become a safety issue with construction of roundabout.	Noted. This would require further investigation during the design stage with State Transit Authority.
1) Why are there no proposals for the section of Toronto Ave between Carrington Pde roundabout and South Creek Rd roundabout? 2) There needs to be a zebra crossing across the walkway in Carrington at the Carrington/ Toronto Avenue roundabout.	See previous response regarding traffic calming devices at the eastern end of Toronto Avenue. Both sites are not suitable locations for a pedestrian crossing. They also would not meet the warrants set by the Roads and Maritime Services for a pedestrian crossing.
Re: 86 Toronto Ave, there is a roundabout near Carrington Avenue which traffic must slow down for anyway - so this is therefore not required.	The speed cushions are located 'mid-block' to reduce speeds between Cromer Road and Carrington Avenue.
We do not support the proposed roundabout because it will have a negative impact on local amenity. Roundabout would not slow vehicles travelling easterly direction, vehicles will be able to reach unsafe speeds at the curve. Vehicles travelling east will not have to give way to any traffic on their roundabout, there is no reason for them to slow at the roundabout will potentially end up in our front yard where young family play. Proposed speed cushions are located too far away from curve, the speed cushions outside 132 is located where cars are slowing. Roundabout will increase road noise. We believe the chevron markers helped vehicles navigate this curve. We find it unfair that other houses can vote on a proposal that impact on us directly. They should be made by the surrounding properties.	Concern regarding increased noise and safety noted. The proposed roundabout will be designed to deflect eastbound traffic and in effect reduce vehicle speeds. The provision of speed cushions at the road bend is not recommended for safety reasons. The report carefully considered responses from residents directly affected.

Good Idea - They drive too fast down Toronto	Noted.
The traffic races down Toronto Ave, I'm happy to support any attempts to slow it to a safer speed. I'm only disappointed there are no proposals for traffic calming down the lower portion of Toronto between Carrington and South Creek Road. I have written to the Traffic Committee about this stretch of road before.	Noted. See previous response regarding traffic calming devices at the eastern end of Toronto Avenue.
Consider the noise levels.	Noted.
Were there any discussions about traffic calming schemes for other parts of Toronto Avenue (eg. near Child Care Centre, reserve, bridge) often drivers speed from top of hill down Toronto (from South Creek Road) day and night.	See previous response regarding traffic calming devices at the eastern end of Toronto Avenue.
Please open fire trail up at Grover Avenue. Traffic too dangerous and busy for one way road!	See the traffic committee report which discuss this matter.
We are concerned about noise from cushions and cars directly outside our front bedroom.	Concern regarding increased noise and safety noted.
Reluctantly support these measures. Would prefer that individual offenders are targeted rather than draconian measures.	Noted. The speeding matter was previously referred to NSW Police for possible enforcement.
SPEED HUMPS !!! Need to be installed from the bridge 'BETWEEN' ON TORONTO, right up to the roundabout to Carrington!! CARS scream up and down that run off they need to be slowed down!! * this is a must before an accident will occur on this stretch of road. THANK YOU.	Noted. See previous response regarding traffic calming devices at the eastern end of Toronto Avenue.
Thank you for doing something to make our street safer.	Noted.
WE FULLY SUPPORT ANY MEASURES TO SLOW CARS DOWN ON THIS DANGEROUS SECTION OF ROAD.	Noted.
THIS PROPOSAL SEEMS TO BE EXCESSIVE AND UNNECESSARY - NO BENEFIT TO BE GAINED.	Noted.
This work is long overdue, Toronto Avenue is a dangerous speed trap.	Noted.
Not necessary speed limiters at top of hill just down would be more sensible.	The results of the traffic counts show that the speeding issue is prevalent in the other sections of Toronto Avenue.
We have experienced dangerous moments exiting our drive when vehicles have approached too fast in uphill and downhill direction.	Noted.
Not overly happy with speed cushions out front of our house, but they do need to happen so we will tolerate them.	Noted.
Roundabout will be awkward for buses to navigate. Speed cushions - traffic slowing on approach will lead to greater congestion, especially in peak hours. 40km better than proposed. Edgelines - also they are still noisy. Is on-street parking still permitted? I've lived in Toronto Avenue for nearly 40 years and the volume of traffic, not speed, is the major issue. Any attempt to lower the speed limit will mean additional congestion and while speed cushions are better than humps the limit should be 40kph not 25. A roundabout at Macquarie Street is a waste of money, as is edgeline treatment.	Traffic devices will be designed to accommodate buses and trucks. There has been no significant congestion issue identified in Toronto Avenue. There is no 'tactile' noise generated from the edgeline treatment. Due to the location and limited access in and out of Cromer Heights, traffic volume cannot be changed. Speed signs at the speed cushions are advisory speeds.
Great job, But two more crossings needed. One at Truman Reserve, One at ABC Kindy. Note:- Crossings should have speed cushion eg. Cromer Primary School Crossing. See resident's hand drawn sketch (green zones/safer streets)	Noted. Both sites are not suitable locations for a pedestrian crossing. They also would not meet the warrants set by the Roads and Maritime Services for a pedestrian crossing. See previous comment regarding bicycle lanes.
Roundabout at corner of Northcott would be more appropriate as much wider street and would not affect out bound buses from Badcoe Road.	See previous comment regarding roundabout.
I think the roundabout would cause more traffic problems. Buses build up in peak hour and school time.	See previous comment
I am well aware that traffic along Toronto Ave. at times well exceeds the posted speed limit. People on motor bikes especially, fall into this category and can be very noisy and can be ridden quite dangerously. I realised that motor bikes can be ridden between the "pillows" of the speed cushion without reducing speed. Noise would not be reduced and safety would not be increased. I suggest that the speed cushions cover the FULL width of the road, this would force motor bikes to slow down.	Motorcycle riders make up a small minority of the road users and are required to ride according to the road rules. Buses would not be able to traverse speed cushions covering the full width of the road. These would also generate more noise.
The chevron markers recently installed have had a positive impact. A roundabout we feel will not be so positive. There are safety and noise factors at play here.	Noted.



24 July 2013

«Postal Bar Code»

«Owner»

«Postal1»

«Postal2»

«Postal3»

Ref no.CY00136/06

Dear Recipient

Re: Toronto Avenue and Truman Avenue, Cromer – Invitation to Comment on Proposed Traffic Calming Scheme

Council is undertaking a resident survey to determine the level of support for the possible installation of a roundabout at the intersection of Truman Avenue and Macquarie Street and speed cushions adjacent to 86 and 132 Toronto Avenue.

Concept plans for the proposed speed cushions, linemarking and roundabout are attached for your information.

Council would appreciate if you could complete the Resident Questionnaire and return it in the enclosed reply paid envelope to Council by 5pm Tuesday 13 August 2013.

Please note whilst Council will consider all individual submissions received we will not be replying to each submission.

Background

The Warringah Traffic Committee at its meeting on 5 March 2013 considered further residents' representations concerning speed and safety on Toronto Avenue. A number of traffic calming treatments were considered, including raised thresholds (speed humps), slow points, and a roundabout. After considering the road bend, grade, and the traffic accident history at the site, the Traffic Committee made the following recommendations:

- A. *That the provision of a roundabout at the intersection of Toronto Avenue and Kenna Place not be supported for the reasons detailed in the report.*
- B. *That road curve warning symbolic (W1-3A) with supplementary advisory speed '35km/h' sign (W8-2A) be installed at both approaches to the road bend in Toronto Avenue as indicated in the plan in the report.*
- C. *That Chevron Alignment Markers (B size) be installed at the road bend in Toronto Avenue as indicated in the plan in the report.*

▼
WARRINGAH COUNCIL

Civic Centre 725 Pittwater Road, Dee Why NSW 2099

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- D. That the proposed traffic calming scheme for Toronto Avenue and Truman Avenue consisting of the roundabout and line marking treatment be circulated to residents of Toronto Avenue and Truman Avenue for comment and the results be referred back to the Traffic Committee for consideration and advice to Council.*
- E. That Toronto Avenue and Truman Avenue be considered for inclusion in the Road Safety Education Program for 2013.*

As there are no intersecting streets the provision of traffic devices would be restricted to thresholds or speed humps and in view of traffic volumes such devices could have a negative impact on residential amenity and not be supported by local residents.

Speed cushions have been used in New South Wales as a traffic calming device. These devices are smaller and results in less noise compared to the traditional speed hump. They do not prohibit on-street parking and are also suitable for bus and trucks with larger axles. Examples of speed cushions are available for viewing in Hall Avenue, Collaroy Plateau.

To further assess the existing traffic conditions, a number of tube traffic counters were deployed in Toronto Avenue during March and May 2013. The information captured will be used in the consideration of a number of traffic calming devices.

A copy of the Warringah Traffic Committee report of 5 March 2013 and minutes which provide further information on the matter are available on Council's website:

<http://www.warringah.nsw.gov.au/live/parking-roads-and-transport/warringah-local-traffic-committee>

Yours faithfully



Sunny Jo
Traffic Engineer

Encl Concept Plans
Resident Questionnaire
Reply paid envelope





REF NO - EC00097

24 July 2013

**RESIDENT QUESTIONNAIRE
TORONTO AVENUE AND TRUMAN AVENUE, CROMER –
PROPOSED TRAFFIC CALMING SCHEME**

This Resident Questionnaire is for use by residents of Toronto Avenue and Truman Avenue.

1. NAME:
2. ADDRESS:
3. After considering the Traffic Calming Scheme proposal for Toronto Avenue and Truman Avenue (as shown on the enclosed concept plans and detailed in the covering letter), please indicate your preference by ticking [✓] the appropriate box.

QUESTIONS

	YES, I <i>support</i>	NO, I <i>do not support</i>
Roundabout at the intersection of Truman Avenue and Macquarie Street	<input type="checkbox"/>	<input type="checkbox"/>
Speed cushions in Toronto Avenue adjacent to number 86 Toronto Avenue	<input type="checkbox"/>	<input type="checkbox"/>
Speed cushions in Toronto Avenue adjacent to number 132 Toronto Avenue	<input type="checkbox"/>	<input type="checkbox"/>
Edge line treatment in Truman Avenue and Toronto Avenue from Belmore Lane to South Creek Road	<input type="checkbox"/>	<input type="checkbox"/>

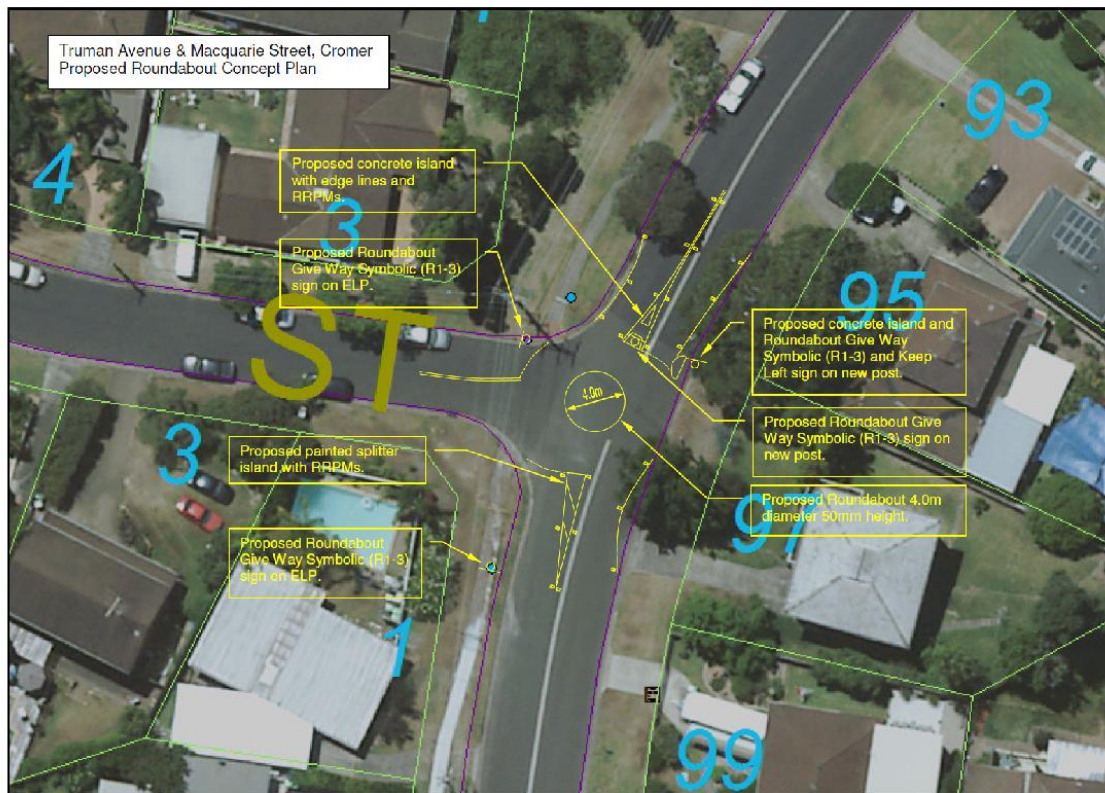
COMMENTS REGARDING PROPOSAL: (Optional)

.....
.....

Please note that whilst Council will consider each submission, there will be no individual reply to each Resident Questionnaire form submitted.

**PLEASE COMPLETE AND RETURN THIS RESIDENT QUESTIONNAIRE ONLY
IN THE PREPAID ENVELOPE SUPPLIED AND SUBMIT TO WARRINGAH
COUNCIL TRAFFIC AND ROAD SAFETY SECTION BY 5PM TUESDAY
13 AUGUST 2013.**

Thank you for your assistance.









Briefing Note

Issue

Overview of the relationship between Warringah Council and the Manly Warringah Pittwater Sporting Union Incorporated regarding management of sports grounds to August 2013.

