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## **COMMENCEMENT OF THE LOCAL GOVERNMENT AMENDMENT (PLANNING AND REPORTING) ACT 2009**

The *Local Government Amendment (Planning and Reporting) Act 2009* (the Act) was assented to by the Governor on 9 October 2009 and commenced on and from that date. The amendments to the Act give effect to the Integrated Planning and Reporting framework that has been developed with the support of the local government sector.

The Act provides transitional provisions for phasing in the new legislative requirements over a three-year period. The Division of Local Government will be writing to all General Managers requesting that general purpose councils and county councils choose which Group they will be in with regard to implementing the new framework.

All general purpose councils and county councils are advised that a council resolution will be required for group nomination.

The timeframe for each of the Groups is as follows:

- Group 1: Community Strategic Plan and Delivery Program adopted by 30 June 2010
- Group 2: Community Strategic Plan and Delivery Program adopted by 30 June 2011
- Group 3: Community Strategic Plan and Delivery Program adopted by 30 June 2012.

When determining which one of the three Groups it will participate in, councils should consider:

- its capacity to meet the new legislative requirements within the timeframe
- if there is sufficient time to effectively engage its community in the development of the Community Strategic Plan
- the status of its Resource Strategy development. It is essential that the elected council has adequate information to inform its decisions when endorsing the Community Strategic Plan and adopting its first Delivery Program and Operational Plan. For example, council should have an asset management strategy developed that identifies how it will manage its assets, and how and over what timeframe it will develop asset management plans for all classes of assets.

Councils that have already adopted, or are well-progressed towards adopting, a long-term community strategic plan which included appropriate community engagement should consider nominating for Group 1.

Specific exemptions and modifications to clarify the requirements for county councils will be included in forthcoming amendments to the Local Government (General) Regulation 2005. This will include that instead of having a Community Strategic Plan, county councils will be required to have a long-term strategic plan for their business activity that is developed in consultation with their constituent councils.

Councils are reminded that the transitional provisions provide that councils continue to operate under the legislative requirements in place prior to the Amendment Act, until such time as their Group commences under the new Integrated Planning and Reporting framework.

As a number of councils have made enquiries to the Division regarding the transition arrangements, the following information is provided regarding requirements for Social/Community Plans and State of the Environment Reports.

### **Social/community plans**

Under the previous legislation all general purpose councils must have a social/community plan for their area. These must be submitted to the Division every five years. Most councils last submitted their social/community plans in November 2004, and are therefore due to submit again by 30 November 2009.

Under the new Integrated Planning and Reporting framework, there is no longer a requirement for a separate social/community plan. However, **social planning by councils continues to be a critical part of councils' business**, but will now be integrated into a more strategic and streamlined approach to planning. Identified actions in existing social/community plans which may not have progressed into a council's annual management plan will now be embedded into the strategic planning framework. This elevates the importance of social planning by councils.

Councils that choose to commence under the new legislation in Group 1 will not be required to develop a new social/community plan to meet the requirement to have a current plan at 30 November 2009. Depending on a council's progress in implementing its current social/community plan, it may be in a position to extend the timeframe of the current social/community plan to cover the period through to 30 June 2010.

This would enable the council to conduct a review of its current plan, and utilise the findings to inform the Community Strategic Plan that is to be developed by 30 June 2010. Group 1 councils should be focussing their resources on engaging with all groups within their community to develop their Community Strategic Plan, which must address social, environmental, economic and civic leadership issues.

Group 2 and 3 councils must ensure that the social and community planning needs of their communities are in place at 30 November 2009 and through until they commence under the new legislation.

#### **State of the environment reports**

Under previous legislative provisions, all general purpose councils are required to prepare a comprehensive State of the Environment report (SoE) for 2008-09 and submit this to the Division by 30 November 2009.

SoE guidelines are available from the 'Publications' page on the Division's website. A checklist for the preparation of SoEs is also available on the website under the 'Local Government Reform Program – Promoting Better Practice' page (see 'Information for Councils').

#### **Guidelines and Manual**

The Division is currently finalising the Regulation, Guidelines and Manual together with the capacity building website that will include information on workforce planning. A further circular to councils will be issued when these are released.

If you have questions relating to the implementation of these reforms, please contact the Integrated Planning and Reporting team on telephone 4428 4220 or email at [jpr@dlg.nsw.gov.au](mailto:jpr@dlg.nsw.gov.au).



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