

# REVIEW OF LOCAL GOVERNMENT COMPLIANCE AND ENFORCEMENT

IPART FINAL REPORT



# HISTORY

- The Government commissioned IPART to undertake a review of how Council's go about their compliance and enforcement roles with a view to reduce unnecessary costs "red tape" on business and the community.
- IPART's review of Local Government Compliance and Enforcement included a consultation roundtable as well as the release of an issues paper and draft report for public consultation. IPART received around 150 submission in relation to this review.



# KEY ISSUES

Key issues raised in the Final Report include:

- improving engagement and coordination between state agencies and local councils
- how to support stronger regulatory capacity and capability across councils
- balancing consistency across council areas with flexibility to meet local needs, and
- encouraging councils to share ideas and best practice approaches.



# DEADLINE FOR FEEDBACK ON THIS REVIEW

- 15<sup>th</sup> November 2019 is the deadline for submissions to this review.





# RECOMMENDATIONS THAT HAVE BEEN IMPLEMENTED, OR DO NOT REQUIRE FEEDBACK

A number of recommendations in the IPART reports have already been implemented through other reform programs, or are currently the subject of separate consultation.

There are also a number of recommendations that the government has ruled out, because they may have adverse impacts on vulnerable members of the community, affect regional jobs and economies, or substantially increase costs for taxpayers and the broader community.

These matters are marked “Not for consultation” on the feedback form.

There is also a general comments section at the end of the form for any areas that you may wish to comment on that aren’t specifically targeted in the recommendations.

NOTE: Supplementary comments, if required, should be forwarded to the OLG email or postal address provided under ‘Contact Information’ above



# RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON:

Please note, in all cases options are:

- Support
- Don't Support
- Partially Support
- Unsure



# RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - A NEW PARTNERSHIP BETWEEN STATE AND LOCAL GOVERNMENT :

1. Subject to cost benefit analysis, the NSW Department of Planning and Environment should engage in a Partnership Model with local government, similar to the Food Regulation Partnership, to enhance the capacity and capability of councils to undertake their regulatory functions. This should include:
  - enshrining the partnership model in legislation
  - clear delineation of regulatory roles and responsibilities
  - risk-based approach to regulation supported by a compliance and enforcement policy
  - use and publication of reported data to assess and assist council performance



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - A NEW PARTNERSHIP BETWEEN STATE AND LOCAL GOVERNMENT (CONTINUED):

- dedicated consultation forum for strategic collaboration with councils
- ability for councils to recover their efficient regulatory costs
- system of periodic review and assessment of the partnership agreement
- dedicated local government unit to provide:
  - o council hotline to provide support and assistance
  - o password-protected local government online portal
  - o guidelines, advice and protocols
  - o standardised compliance tools (eg, forms and templates)
  - o coordinated meetings, workshops and training with councils and other stakeholders.

- Feedback  Support





## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON A NEW PARTNERSHIP BETWEEN STATE AND LOCAL GOVERNMENT (CONTINUED):

2. Subject to cost benefit analysis, the NSW Environment Protection Authority should engage in a Partnership Model with local government, similar to the Food Regulation Partnership (as per Recommendation 1).

Feedback  Support

Supported as long as Councils aren't burdened with additional regulatory powers/inspections etc. – maintain current regulatory role but standardize and support similar to Food Regulation Partnership.



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON A NEW PARTNERSHIP BETWEEN STATE AND LOCAL GOVERNMENT (CONTINUED):

3. State agencies administering legislation with regulatory responsibilities for local government, such as the NSW Ministry of Health, NSW Office of Liquor, Gaming and Racing, Office of Local Government, and Roads and Maritime Services, should adopt relevant elements of the Partnership Model

Feedback  Support

Will allow for consistency across all NSW Councils – again provided no greater burden on Council



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - IMPROVING THE REGULATORY FRAMEWORK AT THE STATE LEVEL

4. The Department of Premier and Cabinet should revise the NSW Guide to Better Regulation (November 2009) to include requirements for developing regulations involving regulatory or other responsibilities for local government, in particular:
  - consideration of whether a regulatory proposal involves responsibilities for local government 84
  - clear identification and delineation of State and local government responsibilities
  - consideration of the costs and benefits of regulatory options on local government



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - IMPROVING THE REGULATORY FRAMEWORK AT THE STATE LEVEL (CONTINUED)

- assessment of the capacity and capability of local government to administer and implement the Proposed responsibilities, including consideration of adequate cost recovery mechanisms for local government
- collaboration with local government to inform development of the regulatory proposal
- if establishing a jointly provided service or function, agreement with local government as to the objectives, design, standards and shared funding arrangements
- development of an implementation and compliance plan.

