

FREEDOM OF INFORMATION STATEMENT 2021-2022

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This Information Statement is published by the City of Onkaparinga (the Council) in accordance with the requirements of the *Freedom of Information Act 1991 (SA)*.

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Introduction

The City of Onkaparinga (the Council) is required under the *Freedom of Information Act 1991 (SA)* (the FOI Act) and the *Local Government Act 1999 (SA)* (the LG Act) to publish every 12 months an up to date information statement.

In accordance with the FOI Act the information statement must contain:

1. A description of the structure and functions of the council and any committee or other body that is part of or advises the council.
2. A description of the ways in which the functions (including, in particular, the decision-making functions) of the council affect members of the public.
3. A description of any arrangements that exist to enable members of the public to participate in the formulation of the council's policy and the exercise of the council's functions.
4. A description of the various kinds of documents that are usually held by and are available from the council.
5. A description of the arrangements that exist to enable a member of the public to obtain access to the council's documents and to seek amendment of the council's records concerning his or her personal affairs and
6. A description of the procedures of the council in relation to the giving of access to the council's documents and to the amendment of the council's records concerning the personal affairs of a member of the public.

1. Functions and Structure of the Council

Functions of Council

The functions of council are set out in the LG Act and are summarised below:

- To plan at the local and regional level for the development and future requirements of its area
- To provide services and facilities that benefits its area, its ratepayers and residents, and visitors to its area.
- To provide for the welfare, well-being and interests of individuals and groups within its community
- To take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards.
- To manage, develop, protect, restore, enhance and conserve the environment in an ecologically sustainable manner and to

improve amenity.

- To provide infrastructure for its community and for development within its area.
- To promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism.
- To establish or support organisations or programs that benefit people in its area or local government generally.
- To manage, and if appropriate, develop public areas vested in or occupied by the council.
- To manage, improve and develop resources available to the council.
- To undertake other functions and activities conferred by or under an Act.

Other legislation, policies, strategic management plans and budgets also impact on the services delivered by the Council.

Council also acts as a relevant authority under sections 82 and 83 of the *Planning, Development and Infrastructure Act 2016*.

2. Services to the Community that Council Provides

Council is responsive to the needs, interests and aspirations of individuals and groups within its communities and aims to ensure that resources are used equitably. The Council partners with a number of state government departments to plan, fund and deliver services to its local communities.

Council makes decisions on policy issues relating to services that are provided for its communities. Council uses its own resources as well as those of the state and federal governments (where appropriate) to deliver a diverse range of services, projects and programs.

Council employs a number of people to implement the decisions of Council. This is generally known as the council's administration which is headed by the Chief Executive Officer (CEO).

Five separate departments report to the CEO:

- Corporate
- City Operations
- Strategy and Engagement
- Planning and Regulatory Services
- Community Services

The structure of the Council is:

Corporate
Finance and Commercial
Financial Planning and Analysis Financial Accounting Revenue Finance and Commercial Administration Procurement Services
People and Culture
Human Resources Learning and Development Work Health and Safety Organisational Development
Governance
Civic and Elected Member Liaison Corporate Governance Corporate Information Management
Organisational Effectiveness
Business Performance Improvement
Information Communications Technology
Technology Support Business Systems ICT Reform

Community Services
Community Capacity
Community Development Active Ageing and Disability Arts, Reconciliation and Cultural Development Youth
Libraries and Customer Relations
Libraries Customer Relations
Recreation Services
Recreation Caravan Parks Recreation Centres Golf Course

City Operations
Fleet, Civil and Waste
Fleet and Workshop Waste and Recycling Civil Maintenance Business Support Street Sweeping
Construction and Projects
Construction Projects
Facility Operations
Parks and Natural Resources Facility Operations
Assets and Technical Services
Infrastructure Asset Management Spatial Information Services Community Asset Management Technical Services Water Services

Planning and Regulatory Services
Planning
Planning Development Policy
Building Compliance and Support
Building and Development Compliance Development Support
Community Safety and Property
Community Rangers Community Health Community Safety Business Support Property Management

Strategy and Engagement
Manager Strategy and Sustainability
Strategic Services Environmental Sustainability Engagement and Grants
Communication and Engagement
Marketing and Communications Engagement, Grants and Events
Economic Growth and Tourism
Economic Growth Investment Attraction and Tourism

3. Delegations

Councils have certain functions and duties which they must perform, and certain powers which they may exercise, pursuant to the LG Act and other legislation. In most cases, the relevant legislation grants these obligations and powers directly to a Council. It is not practical or efficient for the Council, as a body of Elected Members, to perform the many operational activities that are required in the day-to-day administration of the Council's roles and functions. The LG Act allow a council to formally delegate many of its powers and functions (within certain stated conditions and exemptions) to the CEO. The CEO may then sub-delegate these powers and functions to other staff delegates. Council may also delegate their powers and functions to a committee of Council.

