



## Policy Review and Development Committee

### Minutes

29 August 2019

#### Committee Terms of Reference

- 1** *To review all existing Bunbury City Council policies within a two year period, in line with the local government election cycle and facilitate the development of new policies for consideration by Council on an ongoing basis.*
- 2** *To make recommendations to Council on matters of policy, policy and local law review and policy and local law development.*
- 3** *To explore opportunities that promote policy development in all areas that are within Council's jurisdiction.*
- 4** *To allow any draft policy developed and fully considered by another Advisory Committee of Council to be referred directly to Council for consideration.*
- 5** *To provide Bunbury City Councillors with assistance and support to develop new Council policies.*

**City of Bunbury**  
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Bunbury WA 6230  
Western Australia  
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Bunbury WA 6231

## Policy Review and Development Committee

### Minutes

29 August 2019

Members of the public to note that recommendations made by this committee are not final and will be subject to adoption (or otherwise) at a future meeting of the Bunbury City Council.

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**1. Declaration of Opening**

The Presiding Member declared the meeting open at 10.34am.

**2. Disclaimer**

Not applicable to this committee.

**3. Announcements from the Presiding Member**

Nil

**4. Attendances**

*Committee Members:*

<b>Member Name</b>	<b>Representing</b>
Mayor Gary Brennan	City of Bunbury
Cr Jaysen Miguel (Presiding Member)	City of Bunbury
Cr James Hayward	City of Bunbury
Cr Todd Brown	City of Bunbury
Mr Mark Seaward	BGCCI

*Ex-officio Members (non-voting):*

<b>Member Name</b>	<b>Representing</b>
Mr Mal Osborne	Chief Executive Officer

*Support Staff:*

<b>Name</b>	<b>Title</b>
Mr Greg Golinski	Manager Governance
Mrs Leanne French	Senior Governance and Risk Officer
Mr Gary Barbour	Director Sustainable Communities

*Observers (non-voting):*

<b>Member Name</b>	<b>Representing</b>
Cr Tresslyn Smith	City of Bunbury

**4.1 Apologies**

Nil

**4.2 Approved Leave of Absence**

Nil

**5. Declaration of Interest**

IMPORTANT: Committee members to complete a “Disclosure of Interest” form for each item on the agenda in which they wish to disclose a financial/proximity/impartiality interest. They should give the form to the Presiding Member before the meeting commences. After the meeting, the form is to be forwarded to the Administration Services Section for inclusion in the Corporate Financial Disclosures Register.

Nil

**6. Public Question Time**

Not applicable

**7. Confirmation of Minutes**

Committee Decision:                      Moved: Mayor Brennan                      Seconded: Cr Hayward

**The minutes of the Policy Review and Development Committee Meeting held on 4 July 2019 are confirmed as a true and accurate record.**

***CARRIED***

**8. Petitions, Presentations and Deputations**

**8.1 Petitions**

Nil

**8.2 Presentations**

Nil

**8.3 Deputations**

Nil

**9. Method of Dealing with Agenda Business**

Items were dealt with in the order they appeared on the agenda.



## Background

At its meeting held on 30 April 2019, Council agreed to give public notice of its intention to make a Cats Amendment Local Law (refer Council Decision 108/19). Council members will recall that the amendment local law is the result of undertakings made to the Joint Standing Committee on Delegated Legislation in this regard (refer Council decision 94/19), whom used its power of veto to require the City to make amendments to its existing Cat Local Law within a 6-month period.

The proposed amendment local law was advertised in state-wide and local news publications between 7 May and 28 June 2019. The minimum statutory advertising period is 42 days.

## Council Policy Compliance

N/A

## Legislative Compliance

Section 3.12 of the *Local Government Act 1995* outlines the process for the creation of a new local law and is applicable.

## Officer Comments

During the advertising period four submissions were received in relation to the advertised local law; one being from the Department of Local Government, Sport and Cultural Industries (DLGSCI), and the other three being submissions from residents.

