

3 July 2014

Regulation Review – Local Government  
Independent Pricing and Regulatory Tribunal  
PO Box Q290  
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## General Comments

Thank you for the opportunity to comment on the Local Government Compliance and Enforcement Regulation Review. The attached table details Mosman Council's response to each individual recommendation proposed by IPART.

The responses are provided in the context of the following general comments:

- Acknowledging that this is a review of regulation to reduce red tape it appears that more weight has been given to the needs of those being regulated in developing the recommendations. It is important to acknowledge that local regulation has often been developed and implemented to address the needs of the local community which can vary significantly between local government areas.
- In relation to planning matters, the report recommendations appear to have been developed on the premise that planning reforms that were put before the Government in late 2013 would be approved. Given the failure of these reforms to progress there is a requirement to review these recommendations.
- Any recommendations in relation to the role and function of private certifiers should only be considered following the Government's response to the paper *"Building Certification and Regulation – Serving a New Planning System for NSW"*
- There is a need to test the recommendations against the policy positions presented in both the Local Government Act Taskforce Report and the current Crown Lands Review.
- In many instances detailed consultation is required with Local Government practitioners so that there is a complete understanding of the potential impact on Councils and the unintended consequences that could occur.

Yours sincerely



Veronica Lee  
GENERAL MANAGER

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# IPART

## Local government compliance and enforcement

### Regulation Review — Draft Report - October 2013

#### Mosman Council Comments

No	Recommendation	Response
<b>A new partnership between State Government and local government</b>		
1	<p>Subject to cost benefit analysis, the NSW Department of Planning and Infrastructure (DoPI) 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.</p> <p>This should include:</p> <ul style="list-style-type: none"><li>• enshrining the partnership model in legislation</li><li>• clear delineation of regulatory roles and responsibilities</li><li>• a risk-based approach to regulation supported by a compliance and enforcement policy</li><li>• use and publication of reported data to assess and assist Council performance</li><li>• a dedicated consultation forum for strategic consultation with councils</li><li>• ability for councils to recover their efficient regulatory costs</li><li>• a system of periodic review and assessment of the partnership agreement</li><li>• a dedicated local government unit to provide:<ul style="list-style-type: none"><li>◦ a council hotline to provide support and assistance</li><li>◦ a password-protected local government online portal</li><li>◦ guidelines, advice and protocols</li><li>◦ standardised compliance tools (eg, forms and templates)</li><li>◦ coordinated meetings, workshops and training with councils and other stakeholders.</li></ul></li></ul>	<p>The development of any new partnership model in this area should only occur once the reform of the <i>Environmental Planning and Assessment Act</i> has been completed. Also, there is some concern regarding using the Food Regulation Partnership as a model. Fundamentally the outcomes in relation to food regulation do not vary by local government area, however planning outcomes can and do vary significantly.</p> <p>Further, by its nature a partnership is one that is created by parties who are considered to be equal. There is much work to be done before this could be achieved in the planning area. The need to enshrine a partnership in legislation defeats the purpose.</p> <p>Once the planning reforms are agreed and adopted the following is supported:</p> <ul style="list-style-type: none"><li>• clear delineation of regulatory roles and responsibilities</li><li>• a risk-based approach to regulation supported by a compliance and enforcement policy</li><li>• more effective use of data so that it is constructive not punitive</li><li>• effective cost recovery</li><li>• relevant resources to support local government</li></ul>
2	Subject to cost benefit analysis, the NSW Environment Protection Authority should	Supported

No	Recommendation	Response
	engage in a Partnership Model with local government, similar to the Food Regulation Partnership (as per Draft Recommendation 1).	
<b>Improving the regulatory framework at the State level</b>		
3	<p>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:</p> <ul style="list-style-type: none"> <li>• consideration of whether a regulatory proposal involves responsibilities for local government</li> <li>• clear identification and delineation of State and local government responsibilities</li> <li>• consideration of the costs and benefits of regulatory options on local government</li> <li>• 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</li> <li>• consultation with local government to inform development of the regulatory proposal</li> <li>• if establishing a jointly provided service or function, agreement with local government as to the objectives, design, standards and shared funding arrangements, and</li> <li>• development of an implementation and compliance plan</li> </ul>	<p>These proposals are supported. Throughout the report there is repeated reference to the capacity and capability of local government. A number of these issues have arisen as a direct result of the State Government imposing new regulatory functions on local government with little to no consultation on the potential impacts both in terms of resourcing the outcome and achieving the regulatory outcome.</p>
4	<p>The NSW Government should establish better regulation principles with a statutory basis. This would require:</p> <ul style="list-style-type: none"> <li>• amendment of the Subordinate Legislation Act 1989 (NSW) or new legislation, and</li> <li>• giving statutory force to the NSW Guide to Better Regulation (November 2009) and enshrining principles in legislation</li> </ul>	Supported
5	<p>The NSW Government should maintain the register of local government regulatory functions (currently available on IPART's website) to:</p> <ul style="list-style-type: none"> <li>• manage the volume of regulation delegating regulatory responsibilities to local government</li> <li>• be used by State agencies in the policy development of regulations to avoid creating duplications or overlaps with new or amended functions or powers</li> </ul>	Supported
6	<p>The Department of Premier and Cabinet should:</p> <ul style="list-style-type: none"> <li>• Develop a Regulators' Compliance 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.</li> </ul>	<p>The following comments are provided on each proposal:</p> <ul style="list-style-type: none"> <li>• Not supported in its current form. Further detail is required on the extent of the Code and what its legal standing would be. Councils must maintain flexibility to undertake compliance and enforcement activities consistent with the needs of its community</li> </ul>