The Delegations Register includes the head instrument of delegation from the Council to the CEO. Access to the Delegations Register is available from Council's website via the following link [Delegations](#).

4. Composition of the Council

The Council consists of a principal member (the Mayor) and 12 ward councillors (elected members).

The Council is divided into six wards- Knox, Mid Coast, Pimpala, Thalassa, Southern Vales and South Coast. Each ward is represented by two councillors with the Mayor representing the whole city. Access to Elected Member details is available from Council's website via the following link [Elected Members](#).

Council elections are held every four years with the next election due November 2022.

5. Council and Committee Meetings

The LG Act guides the operation of local government in South Australia. The LG Act is supported by the *Local Government (Procedures at Meetings) Regulations 2013* (the LG Regulations).

Council also adheres to its own Code of Practice - Proceedings of Meetings (the Code of Practice) available via the following link [Proceedings of Council and Committee meetings](#). All Council and Committee meetings are guided by the LG Act, the LG Regulations and the Code of Practice with the exception of the Council Assessment Panel (which is established in accordance with the provisions of the PDI Act).

The Council meets at 6:30pm on a Tuesday once a month in the Council chambers located at Ramsay Place, Noarlunga Centre. Members of the community

are encouraged to attend. All meeting details including times, dates, agendas and minutes are listed on our [website](#).

While the LG Act requires meetings of Council or any of its Committees to be open to the public, from time to time some matters need to be discussed in confidence.

Confidential matters are covered by section 90 and 91 of the LG Act. Council has adopted a Code of Practice Access to meetings and documents available via the following link [Agenda and Minutes](#) which relates to the principles, policies, procedures and practices that the Council applies for the purposes of sections 90 and 91. This Code of Practice has specific accountability mechanisms including the requirement to provide a summary of the use of the confidentiality provisions in Council's Annual Report.

6. Council Committees

Committees are appointed under the LG Act. They are generally advisory in nature without delegated decision-making powers, unless specified otherwise in their Terms of Reference. Committees assist the Council in its functions by addressing issues or projects in a detailed, interactive and less formal manner.

Committee membership and the Terms of Reference are determined by Council and reviewed annually in accordance with Council's decision-making structure. The Terms of Reference for each Committee are available via the following link [Terms of Reference](#). Meetings are scheduled as detailed within their Terms of Reference and details are available via the following link [Agenda and Minutes](#).

Council Committees' are listed below:

The *Strategic Directions Committee (SDC)* is granted delegated powers to approve or provide advice to Council on strategic issues and initiatives in support of the delivery of its Onkaparinga Councils long-term vision for 'strong, vibrant communities'. The Committee also fulfils the role of the 'Strategic Planning and Development Policy Committee' in accordance with section 101A of the *Development Act 1993*, including undertaking strategic planning and monitoring.

The *Australia Day Awards Committee* will consider applications and determine the recipients of the City of Onkaparinga's [Australia Day Awards](#).

The *Chief Executive Officer Performance Management Committee* (in accordance with the CEOs contract of employment) aims to ensure a high standard of leadership is provided by the Council's CEO by

conducting effective performance management and recruitment processes and providing advice to Council on related matters. The Committee is also responsible to provide guidance and support to the CEO for the performance of duties and to provide formal and informal feedback.

The *Information Technology Communication Reform Project Steering Committee*. This committee is established for the purpose of the provision of strategic oversight to the ICT Reform Project and its implementation process.

The *Audit, Risk, Value and Efficiency Committee (ARVEC)* aims to provide advice to Council on its financial reporting and sustainability, internal controls and risk management systems and internal and external audit. Section 126 of the LG Act requires Council to appoint an audit committee with specific functions and responsibilities. Council has established ARVEC to fulfil this role.