The private submissions provided general comments regarding the control and management of cats, and largely advocated for the use of cat traps as well as stricter controls whereby cats should not be allowed to roam onto private property, largely citing health concerns of this occurring. Clause 2.2 of the principal local law lists Cat Prohibited Areas however these do not extend to private property.

The following table summarises comments made by DLGSCI, as well as the City's response.

#	DLGSCI Comment	CoB Officer Response
1	The text of an amendment clause needs to specify which clause in the principal local law is being amended. The Delegated Legislation Committee has concluded that it is insufficient to have this information in the clause heading. This is because the clause heading is not an operational part of the local law and has no legal effect in itself.	Accept. Document amended accordingly.
2	Minor edits – DLGSCI suggests some minor typographical edits (full stops, commas, spaces etc.)	Accept. Document amended accordingly.

Notwithstanding the proposed amendments listed above, DLGSCI has found no major problems with the proposed amendment local law. It is therefore recommended that Council adopts the



proposed City of Bunbury Cats Amendment Local Law as presented at Appendix 1 (noting this incorporates any changes noted in the table above).

### **Analysis of Financial and Budget Implications**

There is provision within the 2019/20 budget for all advertising and gazettal costs associated with the adoption of this local law.

### **Councillor/Officer Consultation**

This report is presented the Policy Review and Development Committee for consideration.

### **Timeline: Council Decision Implementation**

Pending Council endorsement of the Recommendation, the proposed local law will be a gazetted within 3 weeks and will come into operation 14 days post gazettal.

### **Outcome of meeting – 29 August 2019**

The executive recommendation was moved by Cr Hayward and seconded by Cr Brown and was carried unanimously as follows:

#### ***The Policy Review and Development Committee recommend that Council:***

- 1. Notes that four submissions were received during the statutory advertising period regarding the draft City of Bunbury Cats Amendment Local Law.***
- 2. Agrees to make minor amendments to the draft City of Bunbury Cats Amendment Local Law as reflected in Appendix 1.***
- 3. Agrees that the amended City of Bunbury Cats Amendment Local Law is not significantly different from what was previously proposed (reference Council Decision 108/19).***
- 4. Adopts the City of Bunbury Cats Amendment Local Law as presented at Appendix 1.***
- 5. Requests the Chief Executive Officer undertake all relevant statutory advertising in this regard.***



The Local Law is enforceable only within the City of Bunbury.

### **Background**

At its meeting held on 30 April 2019, Council agreed to give public notice of its intention to make a Parking and Parking Facilities Amendment Local Law (refer Council Decision 109/19). Council members will recall that the amendment local law is the result of undertakings made to the Joint Standing Committee on Delegated Legislation in this regard (refer Council decision 73/19), whom used its power of veto to require the City to make amendments to its existing Parking and Parking Facilities Local Law within a 6-month period.

The proposed amendment local law was advertised in state-wide and local news publications between 7 May and 28 June 2019. The minimum statutory advertising period is 42 days.

### **Council Policy Compliance**

N/A

### **Legislative Compliance**

Section 3.12 of the *Local Government Act 1995* outlines the process for the creation of a new local law and is applicable.

### **Officer Comments**

During the advertising period, one submission was received in relation to the advertised local law, being from the Department of Local Government, Sport and Cultural Industries (DLGSCI).

The following table summarises comments made by DLGSCI, as well as the City's response.

<b>#</b>	<b>DLGSCI Comment</b>	<b>CoB Officer Response</b>
1	The text of an amendment clause needs to specify which clause in the principal local law is being amended. The Delegated Legislation Committee has concluded that it is insufficient to have this information in the clause heading. This is because the clause heading is not an operational part of the local law and has no legal effect in itself.	Accept. Document amended accordingly.
2	Minor edits – DLGSCI suggests some minor typographical edits (full stops, commas, spaces etc.)	Accept. Document amended accordingly.