Discussion

The Manly Warringah Sporting Union (Union) was formed in 1964 to control the fair distribution of the District Park grounds and lights on behalf of the Manly and Warringah Councils' District Parks Committee¹. Since its formation the Union has had various roles in the development and management of sports grounds for the Warringah, Manly and Pittwater Councils.

Warringah Council's 1984 Policy 3.5.15 delegated the Manly Warringah Cricket Association authority to allocate use of the District Park grounds during the summer season and delegated the Union authority to allocate use of the District Park grounds in the winter season and other Warringah grounds in the summer and winter seasons.

Following the formation of Pittwater Council, the Union was renamed as the Manly Warringah Pittwater Sporting Union in 1993. At that time the Union worked with the Warringah, Manly and Pittwater Councils.

In 1997, the Sportsfield Improvement Fund was established to fund capital improvements to grounds in Warringah, Manly and Pittwater. The Shore Regional Organisation of Councils (SHOROC) initiated an agreement between the three Councils and the Union, in which a levy could be collected by the Union from their member Associations for seasonal use of grounds. SHOROC administered the levies collected by the Union and contributions from the Councils and the committee that made funding recommendations. Representatives from the three Councils and the Union were part of this committee.

In 1998 Warringah Council approved the Union's representation on its Sportsfield Rectification Advisory Committee. This Committee made recommendations to Council on priorities for using a Special Rate Variation known as the Sportsfield Rectification Levy to address problems related to subsidence on fields.

The role of the Union has been reported in five different Council Plans of Management and analysed in three recent strategic reports:

- John Fisher Park and Abbott Road Land, Plan of Management, 2001
- District Park Plan of Management, 2002
- Sports in Warringah Strategy, 2004 (Warringah Council)
- Regional Sportsgrounds Analysis, Thompson Tregear, 2006 (SHOROC)
- Sportsground Plan of Management, 2007 - this Plan does not cover all grounds
- Dee Why Valley and South Creek Corridor Plan of Management, 2008
- Recreation Strategy 2009 (Warringah Council)
- Griffith Park Plan of Management, 2011

¹ District Park Plan of Management, 2002 - p7



The Plans of Management and research undertaken by Warringah Council from 2001 to 2004 supported continuation of the role of the Union in the allocation of Warringah's grounds. As recommended by the John Fisher Park and Abbott Road Land (2001) and District Park (2002) Plans of Management, Warringah Council updated its Policy 3.5.15 in 2002 and reconfirmed the Union's delegated authority to determine use of Warringah's grounds. The Manly Warringah Cricket Association's authority to allocate use of District Park grounds was rescinded at that time.

The Sportsfield Improvement Fund agreement expired in 2003. SHOROC continued to administer this fund until all monies were dispersed in December 2011.

In late 2005, SHOROC commissioned Thompson Tregear Pty Ltd to undertake a regional sportsground analysis. The Regional Sportsgrounds Analysis report was completed in 2006 and recommended, amongst other things, that:

- 6. The function of allocating sports fields to seasonal users be transferred to Council staff; which would ensure that Council policies with respect to allocation, usage and charging are applied consistently; and that officials of community sporting organisations have ongoing communication with professional Council staff with direct responsibility for the provision of their facilities.
- 8. The key role of the MWP Sporting Union should revert to that of a traditional "sports council", representing and lobbying the needs and issues of its members to Councils and other government and sporting agencies. The MWP Sporting Union could maintain a role in liaising between member associations and Council staff in the allocation process, providing advice in both directions when required

SHOROC and Union Executives met 14 September 2006 and discussed the key findings from the report which were; increase in user contributions, defined roles in the allocation process, strategic liaison group and sports field improvement funds. Working groups were established to address the recommendations in the report.

The inaugural meeting of the Regional Sports Liaison Committee (SHOROC and the Union Executive) was held 7 December 2006 where the recommendations of the Regional Sportsgrounds Analysis 2006 were noted and it was agreed that there would be a cooperative approach in addressing these issues. This Committee was also charged with providing advice regarding the Sportsfield Improvement Fund.

From 2006 a revised approach to sports grounds management was being proposed. The Regional Sportsgrounds Analysis (SHOROC 2006) and the Council's Sports Grounds Plan of Management 2007 and Recreation Strategy 2009 all recommended a review of the role of the Union in the allocation of grounds and supported the view that Councils seek greater management control.

Despite several years of collaborative work no joint agreement was reached between the Councils, SHOROC and the Union regarding the recommendations of the Regional Sportsgrounds Analysis 2006.

In May 2009 Warringah resolved to disband its Sportsfield Rectification Advisory Committee. Rectification funds were from that time managed internally.

Pittwater Council reassessed management of its grounds and at their 5 July 2010 Council meeting revoked all agreements with the Union relating to allocating their grounds and collecting of fees.

At the SHOROC General Managers Advisory Committee Meeting 7 July 2010 it was agreed that after the winter 2010 season, SHOROC would advise the Union to deal directly with councils.

In response, Warringah Council has sought to change the way it manages sports grounds and to retain a partnership with the Union.



In July 2010 the Council requested that the Union put forward their proposed allocations for Council's sign off. The Union were also informed that a forum would be established in which issues such as allocations and user charges could be addressed.

In a meeting held February 2011 Warringah Council informed the Union and Sports Associations that it would collect fees directly from the Associations from the conclusion of the summer 10/11 season and confirmed the allocation process in which Council would approve the allocations recommended by the Union.

From March 2011 Warringah Council's Parks Reserves and Foreshores Group (PRF) undertook the role of reviewing and approving seasonal ground allocations recommended by the Union and collecting user fees from the Associations. During the season PRF also manages requests for changes to allocation. The role of the Union in recommending seasonal allocations remains an important part of the allocation process.

To improve communication between Council, the Union and Sports Associations a regular forum was established in March 2011 to discuss and review how best to manage Warringah's sports grounds. Meetings have been held on these dates:

- 2011; 14 March, 8 June, 14 November
- 2012; 7 March, 30 July, 12 December
- 2013; 10 April

In December 2011, SHOROC distributed the final balance of the Sportsfield Improvement Fund levies, received from the Union, to the Warringah, Manly and Pittwater Councils:

The Council's improved communications and increased involvement in the allocation process and collection of fees has resulted in:

- Improved relationships with sporting groups
- Increased understanding of the seasonal use of all grounds
- Reduction in blanket allocations, allowing for increased use of under utilised grounds
- Reported reduced conflict between sporting groups
- More flexibility to modify allocations during the season in response to reactive maintenance requirements and requests from any group (be they part of the Union or not)
- Improved scheduling of maintenance, council services including waste services and capital works, minimising impact on users
- More information is available for planning future works and managing use
- Increased opportunities for non Union groups to access grounds
- Allocations better reflecting the needs of sporting groups
- More timely collection of fees and the introduction of financial controls

In this time the Council has continued working with the Union to formalise an agreement about the sustainable management of Warringah's sports grounds and the continuation of the partnership between with the Union. A draft Sportsground Management agreement has been developed.



Following a review of the research undertaken by Council and SHOROC and the benefits of Council's current approach to allocating sports grounds it is proposed to withdraw the Union's delegation and then to include in the Sportsground Management agreement that the Union has a role in proposing allocations and Council has final approval.

This proposal was considered by the Recreation and Open Space Strategic Reference Group at their meetings held 11 June 2013 and 13 August 2013 - the proposal was supported.

Parks Reserves and Foreshores Group 11/9/2013

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Minutes of Council Meeting on 17 September 2002

RECOMMENDATION OF DIRECTOR PUBLIC OFFICE

- (a) **Item A 1.0: List of Current Instructions to Solicitors – Environmental Compliance Services, Environmental Management Group**
That the report and advice be noted.
- (b) **Item A 2.0: Legal Action Matters – Local Approvals Service Unit, Strategy Group**
That the report and update be noted.
- (c) **Item A 3.0: List of Appeals to the Land & Environment Court - Local Approvals Service Unit, Strategy Group**
That the information and update be noted.
- (d) **Item A 4.0: Legal Costs for 2001/2002 & 2002/2003**
That the report on legal expenses be received and noted.
- (e) **Item A 5.0: Legal Opinion Matters – Community & Cultural Services – List of Current Instructions to Solicitors**
That the report be noted.

Council Decision

751

That the recommendation of the Director Public Office be **ADOPTED**.
(Crs J Sutton/Moxham)

Record of Voting

For: Crs Jones, J Sutton, Colman, Forrest, Moxham, Smith, Stephens and R Sutton.
Against: Nil

**5.3 COUNCIL DELEGATIONS TO EXTERNAL BODIES – MANLY
WARRINGAH PITTWATER SPORTING UNION
INCORPORATED: ALLOCATION OF USE OF
SPORTSGROUNDS**

(BP REF 23)

(File: 330.051.000)

Procedural Motion – Order of Business

That Council deal with this Item after dealing with the other items on the agenda.
(Crs Smith/Caputo)

PAGE

9

Minutes of Warringah Council Meeting held on 17 September 2002

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Minutes of Council Meeting on 17 September 2002

Record of Voting

For: Crs Jones, J Sutton, Caputo, Colman, Forrest, Moxham, Smith, Stephens
and R Sutton.

Against: Nil

Proceedings in Brief

Council Decision

752

That Mr Walter Wurth, be granted leave to address Council.
(Crs Smith/Caputo)

Record of Voting

For: Crs Jones, J Sutton, Caputo, Colman, Forrest, Moxham, Smith and Stephens.

Against: Nil

Council Decision

753

That Mr Walter Wurth, be granted a 2 minute extension to address Council.
(Crs Smith/Caputo)

Record of Voting

For: Crs Jones, J Sutton, Caputo, Colman, Forrest, Moxham, Smith and Stephens.

Against: Nil

RECOMMENDATION OF DIRECTOR PUBLIC OFFICE

- A. That the Council hereby delegates to the Manly Warringah Pittwater Sporting Union Incorporated authority to determine the allocation of use of sportsgrounds as follows:
1. The use of Council's sports grounds (defined in the Sporting Union allocation), for organised sporting events and training sessions as follows:
On Saturdays, Sundays, public holidays and on weekday evenings after 4.00pm during the Winter Season (1st April - 31st August) and Summer Season (1st September - 31st March), but excluding leased grounds and Ararat Reserve on every Sunday.
 2. The allocation of use of sports grounds on school property, where community use has been agreed, as follows:
On Saturdays, Sundays, public holidays and on weekday evenings after 4.00pm during the Winter Season (1st April - 31st August) and Summer Season (1st September - 31st March), but excluding leased grounds.
 3. That allocations is 1 and 2 above are subject to:
 - a) The pre-season training location and ground availability to be agreed upon between Council and the Sporting Union.

PAGE

10

Minutes of Warringah Council Meeting held on 17 September 2002

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Minutes of Council Meeting on 17 September 2002

- b) The members of the Sporting Union being allowed one (1) month's pre-season training at no cost to the member association.
- B. That the delegations to the Manly Warringah Sporting Union under Policy 3.5.15 be and are hereby rescinded.

Council Decision

754

That the recommendation of the Director Public Office be **ADOPTED**.
(Crs Jones/Stephens)

Record of Voting

For: Crs Jones, J Sutton, Caputo, Moxham and Stephens.

Against: Crs Colman, Forrest and Smith.

NOTE 1: Unsuccessful Motion

The above decision was carried as an Amendment to the Original Motion and thereupon became the **Substantive Motion**.

Record of Voting on Amendment

For: Crs Jones, J Sutton, Caputo, Moxham and Stephens.

Against: Crs Colman, Forrest and Smith.

NOTE 2: Original Motion

The Original Motion was moved to the following effect by Crs Smith and Forrest:

- "A. That the Council hereby delegates to the Manly Warringah Pittwater Sporting Union Incorporated authority to determine the allocation of use of sportsgrounds as follows:
1. The use of Council's sports grounds (defined in the Sporting Union allocation), for organised sporting events and training sessions as follows:

On Saturdays, Sundays, public holidays and on weekday evenings after 4.00pm during the Winter Season (1st April - 31st August) and Summer Season (1st September - 31st March), but excluding leased grounds and Ararat Reserve on every Sunday.
 2. The allocation of use of sports grounds on school property, where community use has been agreed, as follows:

On Saturdays, Sundays, public holidays and on weekday evenings after 4.00pm during the Winter Season (1st April - 31st August) and Summer Season (1st September - 31st March), but excluding leased grounds.

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Minutes of Council Meeting on 17 September 2002

3. That allocations is 1 and 2 above are subject to:
 - a) The pre-season training location and ground availability to be agreed upon between Council and the Sporting Union.
 - b) The members of the Sporting Union being allowed one (1) month's pre-season training at no cost to the member association.
 - c) That Council call on the sporting union to facilitate established independent sporting bodies to become members of the union and grant their traditional ground use as per their current bookings with the various Councils.
- B. That the delegations to the Manly Warringah Sporting Union under Policy 3.5.15 be and are hereby rescinded."

Draft

Sportsground Management Agreement

August 2013

Warringah Council

Draft

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Purpose

These Guidelines have been developed to assist sportsground users and managers in the sustainable management and use of sportsgrounds and associated facilities under the care control and management of Warringah Council.

Whilst these guidelines provide a framework for the development of the sustainable management and use of sportsgrounds and associated facilities, Council retains primary responsibility and control of facilities and remains the primary point of contact relating to the use, management and maintenance of those facilities.



1.0 Guiding Principles for Sportsground Management

1.1 Partnering Approach

The aim of allocating and using sportsgrounds and associated facilities is to foster the development of sport in the region as a means of promoting community health and wellbeing.

This is best achieved working in partnership to ensure positive outcomes in the use and development of sport facilities.

1.2 Community

Sportsgrounds and associated facilities are located within and alongside the 'community'. They are and remain community facilities for the enjoyment of everyone. All allocated use is non exclusive. Users are expected to be considerate of adjoining property owners and other members of the community during organised usage; in particular:

- ensure proper use of all allocated Sportsgrounds and facilities at all times and ensure behaviour of users, spectators and guests does not impact on other users or adjoining property owners; and
- ensure users, spectators and guests do not access private property without prior consent from the owners.

