

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>
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>

<p>Parking</p>	<p>Transport for NSW</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 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>
<p>Liquor licensing (sale of takeaway and home delivery liquor)</p>	<p>Department of Customer Service</p>	<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>
<p>Workplace Health and Safety</p>	<p>Department of Customer Service</p>	<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 Advice for councils on companion animals and impounding during the COVID-19 pandemic.</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>
Local Government Act Local approvals	OLG	<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>Local Orders</p> <p>Environmental health standards</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 weeds for critical agriculture</p>	<p>Department of Primary Industries</p> <p>Local Land Services</p>	<p>Council officers should follow official government guidance in relation to social distancing when undertaking compliance inspections on properties.</p> <p>State priority weeds should be prioritised if resourcing becomes constrained, followed by regional and then local priorities. Councils should continue to monitor the NSW Weedwise website for updates on weeds and biosecurity.</p>