Notwithstanding the proposed amendments listed above, DLGSCI has found no major problems with the proposed amendment local law. It is therefore recommended that Council adopts the proposed City of Bunbury Parking and Parking Facilities Amendment Local Law as presented at Appendix 2 (noting this incorporates any changes noted in the table above).

### **Analysis of Financial and Budget Implications**

There is provision within the 2019/20 budget for all advertising and gazettal costs associated with the adoption of this local law.

#### **Councillor/Officer Consultation**

This report is presented the Policy Review and Development Committee for consideration.

#### **Timeline: Council Decision Implementation**

Pending Council endorsement of the Recommendation, the proposed local law will be a gazetted within 3 weeks and will come into operation 14 days post gazettal.

#### **Outcome of meeting – 29 August 2019**

The executive recommendation was moved by Cr Brown and seconded by Mayor Brennan and was carried unanimously as follows:

#### ***The Policy Review and Development Committee recommend that Council:***

- 1. Notes that one submission was received during the statutory advertising period regarding the draft City of Bunbury Parking and Parking Facilities Amendment Local Law.**
- 2. Agrees to make minor amendments to the draft City of Bunbury Parking and Parking Facilities Amendment Local Law as reflected in Appendix 2.**
- 3. Agrees that the amended City of Bunbury Parking and Parking Facilities Amendment Local Law is not significantly different from what was previously proposed (reference Council Decision 109/19).**
- 4. Adopts the City of Bunbury Parking and Parking Facilities Amendment Local Law as presented at Appendix 2.**
- 5. Requests the Chief Executive Officer undertake all relevant statutory advertising in this regard.**

### 10.3 Review of Council Policy: Registration of Freehold Commercial Leases

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Felicity Anderson, Manager Economic Development and Lands
<b>Responsible Manager:</b>	Felicity Anderson, Manager Economic Development and Lands
<b>Executive:</b>	Gary Barbour, Director Sustainable Communities
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 3: Council Policy Registration of Freehold Commercial Leases

#### Summary

The purpose of this Report is for the Committee to review an existing Council Policy relating to freehold commercial leases.

#### Executive Recommendation

The Policy Review and Development Committee recommend that Council note the review of existing Council Policy Registration of Freehold Commercial Leases, with no changes recommended.

*Voting Requirements: Simple Majority required*

#### Strategic Relevance

Theme 4: Our City  
Goal: Civic leadership, partnerships and sound governance in delivering with and for the community  
Objective 4.3: Trusted leadership and robust decision-making

#### Regional Impact Statement

The policy applies only within the City of Bunbury.

#### Background

This policy was last reviewed in June 2017 and is presented to the Committee as part of a biennial policy review process. The policy applies to commercial leases on freehold land between the City and third parties.

#### Council Policy Compliance

This report facilitates the review of an existing Council policy.

#### Legislative Compliance

N/A

### **Officer Comments**

Officers have reviewed the existing policy as presented at Appendix 3, and consider that the content is still appropriate and does not require amendment.

### **Analysis of Financial and Budget Implications**

Nil

### **Councillor/Officer Consultation**

This report is presented the Policy Review and Development Committee for consideration.

### **Timeline: Council Decision Implementation**

Pending Council endorsement of the Recommendation, any revisions to the policy will take effect immediately.

### **Outcome of meeting – 29 August 2019**

The executive recommendation was moved by Mayor Brennan and seconded by Mr Seaward and was carried unanimously as follows:

***The Policy Review and Development Committee recommend that Council note the review of existing Council Policy Registration of Freehold Commercial Leases, with no changes recommended.***



*AS/NZS 4801:2001 Occupational Health and Safety Management Systems*

**Officer Comments**

The City of Bunbury has a legislated 'duty of care' in accordance with section 19 of the *Occupational Safety and Health Act 1984*, to provide a framework for a safe system of work appropriate to the nature and scale of City risks. The Occupational Safety and Health Policy is statement authorised by City of Bunbury senior management defining its objectives and commitment to improving safety performance.