1.3 Communication

A key principle in ensuring ongoing continual improvement of sportsground management and development of sports facilities is a commitment to effective communication between Council and sporting users. Success and future benefit will depend largely on a commitment from all stakeholders to ongoing consistency relating to primary point of contact, record keeping and reporting processes.

To formalise this process and to aid in the development of best practice, Council seeks by the use of these guidelines to establish lines of communication and commitment to progressing the sustainable management and use of sportsgrounds with the Sports Associations and the Manly Warringah Pittwater Sporting Union Incorporated (Sporting Union) representing sportsground users.

2.0 Information

2.1 The Season

(a) Winter

The winter season will commence on the Monday after the last Sunday in March and conclude on the last Sunday in August.

(b) Summer

The summer season will commence on the Monday after the last Sunday in August and conclude on the last Sunday in March.

2.2 Seasonal Maintenance Period

Seasonal maintenance works on sports fields will generally take place in a one week period on either side of the change over of seasons. The following events are necessary to facilitate this:

- The Associations will inform Council 30 days before the end of each season of those fields which they do not have semi finals, finals or grand finals on, so Council can plan maintenance and season change over activities. Further use of these vacant fields prior to season end will be subject to Council agreement.
- The summer competition commences on the second Saturday in September and ends last Sunday in March.
- The winter competition may commence on the first Saturday in April and ends last Sunday in August but any fields used in the last weekend of March may not be available for competition until the second weekend in April.
- For this arrangement to work at least 60% of the grounds must be available for maintenance prior to the last week of the competition season.

- Council will endeavour to inform the Associations as early as possible where major maintenance will be required which may disrupt training or competition but no later than 30 days before the end of season. Where this occurs Council will work with the sports to ensure equity in field availability irrespective of the allocation.
- Training for allocated sports can commence on allocated fields from the commencement of the season. Associations accept that line marking and goalposts may not be in place prior to the commencement of the competition rounds. Training on the fields may also be limited by maintenance activities.
- Major reconstruction of fields will be listed in Councils capital works program and Council will endeavour to give at least 6 months notice subject to Council resolutions, weather and contractor availability.
- At all times Council is able to close grounds for maintenance and safety reasons. The users will be notified and where possible alternate venues identified.

2.3 Seasonal Allocations

- a) The Sporting Union will provide draft next season allocations at least four weeks prior to the completion of the current season. Allocation is to be based on sports demands.
- b) Council will accept or reject the draft allocation within one week of receiving the draft allocation.
- c) If Council objects to an allocation for a particular sport, or wishes an additional sport to be added, the allocation will be returned to the Sporting Union to reallocate and the Sporting Union shall complete within two weeks after Council has submitted.
- d) If the Sporting Union is unable to achieve the reallocation then Council, in consultation with the President of the Sporting Union, will resolve the allocation. Council will take into account the process followed by the Sporting Union. (i.e The Liaison Committee).
- e) If the Sporting Union does not agree with the outcome of the reallocation then the matter will be referred to the Recreation and Open Space Strategic Reference Group to resolve.
- f) Council always maintains the ability to reject an allocation due to issues to do with maintenance, overuse, damage or project needs.

2.4 Hours of Use

In accordance with the determined allocation and subject to existing development consent and adopted plans of management the hours of use must be within the following time periods

Hours of use for sportsfields

Weekdays 4.00 p.m – 9.00 p.m

Weekends and Public Holidays 8:00 a.m – 9.00 p.m

- *As at 11/9/13 the Council's Parks Reserves and Foreshores Group are deliberating on the hours of use for Sundays and a proposal to allow up to an hour set up time prior to 8 a.m on weekends*
- Use of sportsgrounds outside of the above times may be stipulated in Development Approval and or Plan of Management restrictions.
- Where additional times for lighting are possible in a Development Approval / Plan of Management, lights will turn off at 9.30 p.m.
- Additional times will be booked via seasonal summer/winter Sporting Union allocation with the rationale for these requests.
- These bookings (outside of the hours of use for sports fields) will not be subject to fees where usage of fields does not increase above current (2013) levels. The Sporting Union and Council to establish a procedure to ensure field usage is not increased by an extension of hours.

2.5 Requests for access to vary allocation within seasons and pre season

Where a sport with allocation seeks to use fields allocated to another sport during the season, the requesting sport will initially raise the request in writing with Council. Council will authorise negotiations to proceed subject to carrying capacity and condition of the requested field. The sports will then negotiate and provide Council with written confirmation of the agreed arrangements for Council to record in Council's booking system.

Use of sportsgrounds for pre-season training or games outside of allocation will require Council consent and must be obtained by completing a separate booking application which will be subject to fees and charges applicable to such use. See Attachment 3 for an example of a Booking Form for sport specific bookings. Where relevant Council will consult with users and provide confirmation of availability. Council reserves the right to refuse such bookings taking into account current usage levels and sportsground conditions. (See also 2.2)

2.6 Fees and Charges

Fees and charges for the use of Council sportsgrounds, floodlighting and associated facilities will be in accordance with Council's adopted fees and charges.

Sportsground Use Fee

- (a) Sports users shall pay a Sporting User Fee which will be recovered from organisations with seasonal allocations of sports facilities. These fees will be collected through Sports Associations or Clubs/Groups by Council.
- (b) The amount of the Sporting User Fee for each Sport Season to be collected from associations/groups is to be:
 - (i) the number of Junior Players 18 years or under for that Sports Season multiplied by the rate per Junior Player listed in Council's adopted fees and charges:
 - plus
 - (ii) the number of Senior Players for that Sports Season multiplied by the rate per Senior Player listed in Council's adopted fees and charges.
- (c) (i) The sportsground user fee shall not exceed 15% of the annual total recurrent sportsground expenditure less income received from any users of the Sportsgrounds and associated facilities that are not covered by this fee calculated over the two previous completed financial reporting periods.
However the fees for the Sporting Union will be adjusted by CPI only based on the current fee up until and including winter 2016.
(ii) After this period Council reserves the right to adjust the fees basis. The new basis may include a cost and level of service model including, but not limited to, the ability to charge a premium for "special" surface, e.g low cut grass, artificial surface, turf wickets etc.
- (d) All year to date Income and Expenditure figures, by Service Areas, as displayed in the Community Strategic Plan, are to be made available to the Sporting Union when requested.

2.7 Line marking

Council will undertake initial line marking prior to the commencement of the season. Following provision of initial line marking, allocated users are responsible for their own line marking throughout the season using purpose made line marking materials approved for public use. Use of herbicides is not permitted.

2.8 Goal Posts, Softball/Baseball Dugouts and Back Nets and Cricket Nets

Council provides, installs and maintains fixed goal posts on sportsgrounds and associated facilities. Goal post nets of the type associated with soccer and hockey are the responsibility of users. Council does not provide, install or maintain goal post nets. Council also installs and maintains softball/baseball dugouts/back nets and cricket nets.

Any activity that involves the use of portable goal posts requires consent of Council and is dependent on the use and installation of structures complying with Australian Standard HB 227-2003

2.9 Irrigation of sportsgrounds

Only Council staff are permitted to activate and control irrigation systems on Council managed sportsgrounds unless prior arrangements have been entered into. Users are reminded that water restrictions may be in operation and with the exception of alternative water supply, irrigation systems are generally programmed to irrigate during times allowed by Sydney Water and where conflict with organised use is minimised. Council will ensure that the use of irrigation is optimised.

2.10 Maintenance and improvements

Council will undertake the preparation and maintenance of sportsgrounds and associated facilities for the primary purpose associated with the seasonal allocated user.

Sports or Associations proposing to undertake sportsgrounds maintenance and/ or improvements works are required to apply in writing and receive the express consent/prior written approval of Council prior to commencement of works. Consent may be given with conditions or may be withheld. Workplace health and safety requires particular attention.

For any maintenance related issues or requests for improvement/new works please use Council's Service Request System.

2.11 After Hours Contact

Should the need arise to contact Council after normal hours of operation please contact Council's after hours contact on 99422111.

2.12 Planning

To enhance the partnership between sports and Council there should be a sharing of information regarding planned usage and maintenance.

Summer sports would be expected to provide the Council with "end of season" ground usage by start of March, and in April the Winter sports are asked for the information found in 9.1. Winter Sports are asked for end of season" ground usage by start of August. Summer sports are asked for the information found in 9.1. in September so the Council has this input in preparing their plan for the following season.

The Council will provide the sports with the planned maintenance program and other information according to the schedule in Clause 9.2. The plan should show the work proposed and the indicative time that the work is expected to start and finish. The sports associations and Council may have a round table discussion before the plans are set.

3.0 Conditions of Sportsground Use

3.1 Permitted Usage

A sportsground may be used for the conduct of organised sporting events whether training or competition on a seasonal basis, in accordance with the allocation approved by Council.

Allocation does not give the user exclusive rights to use the playing field and must be considerate of the general community using the field for non-organised sporting activities or passive recreation. This is a requirement under the Local Government Act 1993 regarding management of community land.

Other related use may be considered e.g. celebrations, vacation programs - by completing a separate booking application (see Attachment 3) which may be subject to fees and charges and conditions applicable to such use.

3.2 Floodlighting

Floodlights, where available can be used by the allocated user from 4.00 pm until 9.00pm, Monday to Friday and weekends and public holidays (see clause 2.4).

The user is responsible for turning the floodlights on and off. The user shall also be invoiced for and pay the metered cost of flood lighting for allocated sportsgrounds as per Council's fees and charges. Where clubs share allocation, clubs are encouraged to share the turning on and off the lights to more equitably share the charges. If necessary Council is able to split the metered hours according to field use information provided by the clubs.

Users are advised that the level of floodlighting available may not be compatible with particular usage requirements as outlined in AS 2560.1 (2002). It is the responsibility of users to ensure that prior to the commencement of any proposed use that the level of floodlighting provided at Council facilities is adequate.

3.3 Facilities

All Council Facilities are non-smoking areas and this ban is enforceable by Council Rangers. Users are required to advise and promote this ban to all players and spectators including all visiting teams.

Any electrical equipment brought onto Council property must be approved by Council and tested and tagged by an accredited tester in accordance with statutory requirements.

(a) Amenities

Where an amenity building is located on a sportsground that has been allocated and is the subject of a user agreement, the amenity is available for use by the user under the conditions of the user agreement. The general public cannot be excluded from the use of public amenities.

Should an existing lease or licence agreement be in place for any amenity described above, existing usage rights will prevail and use of the amenity will be in accordance with the term of any current lease/licence agreement.

(b) Canteens

In general, sporting clubs have seasonal use of a canteen/kiosk at the ground during the hours of allocation. Any group, including schools, wishing to use a canteen must contact the seasonal user to negotiate access. Such requests must be made at least 7 days prior to the day required.

Sporting clubs are responsible for all stock and merchandise purchased or stored in canteen/kiosks.

Council does not generally provide lockable storage for user groups. Any groups wishing to create such storage facilities in a canteen/kiosk must contact Council and obtain written permission/approval.

The preparation and/or sale of food and drink, including alcoholic beverages, shall comply with the provisions of the Public Health Act and Regulation, Food Act and Regulation and Liquor Licensing Laws and any requirement of Council's Compliance Unit. See example of Conditions of Use in Attachment 2. The user has sole responsibility for ensuring that these requirements are known and met.

The allocated user is to ensure that equipment is stored in a safe and proper manner. Hazardous and dangerous goods are not permitted to be stored on or within Council facilities. Non-allocated user groups not actively using a sports facility must ensure equipment and related items are removed from the facility.

(c) Keys to facilities

Users are responsible for contacting Council to arrange for the collection and return of keys. Lost keys are to be reported to Council and will result in loss of bond. New and replacement keys and locks will incur a fee and bond.

(d) Playing Fields

There is a mutual obligation to ensure that playing surfaces and associated facilities are safe. Council endeavours to provide sportsgrounds and associated facilities that are fit for the intended use associated with allocation.

All users are responsible for checking on the condition of the ground before the commencement of use to ensure that facilities are safe and compatible for intended use Refer to 3.11.

In the event that the allocated user intends to supply and install crowd control barriers, they are to be placed, monitored, removed and stored appropriately during the course of the booking observing the requirement of any applicable Plan of Management.

3.4 Ground closures

Grounds can be closed at any time by Council. Users cannot use grounds closed by Council.

Users may be liable for damage caused through unauthorised use of grounds closed by Council.

Generally grounds will only be closed due to capital works projects, planned maintenance, unscheduled or reactive works or wet weather.

If a ground is expected to be closed due to capital work projects or planned maintenance, Council will contact all relevant users in advance to notify of such closures and advise of any alternative arrangements for use.

If a ground is closed to undertake unscheduled or reactive works or in emergency situations the Council will notify all relevant users as soon as is practicable.

If a ground is closed due to wet weather, users can obtain information from Council's website, wet weather hotline 9981 2099 or via twitter and face book. Handling of ground closures due to wet weather shall be in accordance with Attachment 4.

In all situations the Council will notify users as soon as is practicable when grounds are open.

All users are responsible for checking on the condition of grounds before the commencement of use to ensure that facilities are safe and compatible for intended use. See 3.3 and 3.11.

3.5 Vehicles on Sportsgrounds

Unauthorised vehicular entry to sportsgrounds is prohibited. Access for setting up and packing up of sports fields can be obtained for a small number of vehicles with an Access to Reserves Permit (note Council will allow a number of drivers to be covered by this Permit). All ambulance and emergency vehicle access areas are to be free of obstruction at all times.

3.6 Waste Management and Litter

Sportsgrounds and associated facilities must be left in a clean and tidy state by the allocated user group. User groups are responsible for ensuring the grounds and amenities are clean and litter free before departure. To assist in ensuring that facilities and playing fields are left clean and litter free following use, bins are provided and serviced by Council. Additional bins may be arranged by contacting Council.

