

POLICY DEVELOPMENT POLICY

July 2023



1. PURPOSE

The purpose of the policy is to guide the development and approval of policies and procedures at the Derwent Valley Council.

2. SCOPE

This policy applies to all policies and procedures developed by the Council.

This policy does not apply to Council strategies that are developed and used by the Council to achieve an outcome, such as the development of the Strategic Plan. This exclusion acknowledges that the Council strategies may sometimes be described as policies to fit an external context.

This policy has been drafted to accord with the Good Governance Principles under Council's Governance Framework.

3. LEGISLATION

Policies may be prepared related to legislation under which Council operates, including but not confined to:

- Building Act 2016
- Land Use Planning and Approval Act 1993
- Local Government Act 1993
- Local Government (Building and Miscellaneous Provisions) Act 1993
- Local Government (Highways) Act 1982
- Strata Titles Act 1998
- Urban Drainage Act 2013

4. DEFINITIONS

The definitions of terms used in this policy are set out below.

Term	Meaning.
Administrative Policy	Provides guidance to decision-making, operation and delegation for matters within the internal operation of Council. An example would be a HR policy.
Operational Policy	Provides guidance to decision-making, operation and delegation for operational matters of Council which generally have a basis under legislation and do not have significant long term strategic implications.

	Examples are this policy, Stormwater Management Policy or Privacy Policy.
Strategic Policy	Provides guidance to decision-making, operation and delegation for operational matters of Council which are generally the basis of non-statutory initiative, may have significant long term strategic implications or are of a nature that warrant community engagement in their development.
Legislation	Consists of Acts of Parliament and subordinate (or delegated) legislation that includes regulations made under Acts of Parliament (state and federal).
Procedure	Details the operational actions required to be taken in relation to a particular matter. A procedure is clearly distinguished from a policy in that it relates to operational actions rather than the principles underpinning those actions and may arise from the adoption of a policy. A procedure is separately documented. An example would be an emergency procedure.

5. POLICY

Prior to drafting a policy, consideration should firstly be given as to whether a policy or procedure is required. As an example, if there is little benefit from standardising a work activity, then it is likely that a policy or procedure should not be prepared.

In addition, a policy cannot override the provisions of legislation, nor predetermine an outcome when Council is required to make a decision based upon specific details, such as an approval of a development application as a planning authority.

In general, a policy or procedure should:

- Be confined to a single subject area and clear as to its intended purpose and usage.
- Not simply replicate existing legislative responsibilities.
- Be written in plain English, be unambiguous and use terminology that is relates to underlying legislation or is clearly understood.
- Be presented in a standard format and with Council branding.
- Be compatible with existing legislation and other policies.

5.1 RESPONSIBILITIES

Policies and procedures will be prepared through the Executive Manager, or Manager of the functional area of Council generally responsibly for the matter that is the subject of the policy or procedure, to be considered by Council or the General Manager, as appropriate.

The Executive Manager, or similar is responsible for ensuring that the policy or procedure is implemented, and that appropriate and timely reviews take place.

All Operational and Strategic Policies will be made available on Council's website.

5.2 APPROVAL AND ENGAGEMENT

To ensure that appropriate consideration is given to the development, adoptions and impacts of policies and procedures, the following matrix provides the basis for the decision-making of policies and procures along with minimum period of community engagement through public notice, where applicable.

While engagement for significant matters will be planned and delivered as per the Community Engagement Framework, it is important to set a minimum standard as a default. As a minimum, public engagement has been aligned with the notice period required for standard planning permit applications to provide some consistency. However, by resolution, Council may wish to nominate an extended period of consultation for any specific matter.

It is noted that some operation policies, such as the Dog Management Policy, may have a period of public engagement specified in the relevant legislation.

Document	Approval level	Engagement period
Procedure	Executive Manager, or Manager of the functional area	Nil
Administrative Policy	General Manager	Nil
Operational Policy	Council	Nil (unless specified by legislation)
Strategic Policy	Council	28 calendar days (4 weeks), or such further period as Council may determine

5.3 MODIFICATION AND UPDATING

Modification and amendment to a policy or procedure requires approval and engagement at the same level as if originally adopted.

However, this does not apply to reformatting, rebranding, error correction or updating matters such as referencing, approval/review dates, legislation references, diagrams, or flowcharts, which may be done at the discretion of the Executive Manager, or Manager of the functional area.

Policy Type	Operational	Doc Status	Approved
Doc Code:	DVC-POL-062	Approved By:	Council
Version:	1.1	Approved Date:	27 July 2023
Doc Controller:	General Manager	Next Review Date:	27 July 2028

5.4 REVIEW

Policies and procedures should be regularly reviewed (at least every 5 years or as specified in legislation) to ensure that they remain current and still meet their intended purpose.

Where a policy or procedure becomes redundant, and should be rescinded, or is reviewed and determined that no modification is required, this should be authorised at the same level as if originally adopted.

It is noted that the *Local Government Act 1993* requires that Council, at least every 4 years, must review its:

- strategic plan
- long-term financial management plan
- long-term strategic asset management plan
- financial management strategy
- asset management strategy
- asset management policy.

5.5 NON-COMPLIANCE

Policies and procedures will be used to provide guidance to Council in its decision-making. However, through resolution, Council may determine any matter which may intentionally, or unintentionally, contradict an adopted policy or procedure, either directly or indirectly.

6. RELATED DOCUMENTS

- Community Engagement Framework
- Governance Framework