

Circular Details	21-17 / 8 July 2021 / A755930
Previous Circular	21-12 "Electoral matter" and use of council resources prior to local government elections
Who should read this	Councillors / General Managers / All council staff
Contact	Council Governance Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information / Council to Implement

Council decision-making prior to the September 2021 local government elections

What's new or changing

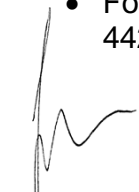
- Councils are expected to assume a "caretaker" role during election periods to ensure that major decisions are not made which would limit the actions of an incoming council.
- Councils, general managers and other delegates of councils (other than a joint regional planning panel, a local planning panel 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 for designated development under section 4.10 of the *Environmental Planning and Assessment Act 1979* for which at least 25 persons have made submissions during community consultation.
- The caretaker period for the September 2021 local government elections commences on Friday 6 August 2021 and ends on Saturday 4 September 2021.

Where to go for further information

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



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