Officers have reviewed the policy detail and do not recommend any changes at this time. It is noted however that there is likely to be some changes made during 2020 to relevant legislation that may require attention at that time.

**Analysis of Financial and Budget Implications**

There are no budget implications resulting from the recommendations in this item.

**Community Consultation**

Not applicable.

**Councillor/Officer Consultation**

This report is presented to the Policy Review and Development Committee for consideration.

**Applicant Consultation**

Not applicable.

**Outcome of meeting – 29 August 2019**

The executive recommendation was moved by Cr Hayward and seconded by Cr Brown and was carried unanimously as follows:

***The Policy Review and Development Committee recommend that Council note the review of existing Council Policy Occupational Safety and Health, with no changes recommended.***



## 10.5 Review of Council Policy: Related Party Disclosures

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	David Ransom, Manager Finance
<b>Responsible Manager:</b>	David Ransom, Manager Finance
<b>Executive:</b>	James Shepherd, A/Director Strategy and Organisational Performance
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 5: Revised Council Policy Related Party Disclosures

### Summary

The purpose of this Report is for the Policy Review and Development Committee review the current Policy “Related Party Disclosures”. The policy was last reviewed in July 2017 and is now due for its biennial review.

### Executive Recommendation

The Policy Review and Development Committee recommend that Council adopt the amended Council Policy Related Party Disclosures as presented.

*Voting Requirement: Simple Majority*

### Strategic Relevance

Theme 4: Our City.  
Goal: Civic Leadership, partnerships and sound governance in delivering with and for the community.  
Objective 4.3: Trusted Leadership and robust decision making.

### Background

This policy was last reviewed by Council in July 2017, and is presented to the PRDC for discussion and review as part of Council’s policy review schedule.

### Council Policy Compliance

This report facilitates a review of an existing Council Policy.

### Legislative Compliance

*Local Government Act 1995*  
*Australian Accounting Standards*

### Officer Comments

Officers have undertaken a review of Council Policy Related Party Disclosures, and recommend some minor changes as presented at Appendix 5.

The changes are proposed to amend the frequency of lodgement of disclosures from twice a year to annually; and for disclosures to be now lodged electronically. The changes do not affect the broader intent of the policy.

**Analysis of Financial and Budget Implications**

There are no budget implications resulting from the recommendations in this item.

**Community Consultation**

Not applicable.

**Councillor/Officer Consultation**

This report is presented to the Policy Review and Development Committee for consideration.

**Applicant Consultation**

Not applicable.

**Outcome of meeting – 29 August 2019**

The executive recommendation was moved by Cr Hayward and seconded by Cr Brown and was carried unanimously as follows:

***The Policy Review and Development Committee recommend that Council adopt the amended Council Policy Related Party Disclosures as presented.***

## 10.6 Review of Council Policy: Shark Hazard Management

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Peter Hayes, Team Leader Community Law and Safety
<b>Responsible Manager:</b>	Sarah Upton, Manager Community Law, Safety and Environmental Health
<b>Executive:</b>	Gary Barbour, Director Sustainable Communities
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Appendix 6A: Revised Council Policy Shark Hazard Management Appendix 6B: Revised Corporate Guideline Shark Hazard Management

### Summary

The purpose of this Report is for the Policy Review and Development Committee review the current Council Policy relating to Shark Hazard Management. The policy is scheduled for review as part of Councils biennial review schedule.

### Executive Recommendation

The Policy Review and Development Committee recommend that Council adopt the amended Council Policy Shark Hazard Management as presented.

*Voting Requirement: Simple Majority*

### Strategic Relevance

Theme 1: Our community and culture.  
Goal: A safe, healthy and cohesive community, with a rich cultural life, and supportive local environment.  
Objective 1.1: A community where people are safe and feel safe.

### Background

This policy was last reviewed by Council in June 2017, and is presented to the PRDC for discussion and review as part of Council's policy review schedule.

### Council Policy Compliance

This report facilitates a review of an existing Council Policy.