Additional bins may be subject to a fee dependent on waste management arrangements. Council provided bins are not to be used for commercial waste removal. Should users require removal of commercial waste please contact Council to request this service. A fee may be applicable.

Sports specific bins are typically emptied on Saturday, Sunday and Monday each week.

Glass containers other than those used for catering purposes within canteen/kiosk areas are not permitted on sportsgrounds and associated facilities.

3.7 Temporary structures

Allocated user groups intending to install and use temporary structures during the season including signs, fencing and ancillary sporting equipment do so at their own risk. Allocated user groups shall advise Council of any proposed installation. Where practicable, Council will provide information and orientation to assist with identification of the location of irrigation, electrical systems and other infrastructure likely to be interfered with. After each use, all fixing devices such as stakes or spikes are to be removed to prevent injury or damage to equipment. All temporary structures and equipment must be stored appropriately and made safe after use by the allocated user.

3.8 Ancillary Items

The use of PA systems, generators, stalls, amusements and fire works are prohibited unless requested through a booking and given written approval from Council (subject to Development Consent and Plans of Management).

3.9 Assignment and subletting

The allocated user must not enter into any sub-letting arrangements of their allocation or assign allocation of the field or buildings to others.

3.10 Review of Allocation

Council reserves the right to review any allocation arrangement to ensure that the allocated user is utilising allocated facilities in accordance with the approved allocation and the terms and conditions of this agreement. Significant departure from the approved allocation in terms of days and hours of use may result in cancellation or alternative allocation arrangements more compatible with actual use.

If at any time during the term the allocated user is found to be unable to maintain a commitment to adhere to the conditions of use and guidelines set out in this document Council will inform the relevant Sporting Association and this may result in loss of the allocation.

3.11 Risk Management

It is recognised that there is a mutual obligation to minimise risk associated with the provision and use of sportsgrounds and associated facilities. Conditional upon approval of the annual budget for sport fields, Council undertakes to provide facilities, for the next 12 months that are fit for the allocated and or intended purpose. In exchange for payment of fees and rates, the Council retains the primary responsibility. Users however have a shared responsibility to undertake risk assessment to ensure the safety and well being of their members. Council will work with the sports to provide guidance to users as to their obligations and responsibilities regarding risk management.

Subject to Council delivering the sportsgrounds as stipulated in this document, users are to undertake a causal secondary risk assessment of sportsgrounds and associated facilities prior to use and action any identified risks accordingly including but not limited to the following:

- remove / rectify any minor safety hazards before use
- ensure all equipment and facility fittings and fixtures are safe before use
- notify Council of any risk or hazard requiring Council response
- DO NOT use the sportsground or any associated facility if risks or hazards cannot be rectified and/or if a risk inspection indicates that the sportsground or facility is unsafe to use

3.12 Child Protection

Allocated use is to be undertaken taking into account and compliance with relevant requirements of Child Protection legislation in force in NSW.

3.13 Insurance

The allocated user must maintain a public liability insurance policy for a cover of not less than \$20,000,000. A copy of the current policy must be provided at the commencement of allocation. A request for allocation that

does not meet Council's insurance requirements will not be considered. Council carries its own insurance for this purpose as well

4.0 Sportsgrounds covered by these guidelines

4.1 A Sportsground:

- ▶ is a Park that is reserved for sports;
- ▶ may include
 - goal post installations
 - line markings,
 - cricket wickets:
 - synthetic grass over concrete, and
 - natural grass (turf) wicket table,
 - cricket practice nets and cricket covers including off season use
 - basketball courts and hoops,
 - netball courts and hoops:
 - grass, and
 - asphalt,
 - baseball and softball diamonds and back nets, dugouts and boundary fences

Sportsgrounds are further defined in this section and encompass:

- ▶ Categorised Sportsgrounds
- ▶ Designated NSW Department of Education School Ovals

4.2 Categorised Sportsgrounds

A Categorised Sportsground is a Sportsground sub-categorised as follows:

- ▶ **Regional.** Regional Sportsgrounds are specialised sites with higher-level facilities for competitive sports at national, state and/or regional level. They are usually associated with particular sporting clubs and require a high standard of maintenance.
- ▶ **Sub-Regional.** Sub-Regional Sportsgrounds are extensively utilised sites with club facilities for year round Sub-regional, district, and local competitions requiring a significant level of maintenance. They are usually associated with particular sporting clubs and may have additional community facilities such as playgrounds and BBQ's.
- ▶ **Local.** Local Sportsgrounds are sites with facilities predominantly for local or social competitions and other sporting events and are used for non-structured recreation. With the increasing demands for open space these grounds are subject to increasing use and now require increasing levels of maintenance.
 - **Local A** are the standard playing field suitable for competition and training. These fields may have amenities, changing rooms, a kiosk and storage areas
 - **Local B** are usually smaller and have fewer opportunities for development and are often little more than a local park. Parking is often limited and the fields are not accessible from major, or collector roads.

4.3 School Ovals

A School Oval is an area of NSW Department of Education and Training property for which Council provides limited maintenance in exchange for public access for Sports who have local agreements with the Schools.

School ovals are made available to the community on a school by school basis at the discretion of the Principal of each school.

Council and the Sporting Union are to work with schools to clarify usage and maintenance requirements.

4.4 Leased Sportsgrounds

Leased Sportsgrounds are Sportsgrounds that Council has leased to local sports clubs who are obliged under the leases to maintain the associated facilities as defined in the lease agreements

An inventory of sportsgrounds sites is included as Attachment 5. This list is subject to change and excludes sportsgrounds unavailable for allocation.

5.0 Council Maintenance Service Description

In providing sportsgrounds to the community, Council aims to prepare and maintain sportsgrounds, within allocated budgets to meet the primary purpose associated with the seasonal allocated user.

At the commencement of the competition, the Council will provide an assurance that the ground(s) have been prepared in accordance with this document.

5.1 Sportsground Preparation

(Service Goals for categorised sportsgrounds are provided in Table 1)

- ▶ Scheduled activities in meeting the primary purpose associated with the seasonal allocated user are to include but are not limited to:
 - Sportsground mowing and playing surface preparation
 - Line marking in meeting the primary purpose associated with the allocated user to be undertaken by Council on all allocated sportsgrounds prior to the commencement of the season. Subsequent line marking is to be arranged and completed by allocated users.
 - Changeover activities in meeting the primary purpose associated with the allocated user is to be undertaken by Council prior to the commencement of the competition and is to include but may not be limited to the following:
 - Erection and dismantling of fixed goal posts, back nets and other infrastructure
 - Covering and uncovering of cricket pitches
 - Playing surface renewal activities such as topdressing, grass replacement, fertilising and decompaction/aeration as specified in this agreement.
- ▶ Unscheduled and reactive works to rectify asset condition and availability for use. Responsiveness will be determined by available funding, resource availability and risk assessment.

5.2 Infrastructure

(Service Goals for categorised sportsgrounds is provided in Table 2)

All built facilities associated with sportsgrounds to be prepared and maintained by Council within allocated budgets in meeting the primary purpose associated with the seasonal allocated user. Toilets are cleaned according to the current Council contract.

Scheduled activities in meeting the primary purpose associated with the seasonal allocated user are to include but are not limited to

- Facility maintenance
- Cleaning of public amenities excluding change rooms, club rooms, canteens, storage areas and toilets which are not generally accessible to the general public during allocation.
- Unscheduled and reactive works to rectify asset condition and availability for use. Responsiveness will be determined by available funding, resource availability and risk assessment.

5.3 Programmed Maintenance

Current indicative "planned maintenance program"

- June: soil testing and weed eradication quotations/procurement
- July: soil tests results analysed weed eradication (bindii & broadleaf), review of current condition and required repairs.
- August: begin aeration program, deep slicing on damaged grounds, vertidrain, where relevant develop and implement soil nutrient plan. Assess turf replacement requirements. Commence wicket maintenance.
- September: continue aeration, apply products as required (dependent on soil test results) & implement turf replacement program. Removal of soil & covers from synthetic cricket wickets. Preventative spraying for weeds and pests.
- October: Irrigation of new turf, application of fertiliser, assess top dressing needs.
- November/December: implement top dressing program.
- March/April: additional fertiliser applied, second aeration program.
- Ongoing maintenance: Mowing- weekly in summer, fortnightly or monthly in winter, minor top dressing and post maintenance

5.4 Communication

- Council and allocated users are to ensure appropriate contact details are exchanged to ensure a high level of communication
- Council is to notify allocated users of any disruption to scheduled use at the earliest convenience
- Council is to consult and liaise with allocated users to minimise cancellation of scheduled use and to identify alternative sites where practicable to assist with completion of scheduled use
- Sporting Associations to ensure adequate information exchange with member clubs ensuring feedback is communicated to all members on a regular basis
- See 9.1 and 9.2 for more details

5.5 Budget

Council shall furnish to the Sporting Union

- a) No later than 30th April, a draft detail budget for 12 months 1st July to 30th June of the following year
- b) A final draft budget on the day Budget is exhibited to public.
- c) Confirm budget approved after Council has passed the budget.

Council will provide detailed information to the sporting bodies pertaining to the breakdown of sportsfield budgeted expenses.

5.6 Maximising Allocated Budget

The parties warrant to the other parties that each party shall assist each other and every effort shall be explored, to wisely spend available funds for the greatest benefit to the community.

Sportsground Preparation Service Goals							
Category	Grass Height for competition	Line marking	Changeover Activities	Grass Coverage	Health and Vigour	Weed Content	Surface Quality
Regional A	Not subject to allocation						
Regional B	Not subject to allocation						
Sub-Regional	Winter Min 35mmMa x 60mmSummer Min 30mmMax 40mm	Once per year prior to commencement of season	► Erection of posts prior to commencement of season	Maximum coverage replacing 2000m2 per annum across all Warrington's fields according to need, working on priorities with Associations where possible	Healthy state in growing season with allowance for water restrictions and availability of fixed irrigation	Annual assessment and Treatment according to final needs	Both parties will remove holes, ruts, erosion and variations in the surface before they become a hazard where known.
			► Removal of posts at end of season				
			► Covering of wickets prior to commencement of season				
			► Prepare long jump pits and ensure adequate sand supply				
			► Instal back nets prior to commencement of the season				
Local A	Winter Min 35mmMa x 60mmSummer Min 30mmMax 40mm	Once per year prior to commencement of season	► Remove back nets at the completion of the season	As per above	As per above	As per above	As per above
			► Supply dolomite for sports to restore infield prior to commencement of the season				
			► Uncovering of wickets prior to commencement of season				
Wicket covering soil to be re-used, stockpiles may remain on site due to removal and spreading being done by different contractors.							

Infrastructure Service Goals		Lighting	Goal Posts/Back nets	Synthetic surfaces	Amenity Maintenance	Amenity Cleaning
Categorisation						
Regional A			Not subject to allocation			
Regional B			Not subject to allocation			
Sub-Regional Local A Local B	► Annual system inspection and repairs	► Annual inspection and repairs/replacement of lamps	► Annual inspection and repair	► Annual inspection and repair	► Programmed inspection and maintenance.	► Amenities are cleaned according to the current Council contract(s).
	► Reactive service to rectify asset condition and availability of use	► Reactive service to rectify asset condition and availability where condition impacts on playability.	► Reactive service to rectify asset condition and availability where condition impacts on playability.	► Reactive service to rectify asset condition and availability where condition impacts on playability.	► Reactive service to rectify asset condition and availability where condition impacts on playability.	

Table 2 – Infrastructure Service Goals

6.0 Quality Assurance

6.1 Quality Policy

One of the key objectives of sustainable sportsground management is to develop a Quality approach to the management and use of sportsgrounds. To fulfil this objective Council agrees to provide sportsground management services in a manner that reflects commitment to service quality and customer satisfaction. This means:

- Encouraging all staff and associated service providers to strive for individual excellence in their work and association with management of sportsgrounds
- Meeting defined service goals
- Implementing and embedding a comprehensive quality approach that will provide a framework for service management, implementation and monitoring of service goals and reporting
- Institutionalising the principle of continual improvement.

6.2 Quality Methodology

The purpose of a quality approach is to achieve continuous improvement. The most important variable for managing quality for the purpose of continuous improvement is to monitor and report the difference between actual performance and performance targets.

Council management of sportsgrounds adopts the following methodology to monitor and report actual performance against performance targets:

1. Services to be provided as per Service Goals
2. Internal reporting of completed works as per Service Goals
3. Council to undertake seasonal review meetings to identify opportunities for improvement and modification namely:
 - What was supposed to happen?
 - What actually happened?
 - What was the difference?
 - Why there was a difference and what can we learn?

Outcomes from these meetings will provide opportunities for improvement.

6.3 Quality Record Keeping and Reporting of Level of Service - Key Performance Indicators (KPI)

Council is to demonstrate that they are performing the Level of Service - KPI, in accordance with this agreement. For this purpose, Council is to keep records and provide annual performance reports associated with the Services performed.

7.0 Mutual Obligations

All parties agree that they share obligations for the sustainable management and use of sportsgrounds and undertake to maintain open channels of communication in achieving positive outcomes.

8.0 Continuous Improvement

All parties agree that continuous improvement strategies will be developed to improve delivery of sportsground management services. This includes but should not be limited to improved policies, procedures, standards and guidelines.

All parties agree to undertake ongoing consultation to ensure commitment to consistency and standardisation of process in relation to the objectives of sustainable sportsground management.

9.0 Communication, reporting and review

All parties agree to identify preferred contact representative(s) to be primarily responsible for ensuring the effective management, implementation and review sportsground management objectives.

Regular review meetings should be scheduled to discuss the ongoing management and use of sportsgrounds, reviewing performance of sportsground facilities and services associated with the use and management.

