



New South Wales

Local Government (General) Amendment (Planning and Reporting) Regulation 2010

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

BARBARA PERRY, MP
Minister for Local Government

Explanatory note

The object of this Regulation is to make the following amendments to the *Local Government (General) Regulation 2005* as a consequence of amendments made to the *Local Government Act 1993* by the *Local Government Amendment (Planning and Reporting) Act 2009*:

- (a) provisions dealing with a council's management plan will be repealed and other minor amendments made as a consequence of the replacement of the current requirement for a management plan with the new requirement for a 4-year delivery program detailing activities to be undertaken by the council to achieve the objectives established by the new community strategic plan,
- (b) provisions detailing the particulars to be included in the statement of a council's revenue policy (currently forming part of its management plan and now to be included in its operational plan) will be transferred to the regulations,
- (c) requirements as to the specific matters to be dealt with in a council's annual report will be transferred to the regulations and consequential amendments made to reflect the new requirements for community strategic plan and delivery program reporting.

This Regulation is made under the *Local Government Act 1993*, including section 748 (the general regulation-making power).

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Clause 1

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1 Name of Regulation

This Regulation is the *Local Government (General) Amendment (Planning and Reporting) Regulation 2010*.

2 Commencement

This Regulation commences on 1 March 2010 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Local Government (General) Regulation 2005

[1] Clause 3 Definitions

Omit the definitions of *comprehensive state of the environment report*, *state of the environment report* and *supplementary state of the environment report* from clause 3 (1).

[2] Part 9, Division 2 Draft management plans

Omit the Division.

[3] Part 9, Division 3, heading

Omit the heading. Insert instead:

Division 3 Budgeting by councils

[4] Clause 201

Omit the clause. Insert instead:

201 Annual statement of council's revenue policy

(1) The statement of a council's revenue policy for a year that is required to be included in an operational plan under section 405 of the Act must include the following statements:

- (a) a statement containing a detailed estimate of the council's income and expenditure,
- (b) a statement with respect to each ordinary rate and each special rate proposed to be levied,

Note. The annual statement of revenue policy may include a note that the estimated yield from ordinary rates is subject to the specification of a percentage variation by the Minister if that variation has not been published in the Gazette when public notice of the annual statement of revenue policy is given.

- (c) a statement with respect to each charge proposed to be levied,
- (d) a statement of the types of fees proposed to be charged by the council and, if the fee concerned is a fee to which Division 3 of Part 10 of Chapter 15 of the Act applies, the amount of each such fee,
- (e) a statement of the council's proposed pricing methodology for determining the prices of goods and the approved fees under Division 2 of Part 10 of Chapter 15 of the Act for services provided by it, being an avoidable costs pricing

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- methodology determined by the council in accordance with guidelines issued by the Director-General,
- (f) a statement of the amounts of any proposed borrowings (other than internal borrowing), the sources from which they are proposed to be borrowed and the means by which they are proposed to be secured.
- (2) The statement with respect to an ordinary or special rate proposed to be levied must include the following particulars:
- (a) the ad valorem amount (the amount in the dollar) of the rate,
- (b) whether the rate is to have a base amount and, if so:
- (i) the amount in dollars of the base amount, and
- (ii) the percentage, in conformity with section 500 of the Act, of the total amount payable by the levying of the rate, or, in the case of the rate, the rate for the category or sub-category concerned of the ordinary rate, that the levying of the base amount will produce,
- (c) the estimated yield of the rate,
- (d) in the case of a special rate—the purpose for which the rate is to be levied,
- (e) the categories or sub-categories of land in respect of which the council proposes to levy the rate.
- (3) The statement with respect to each charge proposed to be levied must include the following particulars:
- (a) the amount or rate per unit of the charge,
- (b) the differing amounts for the charge, if relevant,
- (c) the minimum amount or amounts of the charge, if relevant,
- (d) the estimated yield of the charge.
- (4) The statement of fees and the statement of the pricing methodology need not include information that could confer a commercial advantage on a competitor of the council.

[5] Clause 203 Budget review statements and revision of estimates

Omit clause 203 (1). Insert instead:

- (1) Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and

expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.

[6] Clause 217 Additional information for inclusion in annual report

Omit "section 428 (2) (r)" from clause 217 (1).

Insert instead "section 428 (4) (b)".

