



# Yorke Peninsula Council

## **FREEDOM OF INFORMATION**

### YORKE PENINSULA COUNCIL - INFORMATION STATEMENT 2016-2017

This Information Statement is published by the Yorke Peninsula Council in accordance with the requirements of Section 9 (1) & (1a) of the Freedom of Information Act 1991.

Council is pleased to comply with the legislation and welcomes enquiries.

An up-dated Information Statement will be published at least every 12 months and will be incorporated into the Annual Report and placed on Council's website [www.yorke.sa.gov.au](http://www.yorke.sa.gov.au)

#### 1 STRUCTURE AND FUNCTIONS OF THE COUNCIL

##### 1.1 Full Council

Full Council, consisting of the Mayor and eleven (11) Ward Councillors, is the decision making body on all policy matters. Ordinary meetings of the full Council are held on the second Wednesday of every month commencing at 5.30pm and members of the public are welcome to attend. The meetings are held at the Council Chamber, 57 Main Street Minlaton.

##### 1.2 Principal Committees

Principal Committees have been formed to meet statutory obligations. These committees meet at times designated by the Chairperson or as the need arises. Members of the public are again welcome to attend. The principal committees are:

- Development Assessment Panel.
- Audit Committee.
- Section 101A Strategic Planning and Policy Development Committee (consists of Full Council).

##### 1.3 Development Assessment Panel

The Development Act 1993 requires all Councils in South Australia to establish a Development Assessment Panel to operate as the relevant authority under the Development Act to assess development applications.

The creation of the Panel ensures that Council makes development decisions as a relevant planning authority pursuant to the Development Act 1993 having sole regard to the Council's authorised Development Plan and any referral advice to determine the merit of the proposal. The Local Government Act 1999 does not apply to the Development Assessment Panel.

Membership of the Panel, meeting procedures and reporting requirements are all determined by Council. Council is required to review the operation, terms of reference, protocols and processes of the Development Assessment Panel annually to ensure that the structure and delegations continue to efficiently and effectively fulfil the Development Assessment role. Council can also review the Development Assessment Panel at any time if considered necessary.



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Council has determined that the Yorke Peninsula Council's Development Assessment Panel comprise of seven (7) members three (3) of these being selected from the existing Elected Members which includes:-

Councillors Scott Hoyle, John Rich and Jeff Cook.

An independent Chairman has been appointed to the Panel along with three (3) independent panel members nominated from the wider community these being:

Rodney Button (Chairman), Peter Tonkin, Susan Avey and Debra Agnew.

The Development Assessment Panel holds its meetings generally on the fourth Tuesday of the month, commencing at approximately 9.30am in the Council Chamber 57 Main Street Minlaton. (unless otherwise determined).

Council cannot influence or overturn any decision made by the Development Assessment Panel.

## 1.4 Audit Committee

The Audit Committee (is a statutory committee established under the Local Government Act 1999) and Local Government (Financial Management) Variation Regulations 2013, to meet the purposes of Section 126 of the Act and has responsibility for reviewing Council's Strategic Management Plans, annual financial statements, liaising with Council's auditor and reviewing the adequacy of the accounting, internal controls, reporting and other financial management systems and practices of Council.

The Committee is appointed by Council and consists of three Elected Members and two independent members.

The current membership comprises of:

- Peter Brass – Independent Chairman
- David Hurley – Independent Member
- Cr John Rich
- Cr Tania Stock
- Cr Scott Hoyle

The Audit Committee is required to meet four (4) times per year in accordance with its adopted Terms of Reference to meet auditing and legislative requirements.

## 1.5 Agendas and Minutes

Agendas of all Council, Principal and Special Purpose Committees and Development Assessment Panel meetings are placed on public display, at all offices not less than three clear business days prior to those meetings. Minutes and the recommendations and/or resolutions from these meetings are placed on display within five business days of the meeting being held and are subject to confirmation at the subsequent meeting.

