



FREEDOM OF INFORMATION STATEMENT 2021/2022

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This Freedom of Information Statement is published by the City of Holdfast Bay in accordance with the requirements of the *Freedom of Information Act 1991*.

Further information is available on Council's website <https://www.holdfast.sa.gov.au/>

1 Principal Role of Council

The *Local Government Act 1999*, (the Act) section 6 states, Council is established to provide for the government and management of its area at the local level and, in particular:

- a) to act as representative, informed and responsible decision-makers in the interests of its community;
- b) to provide and coordinate various public services and facilities and to develop its community and resources in a socially just and ecologically sustainable manner; and
- c) to encourage and develop initiatives within its community for improving the quality of life of the community;
- d) to represent the interests of its community to the wider community; and
- e) to exercise, perform and discharge the powers, functions and duties of local government under the *Local Government Act 1999* and other Acts in relation to the area for which it is constituted.

2. Composition of Council

The City of Holdfast Bay consists of the Principal Member (Mayor) and 12 Elected Members (Councillors).

The City is made up of four wards – Glenelg, Somerton, Brighton and Seacliff ward. Each ward is represented by three elected members, with the Mayor representing the whole City.

Council elections are held every four years with the next election scheduled to occur in November 2022.

Members of the public can contact their Elected Members to discuss any issue relevant to the Council (contact details are on Council's webpage).

The Council employs staff to implement the decisions of Council (generally referred to as Council's administration), which is headed by the Chief Executive Officer (CEO).

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Four separate departments report to the CEO:

- Alwyndor Aged Care;
- Strategy and Corporate;
- Community and Business; and
- Assets and Delivery.

The Act is the primary legislation for the operation of Local Government in South Australia. The provisions of the Act are supported by the *Local Government (General) Regulations 2013* and other regulations.

3. Functions of Council

The functions of the Council are prescribed in section 7 of the Act as:

- a) to plan at the local and regional level for the development and future requirements of its area;
- b) to provide services and facilities that benefit its area, its ratepayers and residents, and visitors to its area (including general public services or facilities (including electricity, gas and water services, and waste collection, control or disposal services or facilities), health, welfare or community services or facilities, and cultural or recreational services or facilities);
- c) to provide for the welfare, well-being and interests of individuals and groups within its community;
- d) to take measures to protect its area from natural and other hazards and to mitigate the effects of such hazards;
- e) to manage, develop, protect restore, enhance and conserve the environment in an ecologically sustainable manner, and to improve amenity;
- f) to provide infrastructure for its community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area);
- g) to promote its area and to provide an attractive climate and locations for the development of business, commerce, industry and tourism;
- h) to establish or support organisations or programs that benefit people in its area or local government generally;
- i) to manage and, if appropriate, develop, public areas vested in, or occupied by, the council;
- j) to manage, improve and develop resources available to the council; and
- k) to undertake other functions and activities conferred by or under the Act.

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4. Services provided by Council

Council is required by the Act to:

- determine policies to be applied by the Council;
- develop and adopt Strategic Management Plans;
- prepare and adopt Annual Business Plans and Reports;
- establish an Audit Committee;
- develop appropriate policies, practices and procedures of internal control;
- set performance objectives;
- establish procedures for the internal review of Council decisions;
- determine the type, range and scope of projects to be undertaken by the Council;
- undertake planning and development services e.g. determining whether or not approvals are to be granted for various forms of development;
- undertake dog and cat management;
- ensure fire prevention (some building inspection and bushfire prevention planning functions); and
- provide for administrative requirements such as supporting the elected Council.

Council's services as described in its Annual Business Plan, which are essentially comprised of three components:

- on-going delivery of existing programs and services (such as libraries, home and community care and environmental services);
- capital Renewal (the renewal and replacement of existing assets such as roads, footpaths and stormwater drainage); and
- new Initiatives (introduction of new and/or upgraded programs or new and/or upgraded assets).

Council's core services and programs are summarised below:

- Community Wellbeing
- Public Realm and Urban Design
- Customer Experience & Library Services
- City Activation
- Development Services
- Communications and Engagement
- Innovation and Technology Services
- Strategy and Governance
- Community Safety
- Building and Facilities
- Field Services

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- Engineering
- Financial Services
- People & Culture; and
- Alwyndor Aged Care

Ongoing programs are subject to potential efficiency, economy audits and service evaluations or reviews as determined by Council or Council's administration.

5. Council and Council Committee Meetings (including Council Assessment Panel)

5.1 Council Meetings

Meetings of Council are held on the second and fourth Tuesday of each month commencing at 7pm, except in the months of December and January of each year when there is only one meeting held in each of these months.

Council meetings are held in the Council Chamber, Glenelg Town Hall on the north western corner of Moseley Square, Glenelg on the first floor.

