



Office of  
Local Government

## Circular to Councils

<b>Circular Details</b>	20-12/ 17 April 2020 / A696830
<b>Previous Circular</b>	20-06 Novel Coronavirus (COVID-19) Development Updates
<b>Who should read this</b>	General Managers / Finance, Governance and Integrated Planning and Reporting staff
<b>Contact</b>	Council Performance Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Council to Implement

### Modification of statutory requirements in response to the COVID-19 pandemic

#### What's new or changing

- Regulations have been made under section 747B of the *Local Government Act 1993* to temporarily modify the application of the Act in response to the COVID-19 pandemic. The regulations made under section 747B modify the Act as follows:
- Councils have been provided with a one-month extension:
  - to adopt their 2020-21 Operational Plan (including Revenue Policy, Statement of Fees and Charges and annual budget) before 31 July 2020;
  - to submit audited financial reports by 30 November 2020; and
  - for the preparation and publishing of annual reports by 31 December 2020.
- Councils have the option to delay issuing rates notices to ratepayers until 1 September 2020, and the collection of the first quarter rates instalment until 30 September 2020.
- Councils may immediately waive or reduce fees under a new "COVID-19" category.
- The requirement for councils to make certain documents available for physical inspection at their offices has been modified to allow access to the documents to be provided remotely.
- In addition to these temporary measures, in response to the closure of some local newspapers and to assist councils to reduce their costs, the *Local Government (General) Regulation 2005* (the Regulation) has been amended to remove requirements for newspaper advertising. This amendment is not temporary and will continue to apply after the COVID-19 pandemic passes.

#### What this will mean for your council

- The COVID-19 pandemic has caused an exceptional set of circumstances with unprecedented impacts. The NSW Government is committed to supporting local councils and their communities during this period of uncertainty.
- To provide NSW councils with flexibility to adjust to the rapidly shifting circumstances and to allow them to provide appropriate financial support to their local communities, a number of statutory deadlines for 2019-20 and 2020-21 have been modified. These are set out in the table below:

Section of LG Act	Prior deadline	New deadline
Submission of audited Financial Reports – 416(1)	31 October 2020	<b>30 November 2020</b>
Preparation and publish of Annual Reports – 428(1)	30 November 2020	<b>31 December 2020</b>

Office of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) W [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) ABN 20 770 707 468

Section of LG Act	Prior deadline	New deadline
Adoption of Operational Plan - 405(1)	By 1 July 2020	<b>By 1 August 2020</b>
Making of a rate or charge - 533	By 1 August 2020	<b>By 1 September 2020</b>
Date by which quarterly rates are payable - 562(3)(a)	31 August 2020	<b>30 September 2020</b>
Quarterly review statements (QBRs) - CI 203(1) of Regulation	The third quarter 2019-20 QBRs (currently due May 2020)	Third quarter QBRs - <b>June 2020</b> . All future QBRs remain due as per Regulation.

- In exercising discretion to extend the making of a rate or charge under section 533 or the collection of rates under 562(3)(a) of the Act, each Council must consider both the financial circumstances of local ratepayers and the potential impact such actions would have on the general cashflow of Council.
- The Government recognises that there may be circumstances where adopting such extensions may not be appropriate or desirable for councils.
- Councils do not need to resolve to extend the date to adopt its Operational Plan, issue rates notices or collect the first rates instalment. A council may, however, choose to direct its General Manager to submit an Operational Plan for adoption prior to 1 July 2020 and to ensure that its rates and charges notices are served by 1 August 2020 (as is normally the case under legislation).
- Councils should also note that there are no changes to the provisions in the following table at this time. However, the Government is continuing to monitor the broader strategic and operating environment for local councils.