[7] Clause 217 (1) (a2)–(a9)

Insert after clause 217 (1) (a1):

- (a2) details of each contract awarded by the council during that year (whether as a result of tender or otherwise) other than:
 - (i) employment contracts (that is, contracts of service but not contracts for services), and
 - (ii) contracts for less than \$150,000 or such other amount as may be prescribed by the regulations, including the name of the contractor, the nature of the goods or services supplied by the contractor and the total amount payable to the contractor under the contract,
- (a3) a summary of the amounts incurred by the council during the year in relation to legal proceedings taken by or against the council (including amounts, costs and expenses paid or received by way of out of court settlements, other than those the terms of which are not to be disclosed) and a summary of the state of progress of each legal proceeding and (if it has been finalised) the result,
- (a4) details or a summary (as required by section 67 (3) of the Act) of resolutions made during that year under section 67 of the Act concerning work carried out on private land and details or a summary of such work if the cost of the work has been fully or partly subsidised by the council, together with a statement of the total amount by which the council has subsidised any such work during that year,
- (a5) the total amount contributed or otherwise granted under section 356 of the Act,
- (a6) a statement of all external bodies that during that year exercised functions delegated by the council,
- (a7) a statement of all corporations, partnerships, trusts, joint ventures, syndicates or other bodies (whether or not incorporated) in which the council (whether alone or in conjunction with other councils) held a controlling interest during that year,

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- (a8) a statement of all corporations, partnerships, trusts, joint ventures, syndicates or other bodies (whether or not incorporated) in which the council participated during that year,
- (a9) a statement of the activities undertaken by the council during that year to implement its equal employment opportunity management plan,

[8] Clause 217 (1) (b) and (c)

Omit clause 217 (1) (b)–(d). Insert instead:

- (b) a statement of the total remuneration comprised in the remuneration package of the general manager during the year that is to include the total of the following:
 - (i) the total value of the salary component of the package,
 - (ii) the total amount of any bonus payments, performance payments or other payments made to the general manager that do not form part of the salary component of the general manager,
 - (iii) the total amount payable by the council by way of the employer's contribution or salary sacrifice to any superannuation scheme to which the general manager may be a contributor,
 - (iv) the total value of any non-cash benefits for which the general manager may elect under the package,
 - (v) the total amount payable by the council by way of fringe benefits tax for any such non-cash benefits,
- (c) a statement of the total remuneration comprised in the remuneration packages of all senior staff members (other than the general manager) employed during the year, expressed as the total remuneration of all the senior staff members concerned (not of the individual senior staff members) and including totals of each of the following:
 - (i) the total of the values of the salary components of their packages,
 - (ii) the total amount of any bonus payments, performance payments or other payments made to them that do not form part of the salary components of their packages,

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- (iii) the total amount payable by the council by way of the employer's contribution or salary sacrifice to any superannuation scheme to which any of them may be a contributor,
 - (iv) the total value of any non-cash benefits for which any of them may elect under the package,
 - (v) the total amount payable by the council by way of fringe benefits tax for any such non-cash benefits,

[9] Clause 217 (2), (2A) and (3)

Omit the subclauses.

[10] Part 9, Division 7, Subdivision 2 State of the environment reports

Omit the Subdivision.

[11] Part 9, Division 8

Insert after Division 7 of Part 9:

Division 8 County councils

218 Application of planning and reporting provisions to county councils

Part 2 (Strategic planning) of Chapter 13 of the Act applies to county councils with the following exceptions and modifications:

- (a) section 402 (Community strategic plan) does not apply to county councils,
- (b) each county council is required to have a business activity strategic plan as provided by clause 219,
- (c) a reference in a provision of that Part to a community strategic plan is (in the application of the provision to and in respect of a county council) to be read as a reference to a business activity strategic plan.

219 Business activity strategic plan of county council

- (1) A business activity strategic plan is a plan developed and endorsed by a county council that:
 - (a) identifies the main business activity priorities of the council covering a period of at least 10 years from when the plan is endorsed, and

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- (b) establishes strategic objectives together with strategies for achieving those objectives, and
 - (c) has been developed having due regard to the community strategic plans of the county council's constituent councils and in consultation with those councils.
- (2) Following an ordinary election of councillors for the constituent councils of a county council, the county council must review the business activity strategic plan before 30 June following the election. The council may endorse the existing plan, endorse amendments to the existing plan or develop and endorse a new business activity strategic plan, as appropriate to ensure that the council has a business activity strategic plan covering at least the next 10 years.
- (3) Within 28 days after a business activity strategic plan is endorsed, the council must post a copy of the plan on the council's website and provide a copy to the Director-General. A copy of a business activity strategic plan may be provided to the Director-General by notifying the Minister of the appropriate URL link to access the plan on the council's website.

[12] Part 9, Division 9

Re-number Division 8 of Part 9 as Division 9.