In addition, the *Council Assessment Panel (CAP)* was appointed as a relevant authority under sections 82 and 83 of the *Planning, Development and Infrastructure Act 2016 (PDI Act)* by resolution of Council on 13 June 2017. The CAP is a relevant authority under the PDI Act and will act as a delegate of Council for the purpose of the *Development Act 1993*. CAP details are available through the link [Council Assessment Panel Meetings](#). The CAP determines:

- Development applications that are complex or controversial or subject to a high level of public interest should be determined by the CAP. These include:
 - Development applications that are subject to public representations (that is, category 2 or 3 applications) and where valid representations have been received and the representors wish to be heard in support of their representations.
 - Major non-complying development applications, where exceptional merit should be displayed in order to be approved.
- Development applications that are of significant social, economic or environmental interest, but which would otherwise be dealt with under delegation to council officers may, at the discretion of the Assessment Manager, be referred to the CAP for decision.
- Development applications where the Minister has determined that the CAP is the relevant authority to decide the matter.
- In relation to an appeal of a decision by the CAP to the Environment, Resources and Development Court, the Assessment Manager is authorised by the CAP to determine whether any 'compromise proposal' is appropriate. The Assessment Manager

may, in determining whether any 'compromise proposal' is appropriate, consult with the CAP or refer the matter to the CAP for a decision.

7. Agendas and Minutes

One of the main opportunities for the local communities to gain information about the business of the Council and its Committees is through the agendas and minutes (except for matters subject to an order of confidentiality under the LG Act).

Agenda, minutes as well as the recording of meetings will be available on Council's website via the following link [Meetings and Agendas](#). Agendas are available three days prior to a meeting and minutes are available five days after a meeting.

Special meetings of Council and its Committees can be called with four hours' notice. On these occasions' agendas are available as soon as practicable after notice of the meeting is given to members of the Council.

8. Regional Subsidiaries

The LG Act provides councils with the ability to establish a regional subsidiary. Regional subsidiaries allow two or more councils to join together to perform a particular function, beneficial to all its members.

The Council is a member of two regional subsidiaries: [Southern Region Waste Resource Authority \(SRWRA\)](#) was established in December 1998 by the cities of Onkaparinga, Marion and Holdfast Bay. Under its charter, SRWRA is responsible for providing and operating waste management services on behalf of the constituent councils.

SRWRA is managed by six board members comprising two representatives from each council and an independent expert in business/waste management acting as the chairperson.

Every council representative on the board has one vote on every issue and decisions are carried by simple majority. The chairperson has a deliberative vote only. The proportional interest of council members may only be amended by unanimous agreement.

The financial statements of SRWRA are detailed in Council's Annual Report.

9. Opportunities for the Public to Participate

The public can attend Council and Committee meetings to listen to proceedings (other than confidential items).

Opportunities are provided to allow members of the public to represent their views to Council or Council Committee meetings when they are considering items of interest to the community. Options are:

- Deputation

This is where a person or group of persons wish to appear personally before Council or a Council Committee to speak on a particular matter. The duration of a deputation is 8 minutes with Elected Members invited to ask questions after each deputation. A Deputation request form is available via the following link [Deputation Request Form](#).

- Petition

This is a formal submission to the Council signed by numerous residents. Typically, a petition draws the attention of Council to a particular matter or asks the Council to consider making a particular decision. Petitions must be legible, clearly state the request or submission of the petitioners, include the name and address of each person who signed or endorsed the petition and be delivered to the Principal Office of the Council or emailed. A petition template is available via the following link [Petition Form](#).

10. Contact Council

A member of the public can write or email the Council regarding any of its policies, activities, projects or services. Refer to [Contact Us](#) on our website.

11. Contact Elected Member/s

Members of the public can contact their ward's elected member to discuss any issue relevant to the Council. Access to Elected Member details is via the following link [Elected Members](#).

12. Community Engagement

The Council is committed to ensuring it provides clear and objective information and it offers opportunities for the public to participate in the decision making which affects them. Further information can be found via following the link [Community Engagement](#).

The Council's approach to community engagement is intended as a continuum of activities ranging from informing to consulting to more active participation with our communities. Engagement activities are tailored for each project and the relevant stakeholders on a case-by-case basis.

There are many ways for the Council to connect with communities to provide opportunities for community participation.