Council Meetings are conducted in accordance with Council's Code of Conduct for Meeting Procedures which incorporates the *Local Government Act (Procedures of Meetings) Regulations 2013*. These are available to view on Council's webpage.

5.2 Council Committee Meetings

Council committees are appointed under Section 41 of the Act. These are advisory in nature and do not have any delegated decision making powers, unless specified otherwise in their Terms of Reference.

Committees can assist the Council in the performance of its functions and present an opportunity to address issues or projects in more detail in a less formal and interactive way.

Council has five Committees:

- Alwyndor Management Committee (AMC)
- Audit Committee
- Executive Committee
- Jetty Road Mainstreet Committee (JRMC)

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- Strategic Planning and Development Policy Committee (SPDPC)

The membership of all Council Committees and their Terms of Reference are determined by the Council and are reviewed regularly in accordance with Council's decision making structure.

5.2.1 Alwyndor Management Committee (AMC)

The **Alwyndor Management Committee (AMC)** is a special purpose management committee, appointed to assist the Council to perform its functions of carrying out the terms of the Dorothy Cheater Trust and the provision of an Aged Care Facility at 52–64 Dunrobin Road, Hove.

AMC meets on the last Thursday of every month, except December. A strategic planning workshop is held in January.

Meetings are held at the Alwyndor, 52 Dunrobin Road, Hove and the minutes are tabled at the following meeting of Council.

5.2.2 Audit Committee (AC)

The **Audit Committee (AC)** is a special purpose advisory committee appointed to provide advice and recommendations to Council about actions in relation to financial governance.

The Committee considers a number of issues which include:

- a) financial reporting – monitor and/or review financial statements, accounting policies and standards, clarity of financial reports;
- b) strategic management plans and annual business plan – provide information and/or review Council's strategic management plans or business plan and review and provide recommendations to Council on financial performance and proposals with respect to debt levels included in the plans and in the long-term financial plan;
- c) internal controls and risk management – monitor and review the effectiveness of internal controls and risk management systems;
- d) public interest disclosure – review Council's arrangements for its employees to raise concerns, in confidence, about possible wrong-doing in financial reporting (previously whistleblowing);
- e) internal audit – review and assess needs to establish an internal audit function;
- f) external audit – development and recommend to Council a policy on the supply of non-audit service by external auditor; and

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- g) economy and efficiency audits – to propose, review and receive a report prepared by external auditor or other person appointed by Council.

Meetings are held at least four times a year (at least once per quarter) at appropriate times in the budgeting and financial reporting cycle and otherwise as required. They are held at the Civic Centre, 24 Jetty Road, Brighton and the minutes are tabled at the next meeting of Council.

5.2.3 Executive Committee (EC)

The **Executive Committee (EC)** is a special purpose committee appointed to undertake the CEOs appointment and annual performance appraisal.

Meetings are held as required at the Council Office, 24 Jetty Road Brighton and the minutes are presented at the next Council meeting.

5.2.4 Jetty Road Mainstreet Committee (JRMC)

The **Jetty Road Mainstreet Committee (JRMC)** is a special purpose management committee appointed to undertake work to benefit the traders on Jetty Road, Glenelg using the separate rate raised for this purpose.

Meetings are held monthly at 6pm on the first Wednesday of the month at the Mayor's Parlour Glenelg Town Hall, Glenelg.

5.2.5 Strategic Planning and Development Policy Committee (SPDPC)

The **Strategic Planning and Development Policy Committee (SPDPC)** is a special purpose policy committee to provide advice to Council in relation to the extent to which Council's strategic planning and development policies are in accordance with the Planning Strategy (as formulated under the *Development Act 1993*).

The Committee assists the Council in undertaking strategic planning and monitoring directed at achieving:

- a) orderly and efficient development within the area of the Council;
- b) high levels of integration of transport and land-use planning;
- c) relevant targets set out in the Planning Strategy within the area of the Council;
- d) the implementation of affordable housing policies set out in the Planning Strategy within the area of Council; and
- e) other outcomes of a prescribed kind (if any).

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Meetings are held on a “as needs basis” at a nominated Council venue.

5.2.6 Council Assessment Panel (CAP)

The **Council Assessment Panel (CAP)** is granted delegated powers and is formed by Council in accordance with the requirements of section 83 of the *Planning, Development & Infrastructure Act 2016* (the PDI Act). Its delegated powers are administered in accordance with the Operating Procedures adopted by Council and the statutory requirements set out under the PDI Act. The delegations allow CAP to act as the relevant authority for all matters under the PDI Act, in relation to hearings and decisions of certain types for development applications.

CAPs meeting practices are prescribed by the Planning Act as well as its Operating Procedures set by the CAP and adopted by Council.

Meetings are held on the fourth Wednesday of every month at the Civic Centre, 24 Jetty Road, Brighton at 7.00pm.

5.2.7 Section 43 Regional Subsidiaries – Southern Region Waste Resource Authority (SRWA)

Section 43 of the Act provides Council’s with the ability to establish a regional subsidiary. Regional subsidiaries allow two or more council’s to join together to perform a particular function, beneficial to all its members.

The City of Holdfast Bay is a member of the Southern Region Waste Resource Authority (SRWA) which was established in December 1998 by the cities of Onkaparinga, Marion and Holdfast Bay. Under its charter, SRWA is responsible for providing and operating waste management services on behalf of the constituent councils.

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.

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6. Opportunities for the public to participate

6.1 Attendance at Meetings

The public can attend Council and Committee meetings to listen to proceedings, except in the case of confidential items when the public are excluded for specific reasons.

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.

6.2 Deputation

This is where a person or group of persons wish to appear personally before Council or the SPDPC Committee in order to speak on a particular matter.

A written request must be provided to the Council for approval by the Mayor. If the deputation is on behalf of an organisation the applicant must include the date of incorporation of the organisation, a copy of the constitution, list of members and evidence that the organisation approved the deputation.

A request for a deputation to the Council must be received no less than 6 clear days prior to the date of the next ordinary meeting of the Council (in this case as the Council meets on a Tuesday, the deadline is 5.00pm the prior Tuesday). Any request for a deputation received after this time will be treated as a request to appear at the next subsequent meeting.

The duration of a deputation is 5 minutes with no more than 3 people, Elected Members are invited to ask questions after each deputation.

6.3 Petition

This is a formal submission to the Council signed by numerous petitioners. Typically a petition draws the attention of Council to a particular matter. Petitions must: be legibly written, 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 addressed and delivered to the principal office of the Council. Each page of the petition must identify the head petitioners name and contact details and restate the whole request or submission; and each page of the petition is to restate the whole of the request or submission of the petitioners.

A petition to the Council must be received no less than 6 clear days prior to the date of the next ordinary meeting of the Council (in this case as the Council meets on a Tuesday, the

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deadline is 5.00pm the prior Tuesday), or the date at which the head petitioner requests that the petition be presented to the Council. Petitions received less than 6 clear days will be tabled at the next subsequent meeting. A petition template is available on Council's webpage.

7. Agendas and Minutes

One of the main opportunities for the community to gain information about the business of Council is the agenda for Council and Committee meetings and associated reports related to these matters, with the exception of any material issued on a confidential basis by the Chief Executive Officer and any matters subject to an order of confidentiality under Section 90 of the Act.

Public access to agendas is encouraged. Agendas can be accessed 3 days prior to a meeting available on Council's webpage. Printed copies of agendas of a meeting of Council or a Council Committee are publicly available at the Council's office, 24 Jetty Road Brighton and as soon as practical thereafter at Council libraries located at Brighton and Glenelg.

Minutes are available on Council's webpage within 5 days of a meeting.

8. 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.

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.

There are many ways for the Council to connect with communities to provide opportunities for community participation on a number of diverse topics.

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

9. Delegations and Sub-delegations

In accordance with Sections 44 and 101 of the Act, the Council has delegated relevant powers and duties to the CEO, who may then further sub-delegate these to Council staff. Council may also delegate their powers and functions to a committee of Council.

The Delegations Register reflects the delegated authority from the Council to the Chief Executive Officer and subsequently any sub-delegations.

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Council will review the delegations as required, but must review in accordance with the Act within 12 months after the conclusion of each periodic election. The Delegations Register is available on Council's website.

10. Documents Available for Inspection and Copies

Documents required to be available for inspection can be viewed at Council offices. There is no charge to inspect a publicly available document and many are published on Council's website including registers and policies.

In most cases, copies of the documents (or extracts) may be purchased by the public for a fee set by Council. Details of fees and charges can be provided by Council's administration.

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. For copies of development applications, plans and reports, the application form [Request to View or Copy Development Application Plans / Documents](#) must be completed and returned to Council's administration for processing.

11. Freedom of Information (FOI) Applications

Requests for other information not publicly available will be considered in accordance with the *Freedom of Information Act 1991*, which gives the right to access documents subject to certain exemptions within Council's possession.

An application for access to documents not published can be accessed via Council's website through the following link [Freedom of Information](#).

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12. Further Information

For further information please contact us at:

By email:

mail@holdfast.sa.gov.au

By telephone:

All enquiries (including after hours):

(08) 8229 999

By post

Name of Contact
Officer/Department
City of Holdfast Bay
PO Box 19
BRIGHTON SA 5048

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