No	Recommendation	Response
	<ul style="list-style-type: none"> <li>• Include local government regulators in the former Better Regulation Office's Regulators' Group or network.</li> <li>• Develop simplified cost benefit analysis guidance material for local government to undertake proportional assessments of the costs and benefits of regulatory actions or policies, including consideration of alternatives.</li> <li>• Develop simplified guidance for the development of local government policies and statutory instruments.</li> </ul>	<ul style="list-style-type: none"> <li>• Supported</li> <li>• Supported</li> <li>• Supported on the condition that Council maintains its flexibility and that this does not promote a lowest common denominator approach or expectation</li> </ul>
7	<p>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:</p> <ul style="list-style-type: none"> <li>• The model policy should be developed in collaboration with State and local government regulators.</li> <li>• The model policy should be consistent with the proposed Regulators' Compliance Code, if adopted.</li> <li>• The NSW Ombudsman should assist councils to implement the model enforcement policy and guidelines, through fee-based training.</li> </ul> <p>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.</p>	<p>Supported, subject to the comments made regarding the development of a Code. It is not considered that a Code and a model policy are required and the preference would be for the development of a model policy.</p> <p>Training is supported, however fee based training should not be mandatory. Council should assess the capability and capacity of its own staff and develop associated training plans.</p>
8	<p><i>The Local Government Act 1993</i> (NSW) 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.</p>	<p>There is no objection to this proposal.</p>
9	<p>The NSW Government should publish and distribute guidance material for:</p> <ul style="list-style-type: none"> <li>• councils in setting their regulatory fees and charges (to apply to fees and charges, where councils have discretion), and</li> <li>• State agencies in setting councils' regulatory fees and charges</li> </ul>	<p>This area of activity requires a significant amount of work. Statutory fees should be set based on full cost recovery, noting that in this instance greater transparency in the setting of the fees and charges is warranted.</p>
<b>Enhancing regulatory collaboration amongst councils</b>		
10	<p><i>The Local Government Act 1993</i> (NSW) should be amended to remove any impediments to, or facilitate the easier use of, shared regulatory services. In particular, consideration should be given to:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• amending section 377, which prohibits any delegation by a council of the acceptance of tenders</li> </ul>	<p>It is noted that the role and function of ROCs is to be considered as part of the Government's response to the Independent Local Government Review Panel Report. Mosman Council reserves its position on this recommendation pending the Government's response.</p>

No	Recommendation	Response
	If Regional Organisations of Councils (ROCs) continue as the preferred form of council collaboration, consideration should also be given to whether the Act should specify how and in what form ROCs should be established (including whether management frameworks should be prescribed)	
11	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 establishment of a small repayable fund 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. This should tend to be cost neutral over time, as cost savings to councils would be achieved from the collaborative arrangements.	A full cost benefit of this proposal should be undertaken and be undertaken following a review of the fees and charges for regulatory activities. A number of the issues relating to Council capacity and capability relate to the fact that they are not adequately funded to undertake the roles. It should also be stressed that some of the inconsistencies that exist between Councils are a direct result of the community's needs and expectations which vary between local government areas.
<b>Improving the regulatory framework at the local level</b>		
12	<p>The Local Government Act 1993 (NSW) should be amended to:</p> <ul style="list-style-type: none"> <li>remove duplication between approvals under the Local Government Act 1993 (NSW) and other Acts, including the Environmental Planning &amp; Assessment Act 1979 (NSW) and Roads Act 1993 (NSW) in terms of: footpath restaurants; mobile vendors; installation of amusement devices; installation and operation of manufactured homes; stormwater drainage approvals</li> <li>remove low-risk activities from the list of activities currently requiring approval under section 68 of the Local Government Act, including: 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</li> <li>allow for longer duration and automatic renewal of approvals</li> <li>provide more standard exemptions or minimum requirements from section 68 approvals, where possible, initially in the areas of: footpath restaurants; A-frames or sandwich boards; skip bins; domestic oil or solid fuel heaters</li> <li>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 DLG's website; consolidate activities within 1 LAP per council; and DLG to provide a model LAP in consultation with councils</li> <li>enable councils to recognise section 68 approvals issued by another council (ie, mutual recognition of section 68 approvals), for example with mobile vendors and skip bins.</li> </ul>	<p>The following comments are provided on each proposal:</p> <ul style="list-style-type: none"> <li>Supported</li> <li>Not supported – what is considered a low risk activity in one LGA may indeed be a high risk activity in another based on community expectations. Further the community is sometimes not satisfied for a reactive response from Council. They prefer that the activity be managed. Further consultation with local government is required.</li> <li>Supported on the basis that there is scope to cancel and/or suspend the approval in the case of a breach.</li> <li>Not supported in its current form – it appears that this is promoting a lowest common denominator approach to regulation and placing the onus on the applicant to come forward if they exceed the requirements. This is not likely to occur. Mosman Council would not support the diminution of current requirements in relation to footpath restaurants; skip bins; domestic oil or solid fuel heaters or fitness trainers.</li> <li>Whilst Council does not actively use Local Approval Policies further work should be undertaken with local government on their current use and to ensure that there are not any unintended consequences.</li> <li>Not supported – Mosman Council has specific requirements regarding these activities.</li> </ul>



No	Recommendation	Response
13	<p>The NSW Government, as part of its reforms of the <i>Local Government Act 1993</i> (NSW), should amend the Act to provide a modern, consolidated, effective suite of compliance and enforcement powers and sanctions