Section	Ongoing requirement
405(2)	Councils Operational Plan must include a statement of a council's revenue policy
405(3)	Council must give public notice of draft Operational Plan for not less than 28 days
405(6)	Council must post a copy of its Operational Plan on website within 28 days after the plan is adopted

#### Extension of the ability of councils to waive or reduce fees

- The application of section 610E of the Act has been broadened to allow councils to waive or reduce fees under a newly established "COVID-19" category, which has been added to the Regulation.
- This means that councils can immediately apply the waiver or reduction without establishing a new category or going through the normal public notice requirements of section 610E(2) for adding new categories.
- Councils may choose to apply such a waiver or reduction, for example, in cases where a business has seen significantly reduced income as a result of COVID-19. The application of any such waiver or reduction of fees is voluntary and is decision for each council based on local circumstances.
- Councils do not need to resolve to waive or reduce fees under the "COVID-19" category if the existing powers delegated to the General Manager include the power to determine a new category in which a council may waive or reduce fees.

#### Modification of requirements for councils to make certain documents available for inspection

- Under the regulations, the requirements under the Act for councils to make documents physically available for inspection will be satisfied if:

Office of Local Government  
 5 O'Keefe Avenue NOWRA NSW 2541  
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- in the case of a document that is “open access information” for the purposes of the *Government Information (Public Access) Act 2009* (the GIPA Act), the information contained in the document is published on the council’s website and is made available on request in an electronic form or in such other manner determined by the council.
- in the case of a document that is not “open access information” for the purposes of the GIPA Act, the information contained in the document is made available on request in an electronic form or in such other manner determined by the council.

#### **Removal of newspaper advertising requirements under the Regulation**

- To alleviate the red tape burden on councils and to reduce their costs, amendments have also been made to the Regulation to remove remaining requirements for notices to be published in newspapers.
- Councils are now instead required to publish notices on their websites and in such other manner that they consider necessary to bring it to the notice of the local community or other interested persons.

#### **Key points**

- Regulations may be made under section 747B to modify the application of the Act for the purposes of responding to the public health emergency caused by the COVID-19 pandemic.
- Regulations may only be made under section 747B if:
  - Parliament is not currently sitting and is not likely to sit within 2 weeks after the day the regulations are made, and
  - the arrangements made by the provisions of the regulations are in accordance with advice issued by the Minister for Health and Medical Research or the Chief Health Officer, and
  - the regulations are reasonable to protect the health, safety and welfare of persons.
- Regulations made under section 747B automatically expire after 6 months or earlier if decided by the Parliament.

#### **Where to go for further information**

- For further information please contact the Council Performance Team on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).



**Tim Hurst**  
**Deputy Secretary**  
**Local Government, Planning and Policy**

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## Circular to Councils

<b>Circular Details</b>	20-19 / 26 May 2020 / A702258
<b>Previous Circular</b>	19-05 – Information about Rating 2019-20
<b>Who should read this</b>	Councillors / General Managers / Council staff
<b>Contact</b>	Performance Team (02) 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>Action required</b>	Information / Council to Implement

### Information about Ratings 2020-21

#### What's new or changing

- The maximum boarding house tariffs for 2020-21 have been determined.
- The maximum interest rate payable on overdue rates and charges for 2020-21 has been determined.
- The section 603 certificate fee for 2020-21 has been determined.
- The statutory limit on the maximum amount of minimum interest rates for 2020-21 has been determined for commencement on 1 July 2020.

#### What this will mean for your council

Councils should incorporate these determinations into their 2020-21 rating structures and Operational Plan Statement of Revenue Policies.

#### Key points

##### Boarding House Tariffs

In accordance with section 516 of the *Local Government Act 1993* (the Act), it has been determined that for the purpose of the definition of 'boarding house' and 'lodging house', the maximum tariffs, excluding GST, that a boarding house or lodging house may charge tariff-paying occupants are:

- Where **full board and lodging** is provided:  
**\$397** per week for single accommodation; or  
**\$656** per week for a family or shared accommodation
- Where **less than full board or lodging** is provided:  
**\$267** per week for single accommodation; or  
**\$441** per week for family or shared accommodation

##### Maximum Interest Rate on Overdue Rates and Charges

In accordance with section 566(3) of the Act, it has been determined that the maximum rate of interest payable on overdue rates and charges for the period 1 July 2020 to 31 December 2020 (inclusive) will be **0.0% per annum** and that the maximum rate of interest payable on overdue rates and charges for the period 1 January 2021 to 30 June 2021 (inclusive) will be **7.0% per annum**.