### Legislative Compliance

Currently there is no legislation that deals with the issues surrounding shark sightings and shark attacks. If there is a fatality from a shark attack, WA Police (WAPOL) immediately take charge. In accordance with the Emergency Management Act 2005 (EM Act), WAPOL are also responsible for any "hazard" that is not a declared hazard under the EM Act.

### **Officer Comments**

There have been very few incidents within the City of Bunbury since the initiation of this Policy and Guideline, and therefore there are no operational after-action reports to indicate any changes that may be required.

Officers have undertaken a review of this Policy and Guideline and propose only minor amendments as per Appendix 6A. A copy of the associated Corporate Guideline is also contained at Appendix 6B for reference, with some minor referencing changes only to the appendices.

Officers remain of the view that the documents are 'best practice' and should remain fundamentally unchanged.

### **Analysis of Financial and Budget Implications**

There are no budget implications resulting from the recommendations in this item.

### **Community Consultation**

Not applicable.

### **Councillor/Officer Consultation**

This report is presented to the Policy Review and Development Committee for consideration.

### **Applicant Consultation**

Not applicable.

### **Outcome of meeting – 29 August 2019**

The executive recommendation was moved by Mayor Brennan and seconded by Cr Hayward and was carried unanimously as follows:

***The Policy Review and Development Committee recommend that Council adopt the amended Council Policy Shark Hazard Management as presented.***



been taken against them in relation to their role as either an Elected Member or employee of the City of Bunbury.

The policy and guideline reflect the Department of Local Government, Sport and Cultural Industries Operational Guideline #14 – Legal Representation for Council Members and Employees.

Officers have undertaken a review of this policy and associated corporate guideline (appendices 7A and 7B respectively) and recommend no changes, noting that the departmental guideline remains unchanged since the last review of this policy.

#### **Analysis of Financial and Budget Implications**

There are no budget implications resulting from the recommendations in this item.

#### **Community Consultation**

Not applicable.

#### **Councillor/Officer Consultation**

This report is presented to the Policy Review and Development Committee for consideration.

#### **Applicant Consultation**

Not applicable.

#### **Outcome of meeting – 29 August 2019**

The executive recommendation was moved by Cr Hayward and seconded by Cr Brown and was carried unanimously as follows:

***The Policy Review and Development Committee recommend that Council note the review of existing Council Policy Legal Representation for Council Members and Employees, with no changes recommended.***



Officers have reviewed the current policy, and consider that all the elements within the policy (with the exception of 1) are covered either through legislation or contractually through the CEO's employment contract.

The one aspect that is not covered through legislation is the ability (currently) for the CEO to be able to appoint an Elected Member of their choosing to be a member of the CEO Performance Review Panel. The CEO has indicated that he is happy to forego this entitlement, and accordingly it is suggested the policy be revoked.

#### **Analysis of Financial and Budget Implications**

There are no budget implications resulting from the recommendations in this item.

#### **Community Consultation**

Not applicable.

#### **Councillor/Officer Consultation**

This report is presented to the Policy Review and Development Committee for consideration.

#### **Applicant Consultation**

Not applicable.

#### **Outcome of meeting – 29 August 2019**

The executive recommendation was moved by Mayor Brennan and seconded by Cr Hayward and was carried unanimously as follows:

***The Policy Review and Development Committee recommend that Council revoke existing Council Policy Annual Performance and Salary Review.***





- (i) parking facilities; or
- (ii) permitted times and conditions of stopping and parking which may vary with the locality; or
- (iii) permitted persons who may stop or park their vehicles; or
- (iv) permitted classes of vehicles which may stop or park; and
- (v) the manner of stopping or parking [cl.3.1(2)]
- (c) erect signs according to the determination of cl. 3.1(1) and cl. 3.1(2) [cl.3.1(3)]
- (d) approve an application to establish a work zone [cl. 4.13(2)]
- (e) issue to any member of the Council an Elected Member parking permit [7.8(1)]
- (f) issue a parking permit [cl.8.3]
- (g) revoke a parking permit [cl.8.9(1)]

### **Conditions**

Decisions on issuing a parking permit must be exercised in alignment with the restrictions outlined in cl 8.4, 8.5, 8.6 and 8.7 of the Parking and Parking Facilities Local Law 2018.