All agendas/minutes from Council/Committee/Panel meetings are available from Council's website ([www.yorke.sa.gov.au](http://www.yorke.sa.gov.au)) as soon as practicable.



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## 1.6 Special Purpose Committees, Working Parties and Groups

A number of Special Purpose Committees have been established pursuant to Section 41 comprising elected members, staff and the public, whose principal aim is either to investigate and/or advise Council on particular issues.

Currently they are:

Yorke Peninsula Building and Fire Safety Committee (Statutory Section 71 Development Act)  
Tender Evaluation Panel  
Yorke Peninsula Art Exhibition Working Party  
Access Advisory Working Party  
Bush Fire Prevention Working Party

The minutes of the Yorke Peninsula Art Exhibition Working Party are included in the Agendas for the meetings of the full Council, recommendations from the Access Advisory Working Party are referred back to Council for approval and are available for perusal at the Council Offices.

## 1.7 Delegations

The Chief Executive Officer and other Officers have the delegated authority from Council to make certain decisions on a wide range of specified administrative and policy matters. These delegations are listed in the Delegations Register and are reviewed annually.

In keeping with the legislative responsibilities of Council, i.e.

- to determine policies to be applied by the Council in exercising its discretionary powers;
- to determine the type, range and scope of projects to be undertaken by the Council; and
- to develop comprehensive management plans, budgets, financial controls and performance objectives and indicators for the operations of the Council,

Council is charged to make decisions, which direct and/or determine its activities and functions. Such decisions include the approval of works and services to be undertaken, and the resources which are to be made available to undertake such works and services.

Decisions are also made to determine whether or not approvals are to be granted for applications from residents for various forms of development.



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## 2 SERVICES FOR THE COMMUNITY

Council makes decisions on policy issues relating to services that are provided for members of the public. These services currently include (but are not limited to):

Aircraft Landing Strips	EFTPOS/Credit Card Facilities	Parks and Gardens
Allocates house numbers	Employment/Training Programmes	Passenger Transport Network
Arts and Cultural Programmes	Environmental Health	Playgrounds
Boat Ramp Construction and Maintenance	Festivals and Events	Public Toilets
Building Fire Safety Inspections	Fire Prevention	Reconciliation and working with the local Narungga People
Building Inspections	Food Safety Inspections	Recreation/Sporting Facilities
Bush Camping	Footpaths	Recycling
Business Support	Free Internet use in Libraries	Reserves, Picnic and Camping Areas
Caravan Parks	Halls	Roadside Tree Trimming
Cemeteries	Home and Community Care Services	Rubbish Collection and Waste Transfer Stations
Citizenship Ceremonies	Information Services	Rural Property Addressing
Coastcare and Dunecare Projects	Jetty Construction and Maintenance	Stormwater Drainage
Community Buses & Transport Schemes	Landcare Programs	Street Lighting
Community Development Programmes	Leisure Options for Disabled Persons	Street Sweeping
Community Engagement	Libraries	Support for ANZAC Day events
Community Grants Program	Local Museums and Heritage Support	Swimming Centres (Point Turton & Edithburgh)
Community Leadership	Local Representation	Tourism Information and Support
Community Wastewater Management Schemes	Local Road Construction & Maintenance	Town Planning
Compliance	Local Strategic Planning	Traffic Management
Development Assessment	Natural Resource Management	Walking Trails / Cycling Tracks
Dog Management	Online Services	War Memorials
Economic Development	Ovals	Water Supply

## 3 PUBLIC PARTICIPATION

### 3.1 Council Meetings

Members of the public have a number of opportunities to put forward their views on particular issues before Council.

These are:

- (i) Deputations - with the permission of the Chief Executive Officer, a member of the public can address Council and in compliance with the regulations set out in the Development Act a member of the public can address the Panel personally regarding a Category 3 notification on behalf of a group of residents/interested persons.
- (ii) Presentations to Council - with prior notification and arrangement with the Chief Executive Officer, a member of the public can address the Council on any issue relevant to Council.