Feedback  Support





## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - IMPROVING THE REGULATORY FRAMEWORK AT THE STATE LEVEL (CONTINUED)

5. The NSW Government should establish better regulation principles with a statutory basis. This would require:
    - amendment of the Subordinate Legislation Act 1989 (NSW) or new legislation; and
    - giving statutory force to the NSW Guide to Better Regulation (November 2009) and enshrining principles in legislation.
- OLG COMMENT: Not for consultation - see Page 1 of feedback form for details.



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - IMPROVING THE REGULATORY FRAMEWORK AT THE STATE LEVEL (CONTINUED)

6. The NSW Government should maintain the register of local government regulatory functions on the Independent Pricing and Regulatory Tribunal website to:
- manage the volume of regulation delegating regulatory responsibilities to local government; and
  - be used by State agencies in the policy development of regulations to avoid creating duplications or overlaps with new or amended functions or powers.

**OLG COMMENT:** Treasury is currently developing a new regulatory policy guideline, which will include requirements for early engagement with affected stakeholders, and a rigorous analysis of operational burden on Government (including Local Government) in administering regulations.

Feedback  Support



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - IMPROVING THE REGULATORY FRAMEWORK AT THE STATE LEVEL (CONTINUED)

7. The Department of Premier and Cabinet should:
  - develop a Regulators' Code for local government, similar to the one currently in operation in the UK, to guide local government in undertaking enforcement activities. This should be undertaken in consultation with the NSW Ombudsman and State and local government regulators;
  - include local government regulators in the Department of Premier and Cabinet regulators group;
  - develop simplified cost benefit analysis guidance material or a resource kit for local government to undertake proportional assessments of the costs and benefits of regulatory actions or policies, including consideration of alternatives; and
  - develop simplified guidance for the development of local government policies and statutory instruments, and on risk based compliance.



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - IMPROVING THE REGULATORY FRAMEWORK AT THE STATE LEVEL (CONTINUED)

OLG COMMENT: As noted above, Treasury is currently developing a new regulatory policy guideline, which will provide guidance on undertaking proportional assessments of the costs and benefits of regulations, including the cost impact on State and Local Government, consideration of alternatives, and engagement with all affected stakeholders to inform the development of regulatory policies. In December 2017, the Premier assigned responsibility for the NSW regulatory framework to the Treasurer. This means Treasury is now the lead agency for the whole-of-government regulatory initiatives (instead of DPC).

Feedback  Support





## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - IMPROVING THE REGULATORY FRAMEWORK AT THE STATE LEVEL (CONTINUED)

8. The NSW Ombudsman should be given a statutory responsibility to develop and maintain a more detailed model enforcement policy and updated guidelines for use by councils to guide on-the-ground enforcement: • the model policy should be developed in collaboration with State and local government regulators; • the model policy should be consistent with the proposed Regulators' Code, if adopted; and • the NSW Ombudsman should assist councils to implement the model enforcement policy and guidelines, through fee-based training.

All councils should adopt the new model enforcement policy, make the policy publicly available and train compliance staff in exercising discretion and implementation of the policy.

OLG COMMENT: NOT FOR CONSULTATION



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - IMPROVING THE REGULATORY FRAMEWORK AT THE STATE LEVEL (CONTINUED)

9. The Local Government Act 1993 should be amended to abolish Local Orders Policies (LOPs), as the function of LOPs will be replaced by adoption of the new model enforcement policy.  
Feedback

Support



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - IMPROVING THE REGULATORY FRAMEWORK AT THE STATE LEVEL (CONTINUED)

10. The NSW Government should publish and distribute guidance material for:

- councils in setting their regulatory fees and charges (to apply to fees and charges, where councils have discretion); and
- State agencies in setting councils' regulatory fees and charges.

This guidance material should include principles and methodologies for estimating efficient costs, setting fees and charges and reviewing and updating these fees and charges over time. This guidance material should also include ways to address affordability issues through hardship provisions, if required.

