

Regulatory function	NSW Government agency	Current advice during COVID-19
General advice	Office of Local Government (OLG) Ombudsman's Office	See General advice to councils on undertaking regulatory functions during COVID-19 pandemic issued by OLG.
Health	Health	<p>Councils will be aware that Public Health Orders are in place which place strict restrictions to enforce social distancing to limit the spread of COVID-19.</p> <p>Only NSW Police officers have been delegated the authority to enforce these Orders.</p> <p>Councils should review the NSW Health COVID-19 webpage regularly for the latest updates in relation to NSW Health guidance on COVID-19.</p> <p>Councils may also wish to contact their nearest Public Health Unit in their Local Health District for up-to-date advice. Contact details are on the Public Health Unit Directory.</p>
Water	NSW Health DPIE Water OLG	<p>Councils should follow the joint advice from NSW Health, DPIE Water and OLG, circulated to general managers and water operators via the Water Directorate. This advice is also available at: https://www.waterdirectorate.asn.au/Blog/COVID-19inregionalNSW.aspx.</p> <p>Specific enquiries regarding water quality management should be directed to councils' Public Health Unit in your Local Health District. Contact details are on the Public Health Unit Directory.</p>
Sewer	NSW Health	Councils should follow the joint advice from NSW Health, DPIE Water and OLG, circulated to general managers and water operators via the Water Directorate.

	DPIE Water OLG	<p>Working around wastewater</p> <p>Existing, standard approaches for working safely with wastewater still apply and no changes are needed to manage the risk from COVID-19. Exposure to all pathogens in the workplace and in wastewater should be managed by 'business as usual' hygiene practices.</p> <p>More specific information on wastewater management is available from the Water Research Australia fact sheet for SARS-CoV-2 (the formal name for the COVID-19 virus)</p> <p>More general advice is available on the NSW Health website.</p>
On-site sewerage management	OLG	<p>Councils should review their OSSM inspection regimes and consider suspending or significantly limiting inspections of existing operational OSSM systems. Inspections of new systems (ie approval to install) where the OSSM system is not yet in use, may continue, as required, subject to appropriate risk management measures. Where councils opt to continue inspections of operational OSSM, additional risk management measures should be introduced (eg. determining whether the household is in mandatory self-isolation before attending the property) and the general advice on working around wastewater should be considered: http://www.waterra.com.au/r9550/media/system/attrib/file/2200/WaterRA_FS_Coronavirus_V11.pdf</p> <p>The requirement for owners to ensure regular servicing of OSSM remains in force, however councils should employ a pragmatic and flexible approach to enforcement, having regard to the current exceptional circumstances.</p>
Waste	Environmental Protection Authority (EPA)	<p>Councils will be issued with forthcoming advice from the EPA shortly.</p> <p>Meanwhile, councils should follow the general guidance in OLG's General advice to councils on undertaking regulatory functions during COVID-19 and the Ombudsman's Enforcement Guidelines for Councils when regulating waste matters in their local government areas.</p>
Planning	Planning	<p>Councils should follow relevant advice from Planning issued on its website in relation to development, building and construction during COVID-19.</p>



		<p>Planning has advised that councils across the State are to support communities through this period by adopting a flexible and pragmatic approach to enforcement and compliance action.</p> <p>Refer to a message from the Minister for Planning and Public Spaces which requests councils to relax time restrictions and movement caps for deliveries in existing development consents for retailers such as supermarkets and other key service providers, as well as to relax restrictions on the use of footpaths for food premises to facilitate effective social distancing of patrons.</p> <p>The Minister also issued an Order under the <i>Environmental Planning and Assessment Act 1979</i> to extend trading hours to enable supermarkets and pharmacies to operate 24/7 to ensure communities have access to essential goods during the COVID-19 pandemic. This Order overrides planning controls restricting hours of operation:</p> <p>https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/A+Activation/Order+1.pdf</p> <p>Planning has also issued new rules to allow supermarkets and pharmacies to receive deliveries 24/7:</p> <p>https://www.planning.nsw.gov.au/News/2020/New-rules-allow-supermarkets-to-receive-deliveries-24-7</p> <p>Any further information from Planning about the role of councils in relation to compliance and enforcement of planning laws is available at: https://www.planning.nsw.gov.au/Policy-and-Legislation/COVID19-response</p>
Food Safety	Food Authority	<p>Councils will be aware that a Public Health Order is in place means that all food businesses are closed except for home delivery and takeaway services. Councils are advised that the NSW Government is working with national and international agencies to provide the most up to date information as this issue is rapidly evolving.</p> <p>As a precautionary measure the Food Authority has reviewed their Business Continuity Plans to ensure the agency can remain operational should the COVID-19 situation change. All food businesses are being encouraged to do the same to minimise the impact of COVID-19 in their businesses.</p> <p>Relevant advice from the Food Authority is available at: https://www.dpi.nsw.gov.au/home/covid-19</p>