The interest rate has been set at 0.0% for the first half of the 2020-21 financial year in response to the financial impacts faced by the community as a result of the COVID-19 Pandemic.

Office of Local Government  
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 T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
 E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) W [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) ABN 44 913 630 046

The methodology used to calculate the interest rate applicable for the period 1 January 2021 to 30 June 2021 is the Supreme Court methodology (the Reserve Bank cash rate plus 6%), rounded to the nearest half per cent of the maximum interest rate for the previous year. The cash rate used for the purposes of the maximum interest rate for local government is based on the cash rate as at 4 December 2019.

Notice giving effect to these decisions will be published in the NSW Government Gazette.

#### Section 603 Certificate

Under section 603 of the Act, councils may issue a certificate as to the amount (if any) of rates, charges, etc due or payable to the council for a parcel of land. Section 603(2) states the application must be accompanied by the approved fee. In accordance with the approved methodology, the approved fee for 2020-21 is determined to be **\$85**. This is unchanged from the 2019-20 fee.

This determination applies to the issuing of a certificate for the matters specified in section 603(2) of the Act. Where a council offers to provide other information as an optional service, the council is not prevented from separately determining an approved fee for that additional service. Furthermore, a council is not prevented from determining approved fees for additional services required by an applicant for the expedited processing of a section 603 certificate.

#### Statutory limit on the maximum amount of minimum rates

Following a recommendation by IPART, clause 126 of the *Local Government (General) Regulation 2005* will be amended on 1 July 2020 by the *Local Government (General) Amendment (Minimum Rates) Regulation 2019* so that under section 548(3)(a) of the Act, the maximum amount of the minimum ordinary rate to be **\$554** for 2020-21.

The maximum amount of a minimum special rate (not being a water supply special rate or a sewerage special rate) prescribed by section 548(3)(b) of the Act will remain unchanged at **\$2**.

#### **Where to go for further information**

The NSW legislation website at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).



**Tim Hurst**  
**Deputy Secretary**  
**Local Government, Planning and Policy**

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<b>Policy Title</b>	Council Committees
<b>Policy Category</b>	Public
<b>Number &amp; Version</b>	SVC-GOV-PO-109-01
<b>Policy Owner</b>	Governance and Risk
<b>Approval by</b>	Council
<b>Effective date</b>	
<b>Date for review</b>	September 2024

### 1. STRATEGIC PURPOSE

The establishment of a Council Committee (committee) reflects Snowy Valleys Councils (Council) commitment to involve the community in the provision of Council functions, with the aim of enhancing the opportunities for the towns and villages within the Local Government Area (LGA).

### 2. POLICY STATEMENT

A committee's primary role is to accept the responsibility for a function of Council through a delegation under the Local Government Act, NSW 1993 (the Act). These functions can include the provision of services and/or management of Council-owned facilities, such as public halls or recreation reserves.

This policy applies to all committees of the Council except:

- Committees of which all the members are Councillors. These committees must conduct their meetings in accordance with Councils Code of Meeting Practice.
- Committees of which all the members are staff. These committees are operational and do not require Council adoption, although may follow the *Committees of the Council Operations Manual* for guidance.

### 3. DEFINITIONS

**Functions of Council** Councils *Information Guide* explains in more detail the functions of Council. Under *Section 21 of the Act*, Councils functions can be grouped into the following categories

- Non Regulatory Functions (chapter 6)
- Regulatory Functions (chapter 7)
- Ancillary Functions (chapter 8)
- Revenue Functions (chapter 15)