9.1 Information to Council from Seasonal Sport Users

Activity	Responsibility	Required
Organisation Details <ol style="list-style-type: none"> 1. ABN number 2. Committee Executive (after each AGM) 3. Copy of Public Indemnity Insurance 4. Copy of annual report and audited financial statements 	Sporting Union, Associations, Clubs	Annually and or prior to each Season
Manly Warringah Pittwater Sporting Union to negotiate seasonal allocations with relevant Associations and then send draft allocations to Warringah Council.	Sporting Union	At least four weeks prior to the completion of the current season. (see 2.3 (a))
Field preparation Form <ol style="list-style-type: none"> 1. Ground Configuration – general e.g. <ul style="list-style-type: none"> • line marking - measurements / location / scheduling • goal posts / nets - type/ location / scheduling 2. Any other specific requirements e.g. <ul style="list-style-type: none"> • Special events • Finals • Services such as supply of extra bins 	Associations	At least 28 days prior to the start of the season. As required for additional activities.
Complete Sports field Allocated User Form. This form requires information including: <ol style="list-style-type: none"> 1. List of Association Executive Committee and contact details 2. List of Clubs in each Association – contact person and details, home / base grounds and club facilities use. 3. List of fields and usage times for training, allocated to each club at team level and approximate numbers expected at training. 4. A list of competitions, including draws and grades operating in each Association. 	Associations, Clubs	2 weeks after season starts. Finals information to be provided 30 days prior to the end of the season (see 2.2)

Activity	Responsibility	Required
5. List of any proposed out of season use- pre season training/trials or post season activities. 6. A list of special events and competitions, gala days or regional/ state / representative competitions being held by the Association / Clubs including proposed locations and schedules. 7. Notice of any non use periods within the season for training and competition. 8. List of intended dates, venues and fields being used in all finals. 9. Information on any specific arrangements Associations / Clubs have with third parties e.g. schools, other sports for use of their allocated fields and venues.		
Complete a Seasonal User Payment Data information form. This form requires information including: 1. Participation numbers (juniors and seniors) for each Club in each Association. 2. Numbers of players in each age group for each club for each association.	Associations	Prior to the end of the season.
Complete a lighting access form: This form requires information including: 1. Contact details of representatives to have access to lights for each club at each ground 2. Venues and timing required	Associations, Clubs	Prior to the start of each season and as required.
Complete a seasonal survey of sportsgrounds and amenity use (See attached sample survey – Attachment 1)	Associations, Clubs Union	At the end of each season

9.2 Information to Seasonal Sport Users from Warringah Council

Activity	Responsibility	Required
Capital works schedules and detailed budgets for each of the relevant sports grounds and relevant infrastructure	Warringah Council	One month prior to seasonal Sporting Union allocation meetings.
Maintenance works schedules, including rectification, and detailed budgets for each of the relevant sports grounds and relevant infrastructure	Warringah Council	One month prior to seasonal Sporting Union allocation meetings.
Maintenance costs for sportsgrounds.	Warringah Council	Annually after Council's annual report is completed.
Ground availability information including seasonal change over schedules for all sports grounds	Warringah Council	One month prior to seasonal Sporting Union allocation meetings. As required for reactive maintenance, safety, wet weather and scheduling of agreed activities.
Warringah Council Capital Assistance Grants program information	Warringah Council	As soon as program is launched
Relevant grant and capital assistance program information from other agencies and groups	Warringah Council	As relevant
Review of seasonal allocations and out of season request for access	Warringah Council	Seasonal allocation review - within one week of receiving draft from the Sporting Union and as required for any requested changes. Out of season approvals – as required.
Invoice for Sports field User Fees and Service Fees	Warringah Council	End of Season As required for use outside of allocation.
Invoice for Light Usage	Warringah Council	End of Season As required for use outside of allocation.
Sport & Recreation Strategic Planning including for renewal of existing infrastructure and for new infrastructure on sports grounds.	Warringah Council	Relevant consultation from the project planning phase through to completion with stakeholders
Provide access to up to date information about sports grounds e.g. wet weather, fees charges, conditions of use (see attachment for an example of conditions of use), ground conditions assessments etc	Warringah Council	Social media, web pages, regular liaison and meetings

Term / Review / Mediation

This agreement is to come into effect on the (date to be determined) and is to apply for this period (period to be negotiated).

The agreement is to be reviewed regularly by all parties. Process for review to be determined.

Signatories

Warringah Council

Name of representative:

Position:

Date:

Warringah Council (witness)

Name of representative:

Position:

Date:

Organisation (s)

Name of representative:

Organisation:

Position:

Date:

Organisation (s) (witness)

Name of representative:

Organisation:

Position:

Date:

ATTACHMENT 1

ATTACHMENT 1: Warringah Council – Example of Seasonal Survey

Nothing in this attachment shall override the guiding principles of the main agreement, as stipulated in Clauses 1 - 9. In the event of any conflict, the terms of the agreement shall prevail.

To assist with sports ground operations and maintenance and capital works planning, the Council will request that allocated users complete a seasonal survey. A sample survey is outlined below. A similar survey was used to gather information about the winter season 2012. Survey questions will be regularly reviewed. Feedback received will be discussed with allocated users and the Sporting Union.

1. Sportsground/field

Name of group using this ground/field in 2012:

Contact person: Position:

Phone:

Mobile:

Email:

2. Usage

Training

Please indicate who has been using this field during a typical week in Winter 2012 for training - please list the team name, age group and the approximate number of people training. Feel free to alter the time slots if necessary and leave any time slots blank if they were not used on a regular basis.

Use	Mon	Tues	Wed	Thurs	Friday	Use	Sat	Sun
4-5pm						8-10pm		
5-6pm						10-12pm		
6-7pm						12-2pm		
7-8pm						2-4pm		
8-9pm						4-6pm		

Competition

Please indicate if this field was used for any competitions in the 2012 winter season and on what days by using the following key: *Jr or Snr * Male or Female * All * combinations – eg Jr Females

Use	Mon	Tues	Wed	Thurs	Friday	Use	Sat	Sun
4-9pm						8 - 6pm		

Do you have any general comments about your usage of this field?

3. The specifics. This section aims to collect information for potential improvements
Fields

How satisfied were you with this field and its ability to cope with the 2012 winter season:

Very satisfied ☐ Satisfied ☐ Neither satisfied nor unsatisfied ☐ Not unsatisfied ☐ Very unsatisfied ☐

Do have you any comments or suggestions for improving the condition of this field?:

If any, what works or maintenance did your club do on this field this winter?:

Lights

Do you use the lights on this field? Yes ☐ No ☐ N/A ☐

Do you have any comments or suggestions for improving the lights at this field?:

Bins and rubbish

Are there ample bins for this field? Yes ☐ No ☐ If no how many extra bins do you feel are required?

Where are the bins stored during the week?: Are the bins out for use during the week? Yes ☐ No ☐

ATTACHMENT 1

At the moment there is an emptying service on Sat, Sun & Mon. Do you have any comments on this service?

How do you dispose of your canteen rubbish?:

Do you have any further comments on bins and rubbish?:

Amenities and other buildings

What buildings does your club use on this sportsground?:

Do you have access to toilet amenities on this field? Yes ☐ No ☐ If no why not?:

Do you have any comments on the amenities at this reserve?

Do you share the building with any other users during the winter season? Yes ☐ No ☐

If yes - Do you have any comments regarding this shared arrangement?:

Do you have a formal lease/ agreement for the use of this building?: Yes ☐ No ☐

If yes who is this agreement with and when does it expire?

Do you store any equipment in a building on the reserve during the season? Yes ☐ No ☐

Or between seasons? Yes ☐ No ☐

Do you use the canteen in a building: Yes ☐ No ☐ If so which building?:

If yes is this canteen shared with any other user during winter season?: Yes ☐ No ☐

Do you have any comments or suggestion regarding the buildings on this reserve (please note if referring to all buildings or just one in particular)?:

Other sportsground matters

Do you have any general comments regarding the following?:

Line marking:

Goal posts:

Field numbering:

Signage:

Field configuration:

Keys:

Parking:

Further comments:

Do you have any other suggestions or comments you would like to make about this sportsground?:

Thank you, please do not hesitate to contact us should you wish to discuss this further.

ATTACHMENT 2

ATTACHMENT 2: Warringah Council – Example of Conditions of Use for Allocated Users

Nothing in this attachment shall override the guiding principles of the main agreement, as stipulated in Clauses 1 - 9. In the event of any conflict, the terms of the agreement shall prevail.

Following approval of the seasonal allocations each Association is sent confirmation of their allocations. This includes the details of the approved sports ground (s), dates and times and the conditions of use. An example of the conditions of use for allocated users of Warringah Council sports grounds is outlined below. These conditions were applied to the Summer Season 2012/2013. Conditions are reviewed regularly and amended as required by any relevant regulations or legislation, direction of Council or operational change. (11/9/13 note that a generic Example of Conditions of Use will replace the information in this Attachment 2 for the final agreement)

Introduction

Approval has been granted to use a sportsground for thesports season. Use is approved as per the venue, dates and times listed on the attached document only. Approval has been based on the Association and all members adherence to the following conditions:

Insurance

1. Your organisation is to effect, at its own cost, Public Liability Insurance for a cover not less than ten million dollars (this was the relevant cover required for Summer 2012/2013 – the Sporting Agreement will require cover of not less than \$20,000,000 once adopted) for each claim in the names of Council as owners and your organisation as occupiers of the area concerned as to their respective rights and liabilities. Please ensure a copy of the current policy is forwarded to the Reserve Bookings office prior to the first event date of the season.

Fees and payment

2. Your organisation will be required to send the total number of senior and junior registered players to Council prior to the end of this season. This will be used to generate an invoice for the Sportsfield User Fee. The amount will be payable to council as per Council's standard terms and conditions.
3. That your organisation has paid the Sporting User Fees for any previous summer periods prior to commencement of this season. Failure to do so may jeopardise access to the fields.
4. A separate fee will be charged to cover floodlighting costs as per Council's adopted Fees and Charges. Your organisation will be invoiced accordingly at the end of this season.

Reserve Usage

5. All operations to be confined to the dates, times and sportsgrounds as listed in the contract - this has been based on the approved Manly Warringah Pittwater Sporting Union Allocations. Any changes to this must be approved by Council.
6. Council reserves the right to close a sportsground due to wet weather, capital works and maintenance or other ground conditions, users are asked to confirm the availability of a field by checking the wet weather line on 9981 2099 or on the web at www.warringah.nsw.gov.au/community/sportsgrounds, face book <http://www.facebook.com/warringahcouncil> or twitter <http://twitter.com/#!/mywarringah>. The use of a field while closed is not permissible unless discretion has been explicitly provided to your sport or organisation. Any discretionary use of a field is to be communicated to the Reserve Booking office within 48 hours of use. It is recommended that Associations provide links to Council wet weather information on their websites.
7. That your organisation monitors the ground and reports relevant issues to Council. Where relevant all operational issues with the field and building are to be reported through the Council's 'request a service' section on www.warringah.nsw.gov.au/ request a service.
8. Apart from runners or dimpled shoes only short blades and studs are to be worn on the grounds during both training and competition to minimise the damage on the fields.
9. Training activities to be managed to ensure the load is spread across the ground and that where relevant the goal and centre areas are protected and not over used.
10. All noise and especially any amplification systems being maintained of a character which is not "offensive" as defined by the Protection of the Environment Operations Act 1997.
11. Any request for changes to the times, dates and sportsgrounds used must be applied for through Reserve Booking office. Council will negotiate requests from other users on your behalf.

ATTACHMENT 2

12. Subletting or reallocating use of a field and any related facilities to another club, group or individual is not permitted.
13. Permission must be sought from Council to reallocate an approved season allocation.
14. That information on competition draws, organisational contacts, lighting users, training schedules, fields required for finals and any other relevant data requests be forwarded to Council by the stated deadlines.

Lights and other field requirements

15. It is the responsibility of your organisation to contact the Reserve Bookings office to confirm any special requirements and to ascertain provision of facilities, including line marking, sms light access, goal posts and accessibility to toilets prior to the season. Any changes or further requests throughout the season are to be made through the Reserve Booking office.
16. Any line making undertaken by your organisation may include a growth retardant such as Primo (at 2ml per litre). Herbicides which kill the grass such as Roundup and Buster are not to be used.
17. Lights may only be used on the dates, times and sportsgrounds listed in the attached rental contract. Council approval is required for any additional use of the lights.
18. Any issues with the lights should be reported to the Reserves Booking office as soon as possible.
19. Where relevant the amenities at each field are made available to users and any spectators. It is the responsibility of your organisation to ensure that the amenities are open and available to use. Please contact the Reserve Booking office should keys or further information be required.

Special events during the season

20. Any use of the reserves outside of the allocated hours listed in the contract requires Council's permission. Such use will incur a cost as per Council's adopted Fees and Charges. Sports use outside of the allocated hours requires completion of a sportsfield application form found at <http://www.warringah.nsw.gov.au/community/documents/BookingApplication2012-Sportsfields.pdf>. The completed form is to be sent to Reserve Bookings office.
21. Special events require the completion of an event application form which is found at <http://www.warringah.nsw.gov.au/community/documents/BookingApplication2012-MajorEvent.pdf>. The completed form is to be sent to Reserve Bookings office. Fund raising events and centenary celebrations etc. and Gala days, regional or state competitions, if the scale is outside of normal weekly sporting activities would all be considered a special event. Please contact the Reserve Booking office for further information.
22. The use of PA systems, music, generators, stalls, amusements (including jumpy castles, animal farms and carnival rides and games) and fireworks on the sportsground is prohibited unless prior written approval is obtained from Council. This may be applied through the event application form.