		<p>Meanwhile, councils should note that, while legislative requirements remain in force, some NSW Government regulators are having regard for the unprecedented pressures on industry and taking a reasonable and proportionate response to compliance. For example, a Liquor and Gaming NSW Statement of Regulatory Intent discusses relaxing requirements for compliance for the sale of liquor for home delivery and take away services.</p>
Parking	Transport for NSW	<p>Councils should follow the general guidance in OLG’s General advice to councils on undertaking regulatory functions during COVID-19 and the Ombudsman’s Enforcement Guidelines for Councils when regulating parking in their local government areas.</p> <p>Meanwhile, while enforcement action remains at the discretion of the compliance and enforcement officer, your compliance team may wish to discuss focusing at this time on parking issues where there is an imminent public or environmental health and safety risk.</p> <p>Councils should also take steps to ensure the health and safety of compliance and enforcement officers at this time, in line with NSW Health guidance.</p>
Liquor licensing (sale of takeaway and home delivery liquor)	Department of Customer Service	<p>Councils should follow the advice and any formal <i>Statements of Regulatory Intent</i> issued by the Department of Customer Service. These outline how the Department proposes to use its authority and discretion to administer the risks and enforce compliance under the laws in the very changed circumstances of COVID-19.</p> <p>While legislative requirements remain in force, Liquor & Gaming NSW will have regard to the unprecedented pressures on industry and take a reasonable and proportionate response to compliance. Advice issued by Customer Service in relation to the sale of takeaway and home delivery liquor the context of COVID-19 is below.</p> <p><i>Liquor & Gaming NSW – Liquor Act 2007 – Regulatory approach to home delivery and take-away sales of liquor in the context of COVID-19:</i> https://www.liquorandgaming.nsw.gov.au/news-and-media/statement-of-regulatory-intent.</p>

Workplace Health and Safety	Department of Customer Service	<p>Councils should follow the advice and any formal <i>Statements of Regulatory Intent</i> issued by the Department of Customer Service. These outline how the Department proposes to use its authority and discretion to administer the risks and enforce compliance under the laws in the very changed circumstances of COVID-19.</p> <p>Advice issued by Customer Service in the context of COVID-19 is below.</p> <p><i>Coronavirus: Advice for NSW Workplaces.</i> Includes advice for employers and workers in context of pandemic: https://www.safework.nsw.gov.au/news/safework-public-notice/coronavirus.</p>
Regulation of trades and businesses	Department of Customer Service	<p>Councils should follow the advice and any formal <i>Statements of Regulatory Intent</i> issued by the Department of Customer Service. These outline how the Department proposes to use its authority and discretion to administer the risks and enforce compliance under the laws in the very changed circumstances of COVID-19.</p> <p>Advice issued by Customer Service in the context of COVID-19 is below.</p> <p><i>Coronavirus - Advice from Department of Customer Service.</i> Includes advice for trades and businesses on the approach regulators are taking: https://www.fairtrading.nsw.gov.au/news-and-updates/news/coronavirus.</p>
Companion animals	OLG	<p>Councils are advised that OLG has issued <i>Advice for councils on companion animals and impounding during the COVID-19 pandemic</i>.</p>
Water safety	OLG	<p>Councils will be aware a Public Health Order is in place which places strict restrictions to enforce social distancing to limit the spread of COVID-19. This means that many swimming pools and beaches are now closed in NSW.</p> <p>Meanwhile, councils should follow the general guidance in the Office of Local Government’s <i>Advice to Councils on undertaking Regulatory Functions during COVID-19</i> and the <i>Ombudsman’s Enforcement Guidelines for Councils</i>, together with the guidance in <i>Practice Note 15: Water Safety</i> when regulating water safety related matters their local government areas.</p>