Council's Engagement Framework provides further information about the council's approach, including influences on decision making and the decision-making process.

[Your Say Onkaparinga](#) is one way we keep the community up to date about major engagement activities including Council decision-making and feedback to the communities about their input. Personal details are treated in accordance with Council's [Privacy Statement](#).

13. Becoming involved in decisions

Members of the community are encouraged to participate in the governance of Council, in the formation of strategy, policies and the delivery of Council's functions in the following ways:

14. Voting in Local Government Elections

Elections are held every four years with the next election due in November 2022. Voting is voluntary and available to all persons on council's voters roll. Persons who are registered on the State Electoral Roll are automatically on the council voters roll but other residents or landowners must apply to go on the roll. Enquires can be made at the Council's offices.

Standing as Candidates for Election

A person must be on the council voters roll to be eligible to stand as a candidate in local government elections. Anyone can stand for election as a council member either mayor or councillor, if they are: an Australian citizen and an elector for the area.

Further details available via the following link [Council Elections](#).

Becoming a Member of a Committee

Some committees of Council invite participation by community members/specialists. Advertisements are placed in local papers and on Council's website seeking applications.

15. Responding to Development Applications

Before making a decision on some types of development proposals, Council may be obliged to publicly notify the application, so that people potentially affected by the development have an opportunity to comment. Notification requirements are set out in the *Planning and Design Code*, or for applications lodged prior to 19 March 2021, in schedule 9 of the *Development Regulations 2008* or the *Development Plan*.

16. Documents Available for Inspection

Council holds a number of different types of documents. There is no charge to inspect certain documents and many are available on Council's website. In most cases, copies of the documents (or extracts) may be purchased by the public at a fee set by Council. Details of fees and charges that apply are available via Council's website [Schedule of Fees and Charges](#).

Where copyright laws apply to a document the Council must have written permission of the copyright owner to reproduce it e.g. house plans, soil reports, engineering reports etc. Further details and the relevant application form are detailed on Council's website and via the following link [Information access and copyright](#). Fees apply.

At the time of publishing this statement the following documents may be accessed from Council's website or available for inspection during business hours. Any new document adopted by Council after publication of this statement may be similarly available.

Documents Available for Inspection:

Document name	Web
Animal Management Plan	✓
Annual Business Plan 2020-21	✓
Annual Report	✓
Arts and Cultural Development Strategic Management Plan 2021-24	✓
Assessment Book	
Awards Policy	✓
Building Inspection Policy	✓
Caretaker Policy	✓
Code of Conduct for Elected Members	✓
Code of Practice – Access to Meetings and Documents	✓
Code of Practice – Proceedings of Meetings	✓
Committees Terms of References	✓
Community Capacity Strategic Plan 2021-2024	✓
Community Land Management Plans	✓
Community plan 2030	✓
Corporate Asset Management Plan	✓
Council and Committee Minutes and Agendas	✓
Council Appointed Elected Member Liaisons Policy	✓
Council By-Laws	✓
Council Informal Gatherings Policy	✓
Customer Complaints Policy	✓
Delegations Register	✓
Development Application Register	✓
Development Plan	✓
Development Plan Amendments	✓
Elected Member Allowance, Benefits and Support Policy	✓

Elected Member Allowance, Benefits and Support Procedure	✓
Elected Member Training and Development Policy	
Energy Futures Strategy 2010-2014	✓
Flag Management Procedure	
Hardship Policy	✓
Long term Financial Plan 2016-17 to 2036-37	
Libraries Strategic Plan	✓
Inclusive Community Action Plan 2021 – 2024	✓
Mayoral Civic Receptions and Events Policy	✓
Onkaparinga Local Area Plan	✓
Open Space Strategic Plan	✓
Order Making Policy	✓
Place Naming Policy	✓
Policy on Interaction of the Development Act, State Records Act, Freedom of Information Act and Copyright Act	✓
Privacy Statement	✓
Procedure for Investigation Complaints under the Code of Conduct for Council Members 2017	✓
Procurement Policy	✓
Public Consultation Procedure	✓
Public Interest Disclosure	✓
Rate Rebate Policy	✓
Rating Policy	✓
Regional Public Health Plan 2015	✓
Register of Elected Member Interests	✓
Register of Elected Members Allowances and Benefits	✓
Register of Elected Members Gifts and Benefits	✓
Register of Employees Gifts and Benefits	✓
Register of Staff Salaries Wages and Benefits	✓
Road Naming Policy	✓
Road Naming Procedure	✓
Road Network Plan	✓
Road Register	✓
Schedule of Fees and Charges	✓
Section 270 Internal Review of a Council Decision Procedure	✓
Skate Facility Management Plan 2016- 2021	✓
Sport and Active Recreation Strategic Management Plan 2014-19	✓
Sundry Debtors Policy	
Supplementary Development Plans	
Tourism Strategic Plan	✓
Trails and Cycling 2016-21	✓
Voters Roll	
Waste and Recycling Strategic Plan	✓
Green City Strategic Management Plan 2017-2022	✓
<i>*For a fee, a hardcopy of the documents listed above can be provided*</i>	