Support



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - ENHANCING REGULATORY COLLABORATION AMONGST COUNCILS:

11. The Local Government Act 1993 should be amended to remove any impediments to, or facilitate the easier use of, shared regulatory services. In particular, consideration should be given to:
- removing or amending section 379 – which currently restricts the delegation of a council’s regulatory functions under Chapter 7 of the Local Government Act, including to shared services bodies; and
  - amending section 377, which prohibits any delegation by a council of the acceptance of tenders. Whichever forms of council collaboration are used in future, consideration should be given to whether the Act should specify how and in what form the collaborative arrangements should be established (including whether management frameworks should be prescribed).

OLG COMMENT: Not for consultation - see Page 1 of feedback form for details.





## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - ENHANCING REGULATORY COLLABORATION AMONGST COUNCILS (CONTINUED):

12. The NSW Government should encourage and develop incentives to form collaborative arrangements in relation to regulatory functions. This should include training, guidance and promotion of leading practice collaborative arrangements, and the availability of repayable funding arrangements to assist in setting up shared regulatory services. Councils could obtain a loan with a concessional rate of interest that is repayable within a specified period.

OLG COMMENT: Not for consultation - see Page 1 of feedback form for details.



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - IMPROVING THE REGULATORY FRAMEWORK AT THE LOCAL LEVEL:

13. The Local Government Act 1993 should be reviewed and amended in consultation with councils to:

- remove duplication between approvals under the Local Government Act 1993 and other Acts, including the Environmental Planning and Assessment Act 1979 (EP&A Act) and Roads Act 1993 in terms of:
  - footpath restaurants; installation of amusement devices;
  - installation and operation of manufactured homes; stormwater drainage approvals;
- allow for longer duration and automatic renewal of approvals; and
- provide more standard exemptions or minimum requirements from section 68 approvals, where possible, in areas such as: footpath restaurants; A frames or sandwich boards; skip bins; domestic oil or solid fuel heaters; busking; set up, operation or use of a loudspeaker or sound amplifying device and deliver a public address or hold a religious service or public meeting.

- Feedback  Support



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- Feedback  Support



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - IMPROVING THE REGULATORY FRAMEWORK AT THE LOCAL LEVEL (CONTINUED):

14. The Local Government Act 1993 should be amended to enable councils to recognise section 68 approvals issued by another council (ie, mutual recognition of section 68 approvals), subject to published local requirements, for example with mobile food vendors and skip bins. Councils should be able to recover the costs of compliance associated with approvals granted by another council.

- Feedback  Support
- Staff Comments: Supported – mobile food vendors, if approved by another council, should have allowance to travel in to other council areas without seeking separate approvals.





## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - IMPROVING THE REGULATORY FRAMEWORK AT THE LOCAL LEVEL (CONTINUED):

15. The Local Government Act 1993 should be amended to abolish Local Approvals Policies (LAPs) or, alternatively: reduce the consultation period to 28 days in line with Development Control Plans; remove sunset clauses; require Ministerial approval only for amendments of substance; centralise LAPs in alphabetical order in one location on the Office of Local Government's website; consolidate activities within one LAP per council; and the Office of Local Government to provide a model LAP in consultation with councils.

Feedback  Support

Staff Comments: [Coop to comment](#)



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - IMPROVING THE REGULATORY FRAMEWORK AT THE LOCAL LEVEL (CONTINUED):

16. The NSW Government, as part of its reforms of the Local Government Act 1993 should amend the Act to provide a modern, consolidated, effective suite of compliance and enforcement powers and sanctions for councils and council enforcement officers. The powers would be applicable to all new State Acts or regulations. This suite should be based on the best of existing provisions in other legislation and developed in consultation with the NSW Ombudsman, Department of Premier and Cabinet, State and local government regulators. This should include effective cost recovery mechanisms to fund enforcement activities.

Feedback  Support



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - IMPROVING THE REGULATORY FRAMEWORK AT THE LOCAL LEVEL (CONTINUED):

17. Councils should support the use of alternative and internal review mechanisms (for example, the NSW Ombudsman, Office of the NSW Small Business Commissioner, and private providers of alternative dispute resolution services) to provide business and the community with a path of redress for complaints (not including complaints concerning penalty notices) that is less time-consuming and costly than more formal appeal options.