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- (iii) Petitions - written petitions can be addressed to the Council on any issue within the Council's jurisdiction in accordance with Council's Petition Management Policy.
- (iv) Written Requests - A member of the public can write to the Council on any Council policy, activity or service.
- (v) Elected Members - members of the public can contact the Elected Members of Council to discuss any issues relevant to Council.

### 3.2 Public Consultation

Council has duly adopted a PO057 Community Engagement Policy supported by the Community Engagement Strategy in accordance with Section 50 of the Local Government Act, 1999.

This policy aims to provide the community, stakeholders, council staff and Elected Members with an understanding of the role of community engagement in the decision making processes of the Yorke Peninsula Council (the Council). This policy also outlines the minimum standards of community engagement techniques used by the Council and the circumstances of when and how each technique will be used.

Where there are specific legislative requirements whereby Council **must** consult, then these requirements must be completed as a minimum. Refer to Appendix 1 for a Schedule of Minimum Requirements per the Local Government Act 1999 (SA).

This Community Engagement Policy specifies four levels designed to suit all consultation requirements, ranging from the most basic public notification, to seeking input on a major project or issue of communitywide significance. These are:-

- **Level 1** – we will keep you informed.
- **Level 2** – we will keep you informed, listen to and acknowledge concerns and issues and provide feedback on how public input influenced the decision.
- **Level 3** – we will work to ensure that your concerns, issues and aspirations are directly reflected in the alternatives developed and provide feedback on how the public influenced the decision.
- **Level 4** – we will look for direct advice and innovation in formulating issues, alternatives and solutions.

Where there is no statutory requirement for the minimum level of consultation, selection of the appropriate level will determine the resource requirements for the consultation.

#### **Category 1**

**All matters subject to the public consultation provisions of the Local Government Act 1999 [Sect 50] (refer to Policy PO057 Community Engagement)**

This category includes matters relating to:

Representation reviews – composition and wards (Sect 12) (5)



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Status of Council/Change of Name (Sect 13)

Principal Office - Opening Hours [Sect 45(3)]

Commercial Activities - prudential requirements (Sect 48)

Public Consultation Policies (Sect 50)

Code of Practice - access to meetings and documents [Sect 92 (5) (6) (7)]

Strategic Management Plans (Sect 122)

Annual Business Plan (Sect 123)

Changes to the basis of rating (Sect 151)

Rating Differential Rates (Sect 156)

Community Land [Sect 193, 194 (2)]

- exclusion of classification of land as community land
- revocation of classification of land as community land [Sect 194 (2)]
- management plans for community land [Sect 197 (1)], [Sect 198 (2)]
- amendment or revocation of management plans for community land [Sect 194 (2)]
- alienation by lease or licence[Sect 202 (2)]
- permits

Authorisations/Permits (Sect 223)

Roads

Trees (Sect 232)

Passing By-laws (Sect 249)

Power to Make Orders (Sect 259)

Adopting/altering the basis of differential rates

Removal of vehicles

**Category 2 Matters of significance to the Council area.**

**Category 3 Matters of significance to a specific section of the community or geographic area.**

**Category 4 Matters that are procedural, operational or administrative in nature and unlikely to have any significant impact on the community.**

Various procedures are specified in the Policy in respect of how the consultation process is to proceed which will largely depend on the particular issue or proposal under consideration.

## 4 ACCESS TO COUNCIL REGISTERS, CODES, POLICIES AND ADMINISTRATIVE DOCUMENTS

4.1 In accordance with Section 132 of the Local Government Act, 1999, a member of the public is entitled:

- (i) to inspect the following documents at the Principal Council Office during ordinary hours without charge; and,



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- (ii) to purchase the following documents at the Council Office during ordinary hours for a fee fixed by the Council or may be downloaded from the web free of charge.