Waste and cleansing

23. The reserve must be left in a clean and tidy condition. Please ensure all waste is removed from the site upon departure. Should it be necessary for Council to conduct extra cleaning, your organisation will be invoiced accordingly. Please contact the Reserve Bookings office if additional bins are required as they are subject to a separate charge.
24. Due to the litter and safety problems caused by glass bottles, they are not to be sold or distributed. It is also suggested that paper cups, rather than foam or plastic cups, be used to minimise the problems associated with broken foam or plastic on the reserve.
25. Waste from canteen operations is the responsibility of your organisation and will not be collected by Council. Do not use the Council bins for canteen waste.
26. Your organisation will be invoiced accordingly for any damage to any property or the environment at the allocated fields.

Safety and Security

27. Your organisation is responsible for taking all necessary precautions to ensure the safety of participants and any spectators. First aid must be available for participants and spectators of the event.
28. That your organisation undertakes a risk assessment of the sportsground/s prior to use and determine if they are fit for the intended use. Appropriate action should be taken to remove and/or rectify any risks; if a risk can not be nullified the field is not to be used. Council should be notified of any relevant risks as soon as possible.
29. That no undue inconvenience is caused to other users of the reserve. All tents, marquees and structures must be positioned so as not to inconvenience or pose any risk to the general public.

ATTACHMENT 2

Food and Drinks

30. Temporary food premises operating within the Warringah local government area must comply with all aspects of the Food Act 2003. All temporary food premises must be constructed in accordance with the Food Handling Guidelines for Temporary Events. NSW Food Authority
<http://www.warringah.nsw.gov.au/environment/TemporaryFoodPremises.aspx>
31. Only portable above ground gas barbecues are to be used except where Council has provided BBQ facilities. This consent is subject always to current fire restrictions. Please refer to www.rfs.nsw.gov.au for up to date fire restriction information.
32. All mobile food vans must have a 'working on reserve' permit and certification to operate a mobile food van in Warringah. They must follow the NSW Food Authority Guidelines; further information can be obtained from <http://www.warringah.nsw.gov.au/environment/TemporaryFoodPremises.aspx>.

Traffic and Road Management

33. All Australian road rules in relation to traffic and parking must be complied with. Normal parking restrictions will be in operation.
34. Approval must be obtained from Warringah Traffic Committee regarding any road closures. This is to be forwarded to Reserve Booking prior to the specific event and all conditions as outlined in the Warringah Traffic Committee approval implemented.
35. No vehicles other than those approved by Council are permitted on Council's reserves. Please contact the Reserve Bookings office should vehicle access be required. Access will only be approved for vehicles imperative to the operations of a sport.
36. Closure of any Council facilities such as car parks is not permitted without the appropriate approval. Please contact the Reserve Bookings office for the appropriate process.

Stage, Scaffolding and marquees

37. Stages and scaffolding must be erected by appropriately ticketed scaffolders and be certified as structurally stable by a practicing Structural Engineer if they exceed 1000mm height.
38. All tents, marquees and structures are positioned so as not to inconvenience or pose any risk to the general public.

Advertising

39. Signs may only be displayed at a reserve where an allocation for your association has been approved.
40. All signs must be secured safely and not pose any risk. They are not to be nailed onto trees or buildings.
41. Any signs must be of a temporary nature and may only be displayed within the reserve area itself for a maximum of 2 weeks at any one time. Cigarette or alcohol advertising is not permitted on the reserve

Other

42. Please contact 9942-2111 for any after hour's emergency assistance. Please note however that should it be deemed that the call was unnecessary your organisation will be charged accordingly. Contact of Council officers or contractors out of hours is not to be encouraged.
43. That a copy of this 'Approval' is onsite at the event at all times and is available for review by Council staff as required.
44. That all Clubs, coaches, team managers and other relevant volunteers and members be provided with a copy of these conditions.

Please contact the Reserve Bookings office should you require any further information. Council wishes you every success with this season.

ATTACHMENT 3

Attachment 3 : Sport field request form

*Nothing in this attachment shall override the guiding principles of the main agreement, as stipulated in Clauses 1 - 9.
In the event of any conflict, the terms of the agreement shall prevail.*

The following is an example of a form used to request a sports field outside of seasonal allocation. Depending on the nature of the event more details may be required.

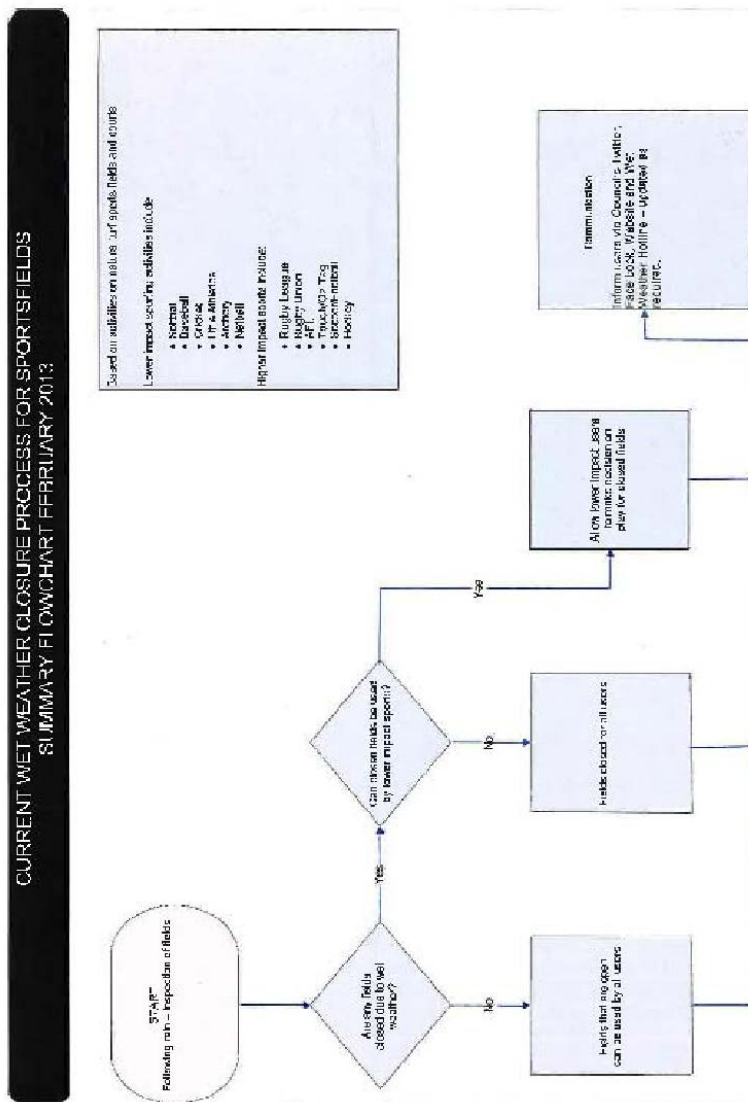
Applicant (please complete all sections)			
Name of Association/ organisation: _____			
Address: _____			
Contact person/s: _____			
Postal address: _____			
Suburb: _____		Postcode: _____	
Phone: () _____		Daytime Contact No: () _____	
Mobile: _____		Fax: () _____	
Email: _____			
Booking details (please complete one form per sportsground or reserve)			
Ground Requested : _____		Number of fields/ Courts: _____	
Date/s required: _____, _____, _____, _____, _____, _____ (Only include days needed)			
Time required access to site: _____ Time of activity : _____ to _____ Time will vacate site: _____			
Approx No of participants per day: _____			
Approx No of spectators / staff/ officials per day : _____			
Approx Total number of people per day: _____			
Activity details: please provide details of what the sportsground will be used for			
Requirements/ usage of: Please tick the boxes to answer yes to any of the following questions. (Please note that no guarantee can be made that all requests will be approved)			
Do you require access to toilets? <input type="checkbox"/>	Do Vehicles need to access the field? <input type="checkbox"/>	Will you be selling food? <input type="checkbox"/> If so what: _____ Will there be any other food provided on site <input type="checkbox"/> If yes: what?	
Do you need floodlights <input type="checkbox"/> Time: _____ to _____	Will you require extra bins? <input type="checkbox"/> There will be an additional charge	Will there be any structures - stages/ tents/ marquees etc <input type="checkbox"/> If so please attach a site plan.	Will you use a PA System/ have music <input type="checkbox"/>
Will you need any road / car park/ footpath closures <input type="checkbox"/> if so where: _____	Will you use a generator <input type="checkbox"/>	Will there be any: Amusement devices <input type="checkbox"/> Fireworks <input type="checkbox"/>	
Please provide details as to the safety measures and precautions being taken at your activity. Please attach any other additional information including where relevant a risk management safety plan. _____			
Will you need special line marking <input type="checkbox"/> Request details: _____			
Please provide any additional details that may assist in assessing your request for use of this sportsground: _____			

ATTACHMENT 4

Attachment 4: Wet Weather Process – 2012

Nothing in this attachment shall override the guiding principles of the main agreement, as stipulated in Clauses 1 - 9. In the event of any conflict, the terms of the agreement shall prevail.

The following gives an overview of the wet weather process as at 2012.



Draft Sportsground Management Agreement for Council meeting of 24/9/13

ATTACHMENT 5

ATTACHMENT 5: Warringah Council Sports Grounds

Allambie Heights Sports Ground	Killarney Heights Sports Ground
Aquatic Reserve Sports Ground	Lionel Watts Sports Ground
Ararat Sports Ground	MacFarlane Sports Ground
Beacon Hill Sports Ground (Willandra)	Millers Reserve Sports Ground
Belrose Sports Ground (Bambara Road)	Nolans Reserve Sports Ground
Beverley Job Sports Ground	Passmore Reserve Fields
Collaroy Plateau Sportsground	Richard Healey Field
Condoover Reserve	St Matthews Farm Sports Grounds
County Road	Terrey Hills Sports Ground
Cromer Park Sports Ground	Tristram Road Oval
David Thomas Sports Ground	Truman Reserve
Dee Why Sports Ground	Weldon Oval
Forestville Memorial Playing Fields	Wyatt Reserve Sports Ground
Griffith Park Sports Ground	
Harbord Park Sports Ground	
Hews Parade Sports Ground	
James Morgan Sports Ground	
John Fisher Park - Abbott Rd Softball Grounds	
John Fisher Park - Adams Street Field	
John Fisher Park - Denzil Joyce Field	
John Fisher Park - Fields 3, 4, 5	
John Fisher Park - Frank Gray Oval	
John Fisher Park - Netball Courts	
John Fisher Park - Old Reub Hudson	
John Fisher Park - Reub Hudson	
John Fisher Park - Mike Pawley Oval	



OFFICE OF THE
**INTERNAL
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Annual Report 2012 - 2013

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**OFFICE OF THE INTERNAL OMBUDSMAN
ANNUAL REPORT 2012-2013**

OVERVIEW.....	2
OFFICE OF THE INTERNAL OMBUDSMAN	3
EDUCATION & CULTURAL CHANGE	4
ANNUAL SUMMARY OF MATTERS	6
RESPONSE TO MATTERS	9
COMPLAINTS - SUMMARY	11
COMPLAINTS - DECLINED	13
COMPLAINTS - ENQUIRIES	14
COMPLAINTS - INVESTIGATIONS	15
INTERNAL OMBUDSMAN – OWN INITIATIVE MATTERS	17
GM REFERRAL MATTERS	19
GIPA APPLICATIONS	19
PUBLIC INTEREST DISCLOSURES (PID)	19
SUMMARY OF ALL IO INVESTIGATIONS	20
BULLYING & HARASSMENT	22
RECOMMENDATIONS	23
CONDUCT REVIEW COMMITTEE	25
OTHER WORK & THE YEAR AHEAD.....	28

OVERVIEW

This Annual Report is delivered in accordance with the requirement of the Internal Ombudsman Guidelines and reports on the various business functions and achievements of the Office of the Internal Ombudsman (OIO) for the financial year 2012-2013.

This year has seen a decrease in overall matters received by the OIO. This decrease is attributable mainly to two factors. One is a decrease in public complaints, which is most pleasing. The other is a decrease in complaints made by or against Councillors, no doubt largely attributable to the new Council commencing in September 2012.

Notwithstanding the overall reduction in matters, the actual workload for the OIO has increased significantly as more matters have had to be actively responded to than in the previous year. Unfortunately the workload, particularly in relation to investigations, is now at the point where timeframes for dealing with all matters have become protracted. Whilst the OIO continues to work within its resource allocation, growing delays in responding to matters is set to become an ongoing aspect of the Office.

Considerable effort continues to be put into the proactive educative role of the OIO and this year has again seen significant work done in this area. This is of significant and lasting benefit to Council.

This year has also seen the introduction of the new Code of Conduct, as well as the OIO providing some contract services to another council, with revenue being generated for Warringah Council as a result.

**Andrew Patterson
Internal Ombudsman**

OFFICE OF THE INTERNAL OMBUDSMAN

The Office of the Internal Ombudsman was established by Warringah Council in 2003. Warringah was only the third council in NSW to establish an Internal Ombudsman function.

OUR MISSION

Champion excellence in probity and accountability through independent and professional complaint handling, investigations and education

Staffing & Budget:

The OIO has four (4) staff positions on its permanent establishment, being the Internal Ombudsman, two Assistant Internal Ombudsmen, and the Administration Officer (split into 2 part-time roles). The staffing was stabilised during the period with recruitment of new staff adding to the professional skill set of the Office. The operating budget for the year was \$657,494.

The Internal Ombudsman reports directly to Council's General Manager for administrative purposes. In relation to operational work, particularly investigative activities, the Internal Ombudsman is autonomous and independent of Council. The way in which the Office conducts its activities is outlined in the Internal Ombudsman Guidelines, as well as various internal working documents and instructions.