OLG COMMENT: Not for consultation

Refer to: <https://www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/state-and-local-government>



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - IMPROVING REGULATORY OUTCOMES

18. As part of the State's Quality Regulatory Services initiative, the NSW Government should require all State agencies that devolve regulatory responsibilities to local government to:
- consider councils' responsibilities in developing their risk based approach to compliance and enforcement;
  - consider councils' responsibilities in defining the regulatory outcomes and setting monitoring mechanisms to measure the outcomes, and
  - identify what information needs to be obtained from councils in relation to their regulatory activities to measure regulatory outcomes and how this data will be used or published to assess and assist council performance.

These requirements should be developed in consultation with local government regulators and commence by the end of 2015.

OLG COMMENT – Not for Consultation





# RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - PLANNING:

19. The Department of Planning and Environment, in consultation with key stakeholders and on consideration of existing approaches, should:

- identify which development consent conditions may be applied across council areas, including regional groupings of councils, and which conditions will vary across council areas; and
- then develop (where appropriate) a standardised and consolidated set of development consent conditions for councils to use for different forms of development.

Feedback  Support

Supported – this would ensure that conditions are legally enforceable and provides consistency for developers across LGAs and for repeat developers eg. Project home builders.



# RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - BUILDING AND CONSTRUCTION

20. The NSW Government should,

- subject to a cost benefit analysis, create a stronger, single State regulator, the Building Authority, containing, at a minimum, the roles of the Building Professionals Board, the building regulation expertise of the Department of Planning and Environment and the building trades regulation aspects of NSW Fair Trading, and;
- create a more robust, coordinated framework for interacting with councils through instituting a 'Partnership Model' (as discussed in Chapter 2 of the IPART report).

OLG COMMENT: Not for consultation



# RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - BUILDING AND CONSTRUCTION (CONTINUED)

21. The Building Professionals Board or Building Authority (if adopted) should:

- initially, modify its register of accredited certifiers to link directly with its register of disciplinary action: and
- in the longer term, create a single register that enables consumers to check a certifier's accreditation and whether the certifier has had any disciplinary action taken against them at the same time.

OLG COMMENT: Not for consultation



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - BUILDING AND CONSTRUCTION (CONTINUED)

22. NSW Fair Trading, in its consumer building guide or other appropriate material, and the Building Professionals Board, in its mandatory contracts between certifiers and clients or other appropriate material, should refer consumers of building services to the Building Professionals Board's register of accredited certifiers and register of disciplinary action

OLG COMMENT: Not for consultation.





## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - BUILDING AND CONSTRUCTION (CONTINUED)

23. Councils seeking to impose conditions of consent above that of the National Construction Code must conduct a cost benefit analysis justifying the benefits of these additional requirements and seek approval from an independent body, such as the Independent Pricing and Regulatory Tribunal (IPART), under a 'gateway' model.

Feedback  Support

Staff Comments: not relevant, no requirement to go above NCC



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - BUILDING AND CONSTRUCTION (CONTINUED)

24. Certifiers should be required to inform councils of builders' breaches if they are not addressed to the certifier's satisfaction by the builder within a fixed time period. Where councils have been notified:

- if the breach relates to the National Construction Code (NCC), the council should be required to respond to the certifier in writing within a set period of time
- if the breach is not related to the NCC, the council should be required to respond to the certifier in writing within a set period of time, and if they do not respond within the specified period, then the certifier can proceed to issue an occupation certificate.

OLG COMMENT: Not for consultation

DPE is currently conducting a review of the EP&A Regulation 2000, which contains some related provisions. Further information about the review, including how to make a submission can be found here: [https://www.planning.nsw.gov.au/Policy-and-Legislation/ Under-review-and-new-Policy-and-Legislation/EPA-Regulation-review](https://www.planning.nsw.gov.au/Policy-and-Legislation/Under-review-and-new-Policy-and-Legislation/EPA-Regulation-review)



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - BUILDING AND CONSTRUCTION (CONTINUED)

25. The Building Professionals Board (BPB) or Building Authority (BA) (if adopted) should incorporate into the current Principal Certifying Authority signage information setting out contact details for specific complaints (eg, off-site impacts like building refuse or runoff and onsite issues). The BPB or Building Authority should trial the use of such a sign in a specific local government area to see if time is reduced in redirecting complaints for councils, the BPB/BA and certifiers.

