

Circular Details	17-11 / 14 June 2017 / A547255
Previous Circular	16-18
Who should read this	Councillors / General Managers / All council staff for the 46 councils with elections on 9 September 2017
Contact	Council Governance Team - 4428 4100 – olg@olg.nsw.gov.au
Action required	Information / Council to Implement

Council decision-making prior to the September 2017 local government elections

What's new or changing

- Clause 393B of the *Local Government (General) Regulation 2005* limits councils' ability to exercise some of their functions in the four weeks preceding the date of a local government election (the caretaker period).

What this will mean for your council

- Councils are expected to assume a "caretaker" role during election periods to ensure that major decisions are not made which would limit the actions of an incoming council.
- Councils, the general manager or any other delegate of the council (other than a Joint Regional Planning Panel or the Central Sydney Planning Committee) must not exercise the following functions during the caretaker period:
 - Entering into any contract or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% of the council's revenue from rates in the preceding financial year (whichever is the larger);
 - Determining a "controversial development application", except where a failure to make such a determination would give rise to a deemed refusal, or such a deemed refusal arose before the commencement of the caretaker period;
 - Appointing or reappointing the council's general manager (except for temporary appointments).
- In certain circumstances, these functions may be exercised with the approval of the Minister.

Key points

- "Controversial development application" means a development application under the *Environmental Planning and Assessment Act 1979* for which at least 25 persons have made submissions under section 79(5) of that Act by way of objection.
- The caretaker period for the September 2017 local government elections commences on Friday 11 August 2017 and ends on Saturday 9 September 2017.

Where to go for further information

- For further information, contact the Office's Council Governance Team on 4428 4100.



Tim Hurst
Acting Chief Executive