

PREFACE TO COUNCIL POLICY MANUAL

This document provides a reference guide to the Council Policy Manual to assist Elected Members, City employees and members of the community in the use and interpretation of the Manual.

INTRODUCTION

The Local Government Act 1995 empowers Council in the determination of policy under section 2.7 Role of Council - "(2) (b) determine the local government's policies."

In simple terms policy provides what can be done, Management practices provide how it is done and delegation provides who can do it. The City has Council and Operational Policies to guide both its direction and operation, and Planning policies relating to planning and development within Local planning scheme areas.

Council Policies

Council policies set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic, external focus and align with the mission, vision and strategic direction of the City.

Council Policies are developed to further the achievement of the City's strategic goals or contribute to outcomes relating to mandatory obligations. They are defined courses of action related to particular circumstances which guide staff in what is permissible when dealing with related matters.

Operational Policies

Operational policies are developed for administrative and operational requirements. They have an internal focus and form the strategies and actions for policy implementation and provide details of the actions and processes required by staff.

Planning Policies

Planning policies have been prepared in accordance with Clauses 3, 4 and 5 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows Council to prepare local planning policies relating to planning or development within the Scheme area.

PURPOSE OF COUNCIL POLICIES

Council Policies provide guidance for future decisions and behaviour and the achievement of rational outcomes. Council policies show the approach that the Council intends to be taken in a particular issue and:

- Support consistency and equity in decision making,
- Facilitate prompt responses to customer requirements; and
- Promote operational efficiency.

1. Council Policy Manual - Structure

The structure of the Policy manual will align Council policies within the framework of Community Strategic Planning:

1. Community
2. Environment
3. Economy
4. Leadership

2. Council Policy Development /Review

Council Policies are to be developed and reviewed on the following basis:

2.1 Development

Council Policy development may be initiated by one or more of the following:

- Elected Members - Request by one or more Elected Members for a Policy to address an identified strategic requirement.
- CEO recommendation due to changes in regulatory requirements – Introduction of new Legislation or amendments to existing Legislation.

2.2 Review

A Council Policy review may be initiated in response to the following:

- A request made to the CEO by one or more Elected Members;
- A change to regulatory requirements;
- Officer recommendation to the CEO;
- Within a six-month period following an Ordinary Election; or
- On or after the recommended Policy review date.

A Council Policy is to be reviewed on a biennial basis from the date of last review, unless statutory requirements provide for an annual review.

3. Council Policy - Definitions

Unless otherwise stated policy terms are defined under s. 1.4 *Terms used, Local Government Act 1995*. Definitions are subject to any *Local Government Act 1995* amendments which may occur over time.

Where Policies within the Manual relate to Legislation other than the *Local Government Act 1995* or reference a section of the *Local Government Act 1995* which specifies alternative terms, key term definitions may be noted within the policy document.

Extract from **Local Government Act 1995**

1.4. Terms used

In this Act, unless the contrary intention appears —

absolute majority —

- (a) *in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;*
- (b) *in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body;*

Advisory Board *means the Local Government Advisory Board established by section 2.44;*

auditor, *in relation to a local government means a person for the time being appointed under Part 7 to be the auditor of the local government;*

CEO *means the chief executive officer of a local government;*

commissioner *means a commissioner appointed to a local government under sections 2.6(4), 2.36A(3), 2.37(4), 2.37A(1), 8.30 or 8.33;*

council *means the council of a local government;*

councillor *means a person who holds the office of councillor on a council (including a person who holds another office under section 2.17(2)(a) or (b) as well as the office of councillor);*

councillor mayor or president *means a mayor or president elected by the council from amongst the councillors;*

Crown lands *means lands of the Crown —*

- (a) *not granted or contracted to be granted in fee simple; or*
- (b) *not held or occupied —*
 - (i) *under conditional terms of purchase; or*
 - (ii) *with a right to acquire the fee simple;*

Crown lease *means a lease from the Crown of Crown lands, or a licence or concession from the Crown for taking a profit of Crown lands, but does not include —*