OLG COMMENT: Not for consultation

DPE is currently conducting a review of the EP&A Regulation 2000, which contains some related provisions. Further information about the review, including how to make a submission can be found here: [https://www.planning.nsw.gov.au/Policy-and-Legislation/ Under-review-and-new-Policy-and-Legislation/EPA-Regulation-review](https://www.planning.nsw.gov.au/Policy-and-Legislation/Under-review-and-new-Policy-and-Legislation/EPA-Regulation-review)



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - BUILDING AND CONSTRUCTION (CONTINUED)

26. The NSW Government (eg, the Department of Planning and Environment) should enable building owners to submit Annual Fire Safety Statements online for access by councils and the Commissioner of the Fire and Rescue Service.

Feedback  Support

Supported – as long as it is a centrally based system accessible by Council officers





## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - PUBLIC HEALTH, SAFETY AND THE ENVIRONMENT:

27. All councils should adopt the NSW Food Authority's guidelines on mobile food vendors. This will allow for food safety inspections to be conducted in a mobile food vendor's 'home jurisdiction', which will be taken into account by other councils when considering if inspection is warranted.

OLG COMMENT: Not for consultation. Further information can be found here:  
<http://www.foodauthority.nsw.gov.au/aboutus/lists-and-registers/enforcement-agencies>



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - PUBLIC HEALTH, SAFETY AND THE ENVIRONMENT:

28. The NSW Food Authority, in consultation with councils, should provide guidance on reducing the frequency of routine inspections by councils of retail food businesses with a strong record of compliance to reduce over-inspection and costs.
- Feedback  Support

OLG Comment – Not for consultation. Further information can be found here:  
<http://www.foodauthority.nsw.gov.au/aboutus/lists-and-registers/enforcement-agencies>



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - PUBLIC HEALTH, SAFETY AND THE ENVIRONMENT: (CONTINUED)

29. The NSW Food Authority should finalise its internal review and work with councils to implement its reforms within 18 months of its review being completed to:

- remove any regulatory overlap (eg, of related retail and non-retail food business on the same premises)
- develop a system of notification for all food businesses that avoids the need for businesses to notify both councils and the Food Authority
- review the notification system to determine whether negligible risk food businesses should be exempt from the requirement to notify
- ensure the introduction of a standard inspections template for use by all councils in NSW, to enhance the consistency of inspections across the State.

OLG Comment – Not for consultation. Further information can be found here:  
<http://www.foodauthority.nsw.gov.au/aboutus/lists-and-registers/enforcement-agencies>



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - PUBLIC HEALTH, SAFETY AND THE ENVIRONMENT: (CONTINUED)

30. The Office of Local Government should:

- develop a 'model' risk-based inspections program to assist councils in developing their own programs under the Swimming Pools Act 1992 (NSW)
- promote and assist councils to use shared services or 'flying squads' for swimming pool inspections, if a backlog becomes apparent under the new regulatory regime
- review the Swimming Pools Act 1992 (NSW) within five years from commencement of the amendments to determine whether the benefits of the legislative changes clearly outweigh the costs
- review councils' regulatory performance and inspection fees prescribed by the Swimming Pools Regulation 2008 (NSW), including whether inspection fees recover councils' efficient costs
- undertake regular reviews of its guidance material for councils and pool owners to ensure this material is current, reflects best practice, and that it incorporates learning from implementation of amendments to the Swimming Pools Act 1992 (NSW).





# RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - PUBLIC HEALTH, SAFETY AND THE ENVIRONMENT: (CONTINUED)

OLG Comment: Responsibility for the Swimming Pools Act 1992 now lies with NSW Fair Trading while broader responsibility for regulation of councils under the Local Government Act 1993, remains with the Office of Local Government.

Feedback  Support

Limited number of pools, limited inspections needed – no additional resources needed in this LGA.



RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO  
COMMENT ON - PUBLIC HEALTH, SAFETY AND THE  
ENVIRONMENT: (CONTINUED)

31. NSW Fair Trading should undertake regular reviews of the boarding house guidance material for councils and boarding house operators to ensure this material is current, reflects best practice, and that it incorporates learnings from implementation of the Boarding Houses Act 2012 (NSW).