Functions:

The OIO has a range of both reactive and proactive functions, which can be summarised as follows:

- A. **Education** – the OIO takes a lead role across Council in relation to probity-related education and cultural change initiatives.
- B. **Complaint handling** – receiving complaints from both the public and from staff.
- C. **Investigative response** – complaints usually warrant an active response, being an Enquiry, an Investigation, or a Review. Additionally, the OIO regularly commences matters proactively on its own initiative.
- D. **Advisory** – advice is provided across Council, including to the Councillors, in relation to probity and conduct issues.
- E. **Interagency liaison** – OIO provides Council's primary liaison point for external oversight and investigative agencies, including the Independent Commission Against Corruption (ICAC), the NSW Ombudsman, the Division of Local

This function has now been expanded due to legislative requirements, including assuming the Complaints Coordinator role under the new Model Code of Conduct, the associated reporting requirements, and the reporting requirements for the *Public Interest Disclosures Act*.

EDUCATION & CULTURAL CHANGE

One of the fundamental aspects of an organisation's ethical tapestry is the education of its staff in relation to conduct and professional standards and behaviours. All public sector organisations are required to educate their staff in relation to their Codes of Conduct.

At Warringah Council, the OIO has the responsibility to deliver this educational function. All new staff must attend the training as part of their induction program. Existing staff are required to complete refresher Code of Conduct training every two years. During this year the E-learning version of the Code of Conduct workshop was rolled out for staff to do their refresher training on. This provides greater business flexibility and efficiency in the delivery of this training, and it has been well patronised.

"A Bully-Free Warringah", an ongoing major educational initiative in relation to ethical workplace behaviour, has again this year been the dominant focus of the OIO's educational efforts, and is a joint initiative with the Learning & Development Unit of Human Resources. As at the end of the reporting year, over 750 Council staff, as well as most of the Councillors, had completed this training.

The below table summarises the training provided by the OIO this year.

This year (2012/13) – training delivered:

Course:	# of sessions:	Staff trained:
Code of Conduct (workshop)	14	158
Code of Conduct (online)	N/A – E-learning module	263
"A Bully-Free Warringah"	22	224
TOTAL	36	645

Given the commitment of the OIO to education as the primary tool in building and maintaining an ethical workplace culture, last year an additional measure of the OIO's productivity in this area was devised. This measure is used again this year.

A "training unit" is defined as one staff member put through one training program. Given that the OIO is involved in a number of training programs, especially over time, this new measure provides a common comparison point for the total training contribution by the OIO.

Number of training units delivered – annual comparison:

Business year	2008/09	2009/10	2010/11	2011/12	2012/13
TOTAL	156	326	520	670	645

Pleasingly, the number of staff overdue for their Code of Conduct refresher training, which had temporarily spiked at the end of the last reporting year, decreased significantly this year, and back to an acceptable level.

Staff overdue for Code of Conduct refresher training:

Audit date	Dec. 2009	May 2010	Dec. 2010	June 2011	June 2012	June 2013
TOTAL	369	236	160	43	121	44

Whilst the enhanced training commitment continued to draw heavily on the resources of the OIO, this expenditure of effort cannot be understated in its value. An ethical culture cannot be achieved without a concerted educational effort.

ANNUAL SUMMARY OF MATTERS

This year's Report has adopted the term "matters" to cover all file types dealt with by the OIO, and the term "complaint" is now reserved for those matters which do stem from an actual complaint. As requested by Council, more detailed reporting is now provided in relation to actual complaints.

This section summarises the total matters for the year. Subsequent sections then report on specific aspects in more detail.

This year the Report also resumes reporting on matters by business groups across Council. This was traditionally a feature of the OIO Annual Report, however it was not possible last reporting year due to the organisational restructure making the required data analysis impractical.

This year has seen a reduction in the overall matters dealt with by the OIO, including a reduction in the number of complaints received. However, the actual workload for the OIO has increased, due to the responses required to the matters dealt with.

This year (2012/13) – All incoming matters:

Matter Type	Number Received
Complaint	106
IO Initiative	37
GM Referral	3
GIPA Application	5
Information only	7
Conduct Review Committee	11
External Investigation	2
TOTAL	171

Annual comparisons:

Financial Year	Total Matters
2012/13	171
2011/12	221
2010/11	252
2009/10	159
2008/09	75
2007/08	88
2006/07	73
2005/06	88
2004/05	105

TOTAL by business areas affected (2012/13):

Area	Complaint	IO Initiative	GM Referral	GIPA Appl.	Info. Only	CRC	Ext.	TOTAL
Development & Compliance	60	14	0		2			76
GM Group	7	2	1		0	2		12
Councillors			1			9		10
Parks, Reserves, & Foreshores	7	1	0		0			8
Roads, Traffic & Waste	7	1	0		0			8
Marketing & Communications	4	2	0		1			7
Children's Services	4	2	0		0			6
Customer Support	4	2	0		0			6
IT & Records	2	1	0		2			5
Warringah Aquatic Centre	3	1	0		0			4
Buildings & Property	1	1	1		0			3
Community Services	2	1	0		0			3
Strategic Planning	1	1	0		0			2
Business & Enterprise Risk	0	1	0		0			1
Business Excellence	0	1	0		0			1
Governance	0	1	0		0			1
Natural Environment	0	1	0		0			1
Procurement	0	1	0		0			1
Warringah Projects	0	1	0		0			1
N/A	4	2	0		2			8
N/A – GIPA				5				5
External							2	2
TOTAL	106	37	3	5	7	11	2	171

Note: "GM Group" includes GM's 4 business units & the Executive.

The range of services provided by Council is vast, so it is no surprise that the variety of complaints received is considerable. The following table provides figures on the category of all matters.

TOTAL by category (2012/13):

Abuse of office	9
Building - other	1
Compliance – failure to enforce	6
Compliance – infringements	2
Compliance – objection to enforcement	5
Conflict of interest	3
Contracts, tenders, etc.	1
Corruption	18
Customer Service	12
Development & Assessment matters	13
Failure to answer correspondence	8
Failure to take action	3
GIPA application	5
GIPA complaint	2
Maladministration	7
Misconduct	25
Misconduct – Bullying & Harassment	23
Outside jurisdiction	4
IO Reviews	21
Intelligence	1
External matters	2
TOTAL	171

NOTE: The term “category” refers to the type of issue as classified in the OIO database. Some of the categories are fairly broad in the range of matters they may include.

RESPONSE TO MATTERS

Matters may be dealt with in a variety of ways, as detailed below.

Complaints received by the OIO can be responded to in a number of ways. The OIO may respond by declining a complaint, or by actioning it in the form of an Enquiry, an Investigation, or a Review.

Complaints against Councillors and the General Manager are dealt with through the Conduct Review Committee (CRC) process, and are classified as "CRC matters". Additionally, the OIO can initiate its own matters, which may be actioned in the same form as complaints.

Whilst the total number of matters has decreased from the previous year, the number of matters requiring an active response (defined on the next page) has increased. This increase is largely due to increased proactive identification of issues by the OIO, leading to both more Reviews and Investigations (misconduct).

This year (2012/13):

Declined	IO Enquiry	IO Investigation	IO Review	CRC Matter	TOTAL	Action by IO
24	63	51	22	11	171	136

Note 1: "Declined" includes Information Only matters.

Note 2: "Enquiry" includes GIPA Applications.

Annual comparisons:

Year	Declined	IO Enquiry	IO Investigation	IO Review	CRC Matter	TOTAL	Action by IO
2012/13	24	63	51	22	11	171	136
2011/12	79	83	36	4	19	221	123
2010/11	106	92	35	5	14	252	132
2009/10	45	86	16	2	10	159	104

The modes of active response:

The three modes of active response to matters and complaints (excluding Councillor and GM complaints) are Enquiries, Investigations and Reviews. Additionally, any of these modes of response may be initiated by the Internal Ombudsman without a complaint, namely "own initiative" matters.

The three different modes of the investigative function all involve enquiry work in the ordinary meaning of the word "enquiry". The difference lies more in the nature of the matter being examined.

1. The term "investigation" tends to be reserved for those matters where it is likely that a misconduct allegation could potentially be the result of the enquiries made and the potential outcome could be disciplinary in nature.
2. The term "review" tends to be used for those matters where it is more the nature of a process being examined, and not the application of a process or other conduct.
3. All other matters therefore fall within the term "enquiry".

Naturally an "enquiry" may escalate into an "investigation", and, in theory, a "review" could develop into either an "enquiry" or an "investigation". All three modes of enquiry may potentially involve significant time and resources, although it is the misconduct investigations which dominate the workload of the OIO.

Councillor and GM complaints are reported on separately in the Conduct Review Committee section later in this Report.

COMPLAINTS - SUMMARY

A summary of the complaints received by the OIO is detailed in the following tables, looking at the response to them, their source, and the business area affected.

Response to complaints:

Decline	IO Enquiry	IO Investigation	IO Review	TOTAL
17	56	31	2	106

Source of complaints:

Response	External		Internal			TOTAL
	Public	Govt. Agency	Staff	Councillor	ex.staff or ex.cllr	
Decline	14	1	0	0	2	17
Enquiry	45	0	10	0	1	56
Investigation	6	0	25	0	0	31
Review	1	0	0	1	0	2
TOTAL	66	1	35	1	3	106

It is notable that whilst the number of external complaints has decreased, the number of internal complaints is almost identical to the previous year.

Complaints by business area affected:

	External	Internal	TOTAL
Development & Compliance	46	14	60
GM Group	5	2	7
Parks, Reserves, & Foreshores	0	7	7
Roads, Traffic & Waste	6	1	7
Marketing & Communications	0	4	4
Children's Services	0	4	4
Customer Support	0	4	4
Warringah Aquatic Centre	2	1	3
Community Services	1	1	2
IT & Records	2	0	2
Buildings & Property	0	1	1
Strategic Planning	1	0	1
N/A	4	0	4
TOTAL	67	39	106

COMPLAINTS - DECLINED

The OIO, pursuant to its Guidelines, may decline complaints for a number of reasons. The principal reasons, and the associated figures for the year, are detailed in the tables below.

It should be noted that the number of matters declined has decreased significantly, and represents the main reason for the decrease in overall matters for the year.

Reason for complaints being declined:

Complaint is premature	9
Outside jurisdiction	5
Insufficient information	2
Withdrawn	1
TOTAL	17

Declined complaints by business area & source:

	External	Internal	TOTAL
Development & Compliance	5	0	5
Roads, Traffic & Waste	4	0	4
Buildings & Property	0	1	1
Children's Services	0	1	1
Community Services	1	0	1
GM Group	1	0	1
N/A	4	0	4
TOTAL	15	2	17

Note: Both "Internal" complaints were from ex.staff members.

COMPLAINTS - ENQUIRIES

The below table details the complaints received which resulted in a response of "Enquiry". It specifies the business area affected by the complaint and whether the source of the complaint was external or internal.

Additionally it details the outcome (finding) in relation to the complaints. It should be noted that some matters have enquiries ongoing and are therefore "still open".

Matters may have an outcome of "Discontinued" for a variety of reasons, however, the OIO pursues individual matters through to a finding wherever possible.

Complaints resulting in IO Enquiry (by business area, source & outcome):

Area	Source		TOTAL	Outcome			
	Ext.	Int.		Sustained	Not Sustained	Discont.	Still open
Development & Compliance	37	3	40	9	13	10	8
Marketing & Communications	0	4	4	1	0	3	0
GM Group	3	0	3	0	3	0	0
Roads, Traffic & Waste	2	1	3	1	1	1	0
IT & Records	2	0	2	0	0	0	2
Customer Support	0	1	1	0	0	1	0
Parks, Reserves, & Foreshores	0	1	1	0	1	0	0
Strategic Planning	1	0	1	0	0	0	1
Warringah Aquatic Centre	0	1	1	0	0	1	0
TOTAL	45	11	56	11	18	16	11

NOTE 1: "Ext." = external; "Int." = internal.

NOTE 2: "Sustained" includes matters partially sustained.

NOTE 3: "Discont." = Discontinued.

COMPLAINTS - INVESTIGATIONS

The below table details the complaints received which resulted in a response of "Investigation", namely involving allegations about the conduct of a Council officer. It specifies the business area affected by the complaint and whether the source of the complaint was external or internal.

Comments made previously about the nature of outcomes remain valid for this section.

Complaints resulting in IO Investigation (by business area, source & outcome):

Area	Source		TOTAL	Outcome			
	Ext.	Int.		Sustained	Not Sustained	Discont.	Still open
Development & Compliance	4	11	15	7	4	3	1
Parks, Reserves, & Foreshores	0	6	6	3	0	3	0
Children's Services	0	3	3	2	1	0	0
Customer Support	0	3	3	2	0	0	1
Warringah Aquatic Centre	2	0	2	2	0	0	0
Community Services	0	1	1	0	0	1	0
GM Group	0	1	1	0	1	0	0
TOTAL	6	25	31	16	6	7	2

NOTE 1: "Ext." = external; "Int." = internal.

NOTE 2: "Sustained" includes matters partially sustained.

The below table also details the complaints received which resulted in a response of "Investigation", however, it specifies the category of allegation investigated, as well as the source of the complaint and the outcome.

Complaints resulting in IO Investigation (by category, source & outcome):

Category	Source		TOTAL	Outcome			
	Ext.	Int.		Sustained	Not Sustained	Discont.	Still open
Bullying & Harassment	0	13	13	8	2	3	0
Misconduct	6	4	10	4	4	2	0
Corruption	0	7	7	4	0	2	1
Abuse of office	0	1	1	0	0	0	1
TOTAL	6	25	31	16	6	7	2

NOTE 1: "Ext." = external; "Int." = internal.

NOTE 2: "Sustained" includes matters partially sustained.

INTERNAL OMBUDSMAN – OWN INITIATIVE MATTERS

The OIO may commence matters of its “own initiative” for a variety of reasons. These matters usually result from the proactive work of the OIO and the subsequent identification of potential issues, either in terms of alleged misconduct or in terms of problems with Council systems or processes.

The below table summarises the Own Initiative matters.

IO Own Initiative matters by response:

IO Enquiry	IO Investigation	IO Review	TOTAL
0	18	19	37

The below table details the business areas affected by the Own Initiative matters.