### **Strategic Relevance**

Theme 4	Our City
Goal	Civic leadership, partnerships and sound governance in delivering with and for the community.
Objective 4.3	Trusted leadership and robust decision-making

### **Regional Impact Statement**

Not applicable

### **Background**

A local government the size of the City of Bunbury cannot operate without utilising Council's power under the Act to delegate certain functions to either a committee of Council or the Chief Executive Officer. Delegations free up Council time to enable Elected Members to focus on representation, strategic planning, and community leadership, thereby enabling the Chief Executive Officer to efficiently implement Council resolutions and policy. The use of delegated authority means a large volume of routine work can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.

### **Council Policy Compliance**

The City's Corporate Guideline Legislative Compliance applies.

### **Legislative Compliance**

The following sections of legislation apply to when delegating powers or duties to the Chief Executive Officer:

- section 5.42(1) of the *Local Government Act 1995*;
- section 127 (1) and (3) of the *Building Act 2011*;

### **Officer Comments**

Recent amendments to the *Building Regulations 2012* created new offences for which Local Government Permit Authorities may issue infringement notices. Building Regulation 70 was also amended, correcting its reference to and alignment with sections 9.19 and 9.20 of the *Local Government Act 1995*. Consequently, the Council Delegation to Appoint Authorised Persons (Reference 1.1.1) requires amending to authorise the CEO to appoint authorised officers for the purposes of issuing Building Act 2011 Infringement Notices.

The City's Parking and Parking Facilities Local Law 2018 was amended on 11 December 2018, with committed undertakings on 2 April 2019. The Local law provides the local government with the power to do things in its discretion, such as prohibit or regular the stopping and parking of vehicles by signs. To enable the effective management of this discretion, a new delegation has been drafted for Council to authorise the CEO to carry out the prescribed delegated powers.

The Disposal of Property delegation authorises the CEO to dispose of property subject to conditions, pursuant to section 3.58 of the *Local Government Act 1995*. The Mayor recently made comment at Council Meeting that Council may be comfortable with the CEO authorising low value leases. Economic Development and Lands Officers have indicated that most airport leases and all sport and community leases are less than \$10,000 per annum. Therefore, the Disposal of Property delegation has been amended to provide the CEO with authority to dispose of property by way of lease limited to a disposal value of less than \$10,000 p/a. Any disposal of property by way of lease over this annual value would continue to be determined by Council.

### **Analysis of Financial and Budget Implications**

Nil

### **Community Consultation**

Nil

### **Elected Member/Officer Consultation**

Consultation has been undertaken with:

- Officers from the Sustainability, Planning and Development Department in regard to the building regulation changes;
- Officers from the Community Law, Safety & Emergency Management Department in regard to the Parking Local Law delegation; and
- Officers from the Economic Development and Lands Department in regard to the Disposal of property delegation.

### **Applicant Consultation**

Nil

**Outcome of meeting – 29 August 2019**

The executive recommendation was moved by Cr Brown and seconded by Cr Hayward and was carried unanimously as follows:

***That the Policy Review and Development Committee recommend Council:***

- (a) Amend the power or Duty of Delegation 1.1.1 Appoint Authorised Persons by adding “Authority to appoint ‘authorised officers’ under Regulation 70(2) of the Building Regulations 2012 and section 9.16 of the Local Government Act 1995 for the purposes of issuing Building Act 2011 Infringement Notices in accordance with section 6(b) of the Criminal Procedures Act 2004. (Building Reg.70(2) prescribes s.9.10(1) of the Local Government Act 1995 as the enabling power for appointment of ‘authorised officers’”.***
- (b) Amend conditions of Delegation 1.1.13 by adding “b. iv Where a lease is determined [s.3.58(3)] as the method of disposal, authority is: limited to any lease where the disposal value is less than \$10,000 p/a.”***
- (c) Adopt new delegation 1.1.19 Local Law – Parking and Parking Facilities Local Law 2018: Authority to:***
  - (a) prohibit or regulate by signs or otherwise the stopping and parking of any vehicle or class of person and vehicle, or both, but is to do so consistently with the provisions of this local law [cl.3.1(1)]***
  - (b) establish, determine, vary and indicate by signs –***
    - (i) parking facilities; or***
    - (ii) permitted times and conditions of stopping and parking which may vary with the locality; or***
    - (iii) permitted persons who may stop or park their vehicles; or***
    - (iv) permitted classes of vehicles which may stop or park; and***
    - (v) the manner of stopping or parking [cl.3.1(2)]***
  - (c) erect signs according to the determination of cl. 3.1(1) and cl. 3.1(2) [cl.3.1(3)]***
  - (d) approve an application to establish a work zone [cl. 4.13(2)]***
  - (e) issue to any member of the Council an Elected Member parking permit [7.8(1)]***
  - (f) issue a parking permit [cl.8.3]***
  - (g) revoke a parking permit [cl.8.9(1)]***

***Conditions***

***Decisions on issuing a parking permit must be exercised in alignment with the restrictions outlined in cl 8.4, 8.5, 8.6 and 8.7 of the Parking and Parking Facilities Local Law 2018.***



duty. These authorisations merely set out the City officer who can sign the class of documents identified as part of fulfilling their duties.

### **Council Policy Compliance**

This report proposes a revision of the existing Execution of Documents Council Policy.

### **Legislative Compliance**

Section 9.49A (4) of the *Local Government Act 1995* states that a local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

### **Officer Comments**

The administrative burden of coordinating the affixing of the common seal is significant and inflexible, particularly when there is urgency to the execution of a document. Officers consider the reliance on the seal to execute documents as too great, and unnecessary in the modern organisational context. This Policy has enabled Council to move away from relying on the seal except for situations prescribed by law or where there is customary or political significance in doing so.

Documents are identified in the current system as Category 1A, 1B, 2 or 3 documents, depending on their significance. A recent review with City officers identified the need make minor amendments to Category 1(A) and 1(B) documents.

Within Category 1(A) the list of lease documents is expanded to include extensions of leases.

Within Category 1(B) in points (d), (e), and (f) the word licence is added to lease. An additional point (g) is also added to include surrender of lease/licence. The statement regarding the execution of documents identified as Category 1(B) is also amended to read:

“These documents will be executed by having the common seal affixed under the authorisation of Council (this Policy) with the affixing of the seal in the presence of and being attested to by the Mayor and CEO, CEO where delegated authority or pursuant to s9.49A(3)(b) of the Act, the Mayor and a senior employee authorised by the CEO to do so (the Director where the document is related to their area of responsibility).”.

### **Analysis of Financial and Budget Implications**

There are no budget implications resulting from the recommendations in this item.

### **Community Consultation**

Not applicable.

### **Elected Member/Officer Consultation**

Consultation has been undertaken with City Officers from the Department of Economic Lands and Development.

**Applicant Consultation**

Not applicable.

**Timeline: Council Decision Implementation**

Any recommendations from the Committee will be presented to Council at the next round of meetings.

**Outcome of meeting – 29 August 2019**

The executive recommendation was moved by Cr Hayward and seconded by Cr Brown and was carried unanimously as follows:

***That the Policy Review and Development Committee recommend that Council adopt the amended Execution of Documents Council Policy as presented.***

### 10.11 Motion on Notice Update – Smoking at the Koombana Bay Foreshore

<b>Applicant/Proponent:</b>	Internal
<b>Responsible Officer:</b>	Sarah Upton, Manager Community Law, Safety and Environmental Health
<b>Responsible Manager:</b>	Sarah Upton, Manager Community Law, Safety and Environmental Health
<b>Executive:</b>	Gary Barbour, Director Sustainable Communities
<b>Authority/Discretion</b>	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
<b>Attachments:</b>	Nil

#### Summary

The purpose of this report is to provide the Committee with an update regarding a Council motion relating to the creation of a local law to govern smoking on the Koombana Bay foreshore.