17. Freedom of Information (FOI)

The purpose of the *Freedom of Information Act 1991* (the FOI Act) is to make the business of Council open and accountable to all.

FOI's provides public access to official documents and records; to provide for the correction of public documents and records in appropriate cases; and for other purposes.

FOI allows you to apply to have access to documents within the Council's possession including, paper-based documents as well as computer files, plans, photographs, videos and audio tapes.

17.1 Requirements for Submitting an FOI Application

An application for access to documents not publicly available must, in accordance with section 13 of the FOI Act:

- be in writing (preferably using the prescribed 'FOI Application form'). Details available via Council's website and the following link [Freedom of Information](#).
- specify that it is made under the FOI Act
- be accompanied by the prescribed application fee (if applicable) or concession card or fee waiver evidence
- contain such information as is reasonably necessary to enable the document to be identified
- specify an address in Australia to which notices should be sent
- must be lodged at an office of the Council and may request that access to the document be given in a particular way.
- the application or written request with the application fee (or evidence of fee waiver) must be provided to one of our Council offices.

17.2 Access to Documents to Amend Personal Affairs

Section 30 of the FOI Act allows a person to apply to the Council for the amendment of the Council's records if: the documents contain information concerning the person's personal affairs the information is available for use by the Council in connection with its administrative functions and the information is in the person's opinion incomplete, incorrect, out of date or misleading.

17.3 Time Limits

Applications will be dealt with by an accredited Freedom of Information Officer as soon as practicable (and in any case within 30 days) after it is received, unless an extension of time applies, or an extension of time is agreed.

17.4 Fees

In accordance with the *Freedom of Information (Fees and Charges) Regulations 2019* fees apply to FOI applications; such fees are updated annually. Fees are not payable by valid concession card holders or those whose evidence of fee waiver is accepted. Postage fees may still apply.

If, in Council's opinion the cost of dealing with an application is likely to exceed general expectations, an advance deposit may be requested from the applicant. A request for an advance deposit will be accompanied by a notice that sets out the basis on which the amount of the deposit has been calculated.

17.5 FOI Exemptions

The FOI Act exemptions may apply to information or documents. Access to documents under the FOI Act may be refused or limited if it is deemed exemptions apply.

The Council may consult with a third party if personal or business affairs are involved, as deemed necessary under the FOI Act.

18. Council Contact Details

For correspondence, please use the [online customer request form](#). Alternatively contact the customer relations centre or attend a Council office:

Customer Relations Centre

Ph: +61 8 8384 0666

Email: mail@onkaparinga.sa.gov.au

Postal: PO Box 1, Noarlunga Centre SA 5168

After Hours Emergency Only

Ph: +61 8 8384 0622

Noarlunga Office (Principal office) - Monday to Friday

8.30am–5pm

Ramsay Place

Noarlunga Centre 5168

Ph: +61 8 8384 0666

Fax: +61 8 8382 8744

Aberfoyle Park Office

The Hub - Monday to Friday 9.30am–5pm

Aberfoyle Park 5159

Ph: +61 8 8384 0666

Fax: +61 8 8382 8744

Aldinga Office - Monday to Friday: 9:30am - 1pm

11 Central Way

Aldinga Beach 5173

Ph: +61 8 8384 0666

Fax: +61 8 8382 8744

Willunga Office - Monday to Friday 8.30am–5pm

St Peters Terrace

Willunga 5172

Ph: +61 8 8384 0666

Fax: +61 8 8382 8744

Woodcroft Office - Monday to Friday 9am–5pm

175 Bains Road

Morphett Vale 5162

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