

# Local Government Amendment (Governance and Planning) Act 2016 No 38

[2016-38]



New South Wales

## Status Information

### Currency of version

Current version for 15 December 2018 to date (accessed 5 May 2024 at 5:53)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

### Notes—

- **Note**

Amending Acts and amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

### Authorisation

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# Local Government Amendment (Governance and Planning) Act 2016 No 38



New South Wales

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# Local Government Amendment (Governance and Planning) Act 2016 No 38



New South Wales

An Act to amend the [Local Government Act 1993](#) with respect to the governance and planning functions and auditing of councils; and for other purposes.

## 1 Name of Act

This Act is the [Local Government Amendment \(Governance and Planning\) Act 2016](#).

## 2 Commencement

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).
- (2) Schedule 1 [6], [8], [11], [12], [14], [17], [19]–[22], [88] and [89] commence on the date of assent to this Act.

## Schedule 1 Amendment of [Local Government Act 1993 No 30](#)

### [1]–[3] (Repealed)

### [4] Section 224A Approval to reduce number of councillors

Omit section 224A (7)–(9). Insert instead:

- (7) An application may be made under this section only by a council that is prescribed by the regulations for the purposes of this section.
- (8) The application may be made after the commencement of this subsection (as substituted by the [Local Government Amendment \(Governance and Planning\) Act 2016](#)) and not later than 12 months before the next ordinary election of councillors after that commencement.
- (9) Nothing in this section prevents a council from making more than one application under this section or from taking action under section 224 to change the number of its councillors.

**[5]-[26] (Repealed)**

**[27] Section 365A**

Insert after section 365:

**365A Reduction in meetings**

- (1) A council may resolve to make an application to the Minister to approve a reduction in the number of times that a council is required to meet each year to a number specified in the resolution.
- (2) The council must give not less than 42 days' public notice of its proposed resolution.
- (3) After passing the resolution the council must forward to the Minister a copy of the resolution, a summary of any submissions received by it and its comments concerning those submissions.
- (4) The Minister may approve the application or decline to approve it.
- (5) If the Minister approves the application, the council is required to meet at least as often as specified in the resolution.
- (6) An application may be made under this section only by the councils prescribed by the regulations for the purposes of this section.
- (7) The application may be made after the commencement of this section and not later than 12 months before the next ordinary election of councillors after that commencement.
- (8) Nothing in this section prevents a council from making more than one application under this section.

**[28]-[30] (Repealed)**

**[31] Section 376 Attendance of general manager at meetings**

Insert after section 376 (3):

- (4) The Audit, Risk and Improvement Committee of a council may also exclude the general manager from a meeting while it deals with any other matter, if it thinks it appropriate to do so in the circumstances of the case.

**[32], [33] (Repealed)**

**[34] Section 402 Community strategic plan**

Omit section 402 (3)–(7). Insert instead:

- (3) Following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election. The council may endorse the existing plan, or develop or endorse a new community strategic plan, as appropriate, to ensure that the area has a community strategic plan covering at least the next 10 years.

**[35] Sections 402A–406**

Omit sections 403–406. Insert instead:

**402A Community engagement strategy**

A council must establish and implement a strategy (called its **community engagement strategy**) for engagement with the local community when developing its plans, policies and programs and for the purpose of determining its activities (other than routine administrative matters).

**403 Resourcing strategy**

A council must have a long-term strategy (called its **resourcing strategy**) for the provision of the resources required to perform its functions (including implementing the strategies set out in the community strategic plan).

**404 Delivery program**

- (1) A council must have a program (called its **delivery program**) detailing the principal activities to be undertaken by the council to perform its functions (including implementing the strategies set out in the community strategic plan) within the resources available under the resourcing strategy.
- (2) The council must establish a new delivery program after each ordinary election of councillors to cover the principal activities of the council for the 4-year period commencing on 1 July following the election.

**405 Operational plan**

A council must have a plan (called its **operational plan**) that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year.

## **406 Integrated planning and reporting guidelines**

- (1) The regulations may make provision for or with respect to integrated planning and reporting guidelines (referred to in this Chapter as ***the guidelines***) to be complied with by councils.
- (2) Without limiting subsection (1), the regulations may impose requirements in connection with the preparation, development, consultation on and review of, and the contents of, the community strategic plan, resourcing strategy, delivery program, operational plan, community engagement strategy, annual report and environment reporting of a council.

### **[36]-[39] (Repealed)**

### **[40] Section 428A State of the environment reports**

Omit the section.

### **[41] Chapter 13, Part 4A**

Insert after Part 4:

## **Part 4A Internal audit**

### **428A Audit, Risk and Improvement Committee**

- (1) A council must appoint an Audit, Risk and Improvement Committee.
- (2) The Committee must keep under review the following aspects of the council's operations:
  - (a) compliance,
  - (b) risk management,
  - (c) fraud control,
  - (d) financial management,
  - (e) governance,
  - (f) implementation of the strategic plan, delivery program and strategies,
  - (g) service reviews,
  - (h) collection of performance measurement data by the council,
  - (i) any other matters prescribed by the regulations.

- (3) The Committee is also to provide information to the council for the purpose of improving the council's performance of its functions.

#### **428B Joint internal audit arrangements**

A council may enter into an arrangement with another council, or a body prescribed by the regulations for the purposes of this section, to jointly appoint an Audit, Risk and Improvement Committee to exercise functions for more than one council or body.

#### **[42]-[74] (Repealed)**

#### **[75] Section 532 Publication of draft operational plan**

Omit "section 405" and "that section". Insert instead "the regulations".

#### **[76] Chapter 15, Part 4, chart**

Omit the chart at the end of the Part.

#### **[77] Section 610F Public notice of fees**

Omit "section 405" from section 610F (2). Insert instead "the regulations".

#### **[78]-[83] (Repealed)**

#### **[84] Schedule 6, item 18, examples**

Insert ", community engagement strategies" after "community strategic plans".

#### **[85] Schedule 6, item 18**

Insert after the first example:

Criteria for community strategic plans, community engagement strategies, resourcing strategies, delivery programs and operational plans

Consultation on community strategic plans, community engagement strategies, resourcing strategies, delivery programs and operational plans

Performance measurement and reporting framework for councils

#### **[86]-[91] (Repealed)**