OLG Comment – Not for consultation.



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - PUBLIC HEALTH, SAFETY AND THE ENVIRONMENT: (CONTINUED)

32. The Department of Planning and Environment, in consultation with the EPA and other stakeholders, should develop standard waste management requirements for inclusion in the NSW Housing and NSW Industrial and Commercial Codes, which establishes site waste management standards and requirements for:
- exempt and complying development, and
  - remove the need for applicants to submit separate Waste Management Plans to councils for complying developments.
- Feedback  Support



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - PARKING & ROAD TRANSPORT:

33. Councils should either:

- solely use the State Debt Recovery Office (SDRO) to handle parking fine requests for review or appeals to remove current confusion, duplication and reduce costs; or
  - adopt the SDRO's guide for handling representations where a council is using SDRO's basic service package and retain the role of handling parking fine requests for review or appeals, to ensure consistency and fairness across the state.
- Feedback  Support





## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - PARKING & ROAD TRANSPORT: (CONTINUED)

34. The Office of Local Government should review and, where necessary update, its free parking area agreement guidelines (including model agreements) for use in agreements with private companies, State agencies and owners corporations. Councils should then have a free parking area agreement in place consistent with these guidelines.

OLG COMMENT: The Guidelines were updated by OLG in December 2016 to largely deal with strata parking legislation

Feedback    Support



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - PARKING & ROAD TRANSPORT: (CONTINUED)

35. That the NSW Government:

- notes the potential red tape savings and net benefits that could accrue to NSW through the National Heavy Vehicle Regulator (NHVR) providing technical assistance to councils in certifying local roads for access by heavy vehicles and engineering assessments of infrastructure; and
- in the event of delay in the NHVR providing these elements of the national reforms, funds an interim unit to provide this assistance to local government.

OLG COMMENT: Not for consultation



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - COMPANION ANIMALS MANAGEMENT

36. The Office of Local Government should allow for an optional one-step registration process, whereby: • the owner could microchip and register their pet at the same time; and • the person completing the microchipping would act as a registration agent for councils either by providing access to online facilities (per recommendation below) or passing the registration onto councils (on an opt-in, fee-for-service basis).

OLG COMMENT: Not for consultation



RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO  
COMMENT ON - COMPANION ANIMALS MANAGEMENT  
(CONTINUED):

37. The Office of Local Government should allow for online companion animals registration (including provision to change owner address and contact details online for animals that are not under declaration).

OLG Comment: Not for consultation.





## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - COMPANION ANIMALS MANAGEMENT (CONTINUED):

38. The Office of Local Government should implement targeted, responsible pet ownership campaigns with councils in particular locations/communities of concern with the input of industry experts, providing accessible facilities for de-sexing where these campaigns are rolled out.

OLG COMMENT: Not for consultation

Further information on these resources can be found here: <https://www.olg.nsw.gov.au/councils/essential-information-and-publications/companion-animals>



RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO  
COMMENT ON - COMPANION ANIMALS MANAGEMENT  
(CONTINUED):

39. The Office of Local Government should amend the companion animals registration form so an owner's date of birth is mandatorily captured information, as well as other unique identifiers such as driver's licence number or official photo ID number or Medicare number.

OLG Comment: Not for consultation



RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO  
COMMENT ON - COMPANION ANIMALS MANAGEMENT  
(CONTINUED):

40. The Office of Local Government should amend the Companion Animals Regulation 2008 to enable fees to be periodically indexed by CPI.

OLG COMMENT: Not for consultation



## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - OTHER

41. The NSW Government should amend section 125 of the Roads Act 1993 (NSW) to extend the approval term for footway restaurants to 10 years and councils should ensure that approval conditions enable adequate access by utility providers.

- Feedback  Support





## RECOMMENDATIONS COUNCIL HAS BEEN ASKED TO COMMENT ON - OTHER (CONTINUED)

42. Councils should adopt measures to simplify and streamline the approvals process for local community events.

This could include:

- specifying some temporary uses of land as exempt development in local environmental plans; or
- issuing longer-term development consents for periods of three to five years for recurrent local community events (subject to lodging minor variations under section 96 of the Environmental Planning and Assessment Act 1979 (NSW)).

- Feedback  Support

Agreed – smaller low risk events should be included as exempt.



## OTHER COMMENTS