<p>Local Government Act</p> <p>Local approvals</p> <p>Local Orders</p> <p>Environmental health standards</p>	<p>OLG</p>	<p>Councils should follow the general guidance in OLG’s General advice to councils on undertaking regulatory functions during COVID-19 and the Ombudsman’s Enforcement Guidelines for Councils when issuing approvals and orders and enforcing applicable conditions or standards under the <i>Local Government Act 1993</i> during the COVID-19 pandemic.</p> <p>As approvals and orders under the Act cross a number of specific regulatory areas. Councils should check to ensure that their regulatory actions remain consistent with any current Public Health Order, NSW Health advice and/or advice from another responsible government agency.</p> <p>Similarly, when enforcing public health related standards set out in the <i>Local Government Regulation 2005</i> (e.g. in relation to hairdressers, boarding houses, septic tanks), councils should follow advice from the relevant NSW Government agency. You may also wish to contact your nearest Public Health Unit in your Local Health District. Contact details are on the Public Health Unit Directory.</p> <p>Meanwhile, councils should note that the COVID-19 Legislation Amendment (Emergency Measures) Bill 2020 passed Parliament on 24 March 2020 and will commence shortly. Section 747B enables the Minister to modify the Local Government Act via the Regulation, if required to respond to the public health emergency caused by COVID-19. There are strict limits to how and when these powers can be used and to their duration.</p>
<p>Biosecurity and noxious weeds management</p>	<p>Department of Primary Industries</p> <p>Local Land Services</p>	<p>Council officers should follow the advice in the Department of Primary Industries Considerations for weeds officers during COVID-19 guidance document (April 2020), which discusses increasing personal hygiene (eg. hand washing), social distancing and prioritising compliance inspections on properties.</p> <p>State priority weeds should be prioritised if resourcing becomes constrained, followed by regional and then local priorities.</p> <p>Councils should continue to monitor the NSW Weedwise website for updates on weeds and biosecurity at: https://weeds.dpi.nsw.gov.au/</p>
<p>Primary production and food supply chains</p>	<p>Department of Primary Industries</p>	<p>The Department of Primary Industries (DPI) has established an Industry Liaison Team and key communication tools to help primary producers and the food supply chain in NSW to navigate the challenges and impacts of COVID-19 on individual businesses, and the broader sector.</p>



		<p>The DPI public-facing COVID-19 information portal is the key digital information delivery tool that DPI is using in relation to COVID-19 issues. The portal provides clear and factual information relevant to the State’s primary industries sectors as well as the people and communities of rural and regional NSW.</p> <p>DPI also works closely with industry representatives, businesses and technical experts to provide direct electronic engagement through covidinfo@dpi.nsw.gov.au. This helps to ensure access to timely and relevant State information, including responding to enquiries from horticulture, dairy and grower representative groups, such as NSW Farmers, around areas including supply chains and trade, border crossing and operations of essential agriculture, such as saleyards. DPI also ensures people in the industry are linked up to the latest rules on facilities and gatherings.</p> <p>In addition, DPI communicates regularly and directly with State and Federal Departments, the DPI Emergency Operations Team, the State Emergency Operations Centre (SEOC) and with industry stakeholders and representative bodies.</p> <p>DPI is building a solid bank of information, and updating it daily, by utilising the knowledge and expertise across the Department to swiftly identify potential challenges or questions and provide this information quickly to the State’s primary industries sectors and people in rural and regional NSW.</p>
<p>Shared accommodation including boarding houses</p>	<p>Fair Trading NSW Department of Communities and Justice NSW Health Office of Local Government</p>	<p>The Office of Local Government (OLG) has worked with Fair Trading NSW, the Department of Communities and Justice and NSW Health to provide Guidance on Shared Accommodation and COVID-19.</p> <p>The advice focuses on supporting councils and other regulators to work proactively with owners, proprietors and other services to prevent vulnerable residents becoming homeless, while ensuring that standards for shared accommodation are maintained.</p> <p>The guidance also outlines practical ways to protect the health, safety and welfare of residents, visitors and staff involved in shared accommodation as well as the staff of councils, State agencies and community organisations that provide support.</p> <p>The guidance is targeted at shared accommodation facilities including boarding houses, hostels, group homes and supported accommodation. It draws on relevant information in comprehensive Guidelines: Homelessness Accommodation and COVID-19.</p>