- (a) *an instrument executed or issued pursuant to a contract or arrangement with the Crown by virtue of which land is held or occupied with a right, whether subject to compliance with conditions or otherwise, to acquire the fee simple; and*
- (b) *a lease under the Housing Act 1980; and*
- (c) *an instrument by virtue of which lands are held or occupied subject to the payment of a peppercorn or nominal rental;*

Crown lessee *means a person entitled under a Crown lease to an interest or a right in or over Crown lands;*

Department *means the department of the Public Service assisting the Minister to administer this Act;*

Departmental CEO *means the chief executive officer of the Department;*

district *means an area of the State that is declared to be a district under section 2.1;*

election year *means a year in which ordinary elections for local governments are required to be held;*

elector, in relation to a district or ward, means a person who is eligible to be enrolled to vote at elections for the district or ward;

elector mayor or president means a mayor or president elected by electors of a district;

Electoral Commissioner means the Electoral Commissioner appointed under the Electoral Act 1907;

electoral requirements has the meaning given by section 4.1;

employee means a person employed by a local government under section 5.36;

extraordinary election has the meaning given by section 4.8;

financial year means the period commencing on 1 July and ending on the next following 30 June;

inaugural election has the meaning given by section 4.2;

Inquiry Panel means an Inquiry Panel constituted under section 8.16;

local government means a local government established under this Act;

local government property means anything, whether land or not, that belongs to, or is vested in, or under the care, control or management of, the local government;

local public notice has the meaning given by section 1.7;

member, in relation to the council of a local government, means —

- (a) an elector mayor or president of the local government; or
- (b) a councillor on the council (including a councillor who holds another office under section 2.17(2)(a) or (b) as well as the office of councillor);

metropolitan area has the same definition as **metropolitan region** in the Planning and Development Act 2005;

municipal fund means the municipal fund established under section 6.6;

occupier where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land, and includes a person in unauthorised occupation of Crown land and where under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right;

ordinary election has the meaning given by section 4.4;

ordinary elections day in relation to a local government, means a day fixed by section 4.6 or under section 4.7(2) for holding the polls for ordinary elections for that local government (whether or not any polls are actually held);

owner, where used in relation to land —

- (a) means a person who is in possession as —
 - (i) the holder of an estate of freehold in possession in the land, including an estate or interest under a contract or an arrangement with the Crown or a person, by virtue of which contract or arrangement the land is held or occupied with a right to acquire by purchase or otherwise the fee simple; or
 - (ii) a Crown lessee or a lessee or tenant under a lease or tenancy agreement of the land which in the hands of the lessor is not rateable land under this Act, but which in the hands of the lessee or tenant is by reason of the lease or tenancy rateable land under this or another Act for the purposes of this Act; or
 - (iii) a mortgagee of the land; or
 - (iv) a trustee, executor, administrator, attorney, or agent of a holder, lessee, tenant, or

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- mortgagee, mentioned in this paragraph; or*
- (b) *where there is not a person in possession, means the person who is entitled to possession of the land in any of the capacities mentioned in paragraph (a), except that of mortgagee; or*
 - (c) *where, under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right; or*
 - (d) *where a person is lawfully entitled to occupy land which is vested in the Crown, and which has no other owner according to paragraph (a), (b), or (c), means the person so entitled; or*
 - (e) *means a person who —*
 - (i) *under the Mining Act 1978, holds in respect of the land a mining tenement within the meaning given to that expression by that Act; or*
 - (ii) *in accordance with the Mining Act 1978 holds, occupies, uses, or enjoys in respect of the land a mining tenement within the meaning given to that expression by the Mining Act 1904³; or*
 - (iii) *under the Petroleum and Geothermal Energy Resources Act 1967 holds in respect of the land a permit, drilling reservation, lease or licence within the meaning given to each of those expressions by that Act; or*
 - (f) *where a person is in the unauthorised occupation of Crown land, means the person so in occupation;*

prescribed *means prescribed by regulations;*

Statewide public notice *has the meaning given by section 1.8;*

thoroughfare *means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;*

WALGA *means the Western Australian Local Government Association constituted under section 9.58;*

ward *means one of the wards into which a district is divided under section 2.2.*