#### Executive Recommendation

That the Policy Review and Development Committee note the information as presented.

*Voting Requirement: Simple Majority*

#### Strategic Relevance

Theme 4 Our City  
Goal Civic leadership, partnerships and sound governance in delivering with and for the community.  
Objective 4.3 Trusted leadership and robust decision-making

#### Regional Impact Statement

Nil

#### Background

At the Ordinary Council meeting held on 25 June 2019, Council resolved as follows in response to a motion on notice put by Cr Kelly (refer council decision 178/19):

1. That Council resolves to develop, adopt and apply a local law that bans the smoking of tobacco products at the Koombana Bay foreshore.
2. That Council directs the CEO to draft an appropriate policy position and local law to enact part 1 of this motion.

#### Council Policy Compliance

Nil



### **Legislative Compliance**

Nil

### **Officer Comments**

In enacting council decision 178/19, Officers propose to incorporate the requisite elements of the motion into a revised Local Government Property local law, which is currently being reviewed. This course of action is deemed to be most suitable, as desktop research of other local government local laws indicates that provisions around smoking are typically contained within Local Government Property local laws, as opposed to a standalone instrument that deals specifically with smoking. It is therefore felt that housing such provisions within a Local Government Property local law gives the best chance of success for such provisions to be approved by the Joint Standing Committee for Delegated Legislation.

It was hoped that the drafting of the revised/new local law would be complete in time for the current meeting of the Committee, however given the complexities in drafting an instrument that covers all areas of the City' operations, this has not been possible. Accordingly, a revised/new local law, which incorporates the requisite elements of council decision 178/19 will be presented to the next meeting of the Committee, which will be the first meeting post the October election.

### **Analysis of Financial and Budget Implications**

There are no budget implications resulting from the recommendations in this item.

### **Community Consultation**

Any future local law will be required to go through, as a minimum, the statutory 42 day advertising process.

### **Elected Member/Officer Consultation**

This information is provided to inform the Committee as to the status of the recent motion on notice adopted by Council (178/19).

### **Applicant Consultation**

Not applicable.

### **Timeline: Council Decision Implementation**

Any recommendations from the Committee will be presented to Council at the next round of meetings.

**Outcome of meeting – 29 August 2019**

General discussion took place in relation to this item, where it was suggested that a point 2 be added to the executive recommendation to ensure clarity that Council Decision 178/19 will be incorporated into the review of the Local Government Property local law.

The following motion was moved by Mayor Brennan and seconded by Cr Brown, and was carried unanimously as follows:

***That the Policy Review and Development Committee recommend that Council:***

- 1. Note the information as presented.***
- 2. Note that the relevant elements of Council resolution 178/19 will be incorporated into the current review of the City of Bunbury Local Government Property local law, which will be presented to the Policy Review and Development Committee in November 2019.***

**11. Applications for Leave of Absence**

Not applicable to this committee.

**12. Questions from Members**

**12.1 Response to Previous Questions from Members taken on Notice**

Nil

**12.2 Questions from Members**

Nil

**13. Urgent Business**

Nil

**14. Date of Next Meeting**

TBC following the 2019 City of Bunbury election.

**15. Close of Meeting**

The Presiding Member closed the meeting at 11.44am, noting that this was the last meeting of the Committee before the October 2019 election. The Presiding Member thanked committee members and Officers for their work over the past 2 years.

These Minutes were confirmed as a true and accurate record by the Policy Review and Development Committee at its meeting held on \_\_\_\_\_.

Signed \_\_\_\_\_

Cr \_\_\_\_\_, Chair