IO Own Initiative matters by business area:

Development & Compliance	14	IT & Records	1
Children's Services	2	Natural Environment	1
GM Group	2	Parks, Reserves, & Foreshores	1
Marketing & Communications	2	Procurement	1
Customer Support	2	Roads, Traffic & Waste	1
Buildings & Property	1	Strategic Planning	1
Business & Enterprise Risk	1	Warringah Aquatic Centre	1
Business Excellence	1	Warringah Projects	1
Community Services	1	N/A	2
Governance	1	TOTAL	37

The below table details the Own Initiative matters which were responded to by misconduct investigations.

It specifies the business area affected, the category of conduct investigated, and the outcomes.

Comments made previously about the nature of outcomes remain valid for this section.

Own Initiative IO Investigations (by business area, category & outcome):

Area	Category			TOTAL	Outcome			
	Misc.	Corrupt	Malad.		Sustained	Not Sustained	Discont.	Still open
Development & Compliance	6	4	1	11	6	1	3	1
Children's Services	1	1	0	2	0	0	1	1
GM Group	0	1	0	1	1	0	0	0
Business & Enterprise Risk	0	1	0	1	1	0	0	0
Customer Support	0	1	0	1	0	0	1	0
Marketing & Comms.	1	0	0	1	0	0	1	0
Warringah Aquatic Centre	1	0	0	1	1	0	0	0
TOTAL	9	8	1	18	9	1	6	2

NOTE: "Misc." = Misconduct
"Corrupt" = Corruption
"Malad." = Maladministration

GM REFERRAL MATTERS

On occasion the General Manager may request the OIO to consider a matter. These cases are referred to as "GM Referral" matters and may be responded to in exactly the same way as a complaint or an Own Initiative matter.

GM Referral matters by response (2012/13):

IO Enquiry	IO Investigation	IO Review	TOTAL
2	0	1	3

NOTE: The outcome for both IO Enquiries was "Discontinued".

GIPA APPLICATIONS

The OIO has responsibility for processing any *Government Information Public Access Act* (GIPA) applications which affect any files held by the OIO.

GIPA Applications received (2012/13) & outcomes:

	Granted	Refused	TOTAL
Informal applications	4	1	5
Formal applications	0	0	0
TOTAL	4	1	5

PUBLIC INTEREST DISCLOSURES (PID)

Matters received and treated as Public Interest Disclosures (2012/13):

Category:	Corruption	Maladmin.	Waste	GIPA	Pecun.Int.	TOTAL
TOTAL	2	0	0	0	0	2

NOTE: Both PIDs related to matters included in the misconduct investigation group.

SUMMARY OF ALL IO INVESTIGATIONS

This section combines the data for all matters dealt with by way of Investigation, combining those matters arising from complaints with those matters commenced as Own Initiative.

The below table summarises the Investigation matters.

Summary total:

Source:	Complaint	IO Initiative	TOTAL
TOTAL	31	18	49

NOTE: There were also 2 external investigations which are not included in the below summary data.

The below table details the misconduct investigations. It specifies the business area affected by the matter, whether the source of the investigation was a complaint or OIO Own Initiative, and the outcome of the investigation.

Comments made previously about the nature of outcomes remain valid for this section.

IO Investigations (by business area, source & outcome):

Area	Source		TOTAL	Outcome			
	Compl.	IO		Sustained	Not Sustained	Discont.	Still open
Development & Compliance	15	11	26	13	5	6	2
Parks, Reserves, & Foreshores	6	0	6	3	0	3	0
Children's Services	3	2	5	2	1	1	1
Customer Support	3	1	4	2	0	1	1
Warringah Aquatic Centre	2	1	3	3	0	0	0
GM Group	1	1	2	1	1	0	0
Business & Enterprise Risk	0	1	1	1	0	0	0
Community Services	1	0	1	0	0	1	0
Marketing & Comms.	0	1	1	0	0	1	0
TOTAL	31	18	49	25	7	13	4

It is of concern that over 50% of all misconduct investigations relate to just one business area of Council, namely Development & Compliance. Clearly further examination of the underlying issues is warranted.

The below two tables summarise the number of staff affected by the 49 misconduct investigations, as well as the disciplinary outcomes in relation to the 12 staff subject of sustained findings of misconduct.

Number of staff impacted by IO Investigations:

Total Investigations	Total staff affected	Staff subject of sustained findings (to date)	Staff with investigation findings still pending
49	29	12	3

Disciplinary actions arising from IO Investigations:

Managerial action (No discipline)	Internal Discipline	Termination of employment	Resigned before discipline	Discipline pending	TOTAL
1	5	1	4	1	12

It should be noted that 3 staff are still subject of misconduct investigations and the findings are not yet available.

BULLYING & HARASSMENT

Given the huge effort Council has made to address the problem of workplace bullying and harassment over the last 3 years, and the highly positive cultural change that has been achieved, this Report contains a separate analysis of the bullying and harassment matters for the first time. It is also of significant note that the most recent Staff Survey revealed a very positive shift in staff attitudes towards the workplace and the cultural change that has been achieved, notwithstanding more work remains to be done.

Summary of Bullying & Harassment matters, by source and outcome:

Source & Response	TOTAL	Outcome			
		Sustained	Not Sustained	Discont.	Still open
Complaint: IO Enquiry	8	1	0	7	0
Complaint: IO Investigation	13	8	2	3	0
Info. only	1				
CRC matter	1				
TOTAL	23				

Bullying matters by business area, response, & outcome:

Area	Response		TOTAL	Outcome			
	INV.	ENQ.		Sustained	Not Sustained	Discont.	Still open
Development & Compliance	7	2	9	6	0	3	0
Marketing & Communications	0	4	4	1	0	3	0
Parks, Reserves, & Foreshores	4	0	4	2	0	2	0
Children's Services	1	0	1	0	1	0	0
Councillors	CRC matter (Info. Only)		1				
Customer Support	0	1	1	0	0	1	0
GM Group	1	0	1	0	1	0	0
IT & Records	Info. only		1				
Warringah Aquatic Centre	0	1	1	0	0	1	0
TOTAL	13	8	23	9	2	10	0

NOTE: "Sustained" includes matters partially sustained.

RECOMMENDATIONS

One of the key facets to the work of any type of Ombudsman function is the making of recommendations in relation to system and process issues.

The OIO regularly makes recommendations arising out of its enquiries, investigations and reviews. The recommendations may relate to various systems or managerial issues, as well as recommendations for disciplinary action where allegations of misconduct are found to be sustained. It should be noted that the OIO does not recommend what sort of disciplinary action is appropriate, that is entirely a matter for the GM and Human Resources.

It must be stressed that recommendations are just that, and they are not binding on Council. Council's General Manager and/or relevant Deputy General Manager may accept or not accept recommendations made by the Internal Ombudsman.

Traditionally, the OIO recommendations have had a very high acceptance rate. It is useful for this analysis to separate out the disciplinary recommendations, since they invariably achieve a 100% acceptance rate. Indeed this is the case this year, as it was last year.

All the other (non-disciplinary) recommendations are made with a view to enhancing the probity and accountability of Council, including suggesting improvements to Council's systems and procedures.

Last year, the acceptance rate for non-disciplinary recommendations was 93% (14 out of the 15 submitted). This year the acceptance rate has decreased to 51% (19 out of the 37 submitted).

		RECOMMENDATIONS:		
IO FILE #	RECOMMENDATION TYPE	NUMBER MADE	ACCEPTED	NOT ACCEPTED
669	Apology	1	1	0
669	Systems	2	1	1
669	Managerial/guidance	1	1	0
669	Review	5	4	1
1167 et al	Disciplinary	1	1	0
1167 et al	Review	1	Pending	Pending
1167 et al	Managerial/guidance	1	Pending	Pending
1205	Disciplinary	1	1	0
1205	Systems	2	Pending	Pending

		RECOMMENDATIONS:		
IO FILE #	RECOMMENDATION TYPE	NUMBER MADE	ACCEPTED	NOT ACCEPTED
1228	Disciplinary	1	1	0
1250	Disciplinary	1	1	0
1251	Disciplinary	1	1	0
1275 et al	Managerial/guidance	3	0	3
1275 et al	Review	1	0	1
1277 et al	Disciplinary	1	1	0
1277 et al	Managerial/guidance	3	0	3
1312	Systems	1	0	1
1317 et al	Disciplinary	1	1	0
1336	Managerial/guidance	1	0	1
1336	Systems	1	1	0
1336	Disciplinary	1	1	0
1337	Disciplinary	1	1	0
1348 & 1359	Disciplinary	1	1	0
1348 & 1359	Managerial/guidance	3	2	1
1348 & 1359	Systems	1	0	1
1348	Systems	2	2	0
1381	Disciplinary	1	1	0
1394	Apology	2	1	1
1394	Managerial/guidance	2	1	1
1388	Managerial/guidance	1	1	0
1398	Apology	1	1	0
1398	Systems	3	3	0
TOTAL		49	30	15

CONDUCT REVIEW COMMITTEE

Council's Code of Conduct (the Code) establishes a Conduct Review Committee (CRC) mechanism in order to deal with complaints which allege breaches of the Code by Councillors or the General Manager. These complaints are outside the jurisdiction of the Internal Ombudsman.

This reporting year saw the introduction of the new Model Code of Conduct and associated Procedures from the Division of Local Government (DLG). Council adopted its new Code of Conduct in February 2013 and the new Conduct Review Panel was established. The new Code also requires separate reporting on this area for each year to the end of September. This separate report will be presented to Council in due course. However, the OIO Annual Report will continue to report on this aspect for each business year.

Under the new Code of Conduct the Internal Ombudsman has been officially appointed as the Complaints Coordinator, a new role required by the DLG under the new framework. The role of the Internal Ombudsman in these complaints also remains to administer and coordinate the process, as was previously the case.

Given the profusion of complaints in this area under the former Council, and the significant cost to Council, it is most pleasing to see the trend being reversed as the new Council has settled in since the elections in September 2012.

The below table summarises the CRC matters for this year.

This year (2012/13) – Summary of CRC matters:

All complaints against Councillors and GM				
Source:	Councillor	Public	Staff	TOTAL
PREVIOUS COUNCIL (July 2012 to September 2012)	5	0	1	6
CURRENT COUNCIL (September 2012 to June 2013)	0	5	0	5
TOTAL	5	5	1	11
Category of complaints:	Abuse of Office x 6 Bullying & Harassment x 1 Maladministration x 1 Conflict of Interest x 3			

What is clearly noticeable is that under the new Council there have been no complaints made by Councillors, a complete contrast to the environment which existed under the old Council.

The CRC process:

Complaints received as CRC matters may be declined or dismissed, or subject to alternative resolution. On the other hand they may be allocated to either a Sole Conduct Reviewer or a Conduct Review Committee.

When a complaint is allocated to the CRC, the Committee or Sole Reviewer first makes an assessment of the matter to determine whether enquiry into the matter is warranted. If the determination is that no enquiry is warranted, then the matter is discontinued and returned to Council.

Where it is determined that an enquiry is required, the Committee or Sole Reviewer proceeds to conduct that enquiry. The finding is then reported to a meeting of Council. This is the case for all matters where enquiries are made, irrespective of whether the allegation is found to be sustained or not sustained. In relation to sustained complaints, it is then a matter for Council to decide upon appropriate sanctions.

The below table summarises the outcome of the year's CRC matters.

This year (2012/13) – Outcome of CRC matters:

Outcome:	Dismissed	Info. only	To Conduct Reviewer			TOTAL
			Determined to make no enquiries	Finding - sustained	Finding - not sustained	
PREVIOUS COUNCIL	5	1	0	0	0	6
CURRENT COUNCIL	1	0	4	0	0	5
TOTAL	6	1	4	0	0	11

The below table provides an annual comparison for each year since Warringah Council was returned in September 2008.

CRC matters – annual comparison:

All complaints against Councillors and GM					
Business year	TOTAL	Declined or dismissed	Alternative resolution	To CRC - full Committee	To CRC – sole Reviewer
2008/09	3	1	1	0	1
2009/10	10	1	3	1	5
2010/11	19	3	0	0	16
2011/12	28	9	0	0	19
2012/13	11	7	0	0	4

NOTE: "Declined or dismissed" includes matters recorded for information only and matters sent to the oversight agencies.

The below table provides the external cost of the CRC process for each year since September 2008.

CRC matters – annual costs:

CRC – Comparative external costs		
Business year	Complaints referred to CRC	TOTAL external CRC costs (Figures rounded & excl. GST)
2008/09	1	\$360
2009/10	6	\$10,330
2010/11	14	\$41,850
2011/12	19	\$86,310
2012/13	4	\$41,290

NOTE 1: The majority of the expenditure in 2012/13 relates to matters continuing on from the previous year.

NOTE 2: There remain some matters outstanding with reviewers and these will incur further expenditure.

OTHER WORK & THE YEAR AHEAD

Other work:

The OIO continues to provide probity advice on a wide range of issues across Council. This year has again seen advice provided to Councillors, Council's management, and staff at all levels.

The OIO remains an active member of the Local Government Internal Ombudsman Network (LGION).

The year ahead:

The year ahead is set to see more internal education work being carried out, and in particular the roll out of a Fraud & Corruption Prevention Plan.

Arrangements have also been struck with Mosman Council to provide certain OIO services to them, on a commercial basis, and this process has begun at the time of writing.

In relation to Warringah Council, the challenges and opportunities are ongoing. Whilst it is hoped that the complaint figures will continue to decrease, as this year has shown that does not mean the OIO workload decreases. This will only be achieved by a significant reduction in the number of misconduct investigations.

Whilst the OIO continues to do everything it can, within its constraints, to lead and drive lasting and positive cultural change across Council, the real ownership of this has to come from across Council's management group, and ultimately from all staff.

Whilst plenty of positives have been achieved, the ethical health of any organisation must be treated as a continuous campaign.

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