### DOCUMENT

Council Agenda and Minutes  
Agenda – Posted  
Agenda – Collected from Council office  
Minutes – Posted  
Minutes – Collected from Council office  
Monthly Building Approval List (per annum)  
Hundred Maps  
Copy of Council's Policy Manual  
Annual Report  
Annual Business Plan  
Annual Financial Statements  
Budget/Budget Reviews  
Long Term Financial Plan  
Strategic Management Plan  
Members Register of Interests  
Members Register of Allowances and Benefits  
Officers Register of Remuneration  
Register of Community Land  
Register of Public Roads  
Register of By Laws  
Members Code of Conduct  
Code of Practice for Access to Meetings and Documents  
Employees Code of Conduct  
Contracts and Tenders Policies and Procedures  
Public Consultation Policy  
Campaign Donation Returns prepared by Candidates  
Freedom of Information Statement  
Internal Review Procedure  
Assessment Book (extracts)  
Development Plan  
Fees and Charges Register  
Order Making Policy

N.B - For other documents see the Fees and Charges Register  
Most documents identified in the above schedule are also available for viewing or downloading free from Councils website [www.yorke.sa.gov.au](http://www.yorke.sa.gov.au)

### 4.2 Other Information Requests

Council with its commitment to open and transparent decision making will if at all possible make all publicly available information available upon request. Prior to making a formal Freedom of Information request please contact the Council's Accredited FOI Officers Mrs Jackie Reddaway or Ms Lesley-Anne Swaans to discuss your request for information.



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Requests for other information not included in clause 4.1 above will be considered in accordance with the provisions of the Freedom of Information Act 1991. Under this legislation, an application fee must be forwarded with the appropriately completed request form SF 011 as provided for in the Freedom of Information - (Fees and Charges) Regulations 2003, unless the applicant is granted an exemption.

Should the applicant require copies of any documents inspected pursuant to a Freedom of Information request, the charges set out in clause 4.1 will apply as will the charges/fees set out in the FOI Statutory charges.

### 4.3 Council Designated Officer

All enquiries concerning the lodgement procedures for Freedom of Information requests, the procedures for inspecting or purchasing the identified Yorke Peninsula Council Administrative and Policy Documents, Procedures for Access to other Council Documents and Amendments of any Council records concerning the personal affairs of a member of the public are to be directed to:

Mrs Jackie Reddaway  
Executive Assistant to the Chief Executive Officer and Mayor  
Accredited FOI Officer  
PO Box 57  
MAITLAND SA 5573  
Ph: 8832 0000  
Fax: 88532494

Freedom of Information Applications will be responded to as soon as possible within the statutory 30 days of Council receiving the appropriately completed Freedom of Information request SF 011 together with the application fee and all other information necessary for a qualified response to be provided.

An application for access to a Council's document(s):

- (a) must be in writing; and
- (b) must specify that it is made under this Act; and
- (c) must be accompanied by such application fee as may be prescribed; and
- (d) must contain such information as is reasonably necessary to enable the document to be identified; and
- (e) must specify an address in Australia to which notices under this Act should be sent; and
- (f) must be lodged at an office of the agency, and may request that access to the document be given in a particular way.





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### 5 AMENDMENT OF COUNCIL RECORDS

A member of the public may gain access to Council documents to make amendments concerning their personal affairs by making a request under the Freedom of Information Act. A member of the public may then make application (in the prescribed form) for a correction to any information about themselves that is incomplete, incorrect, misleading or out of date.

To gain access to these Council records, a member of the public must complete a Freedom of Information request SF 011 as indicated above outlining the records that he/she wishes to inspect.

Andrew Cameron  
CHIEF EXECUTIVE OFFICER

DATED: 3<sup>rd</sup> October 2017

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<i>Responsible Officer:</i>	<i>Executive Assistant to the Chief Executive Officer and Mayor &amp; Accredited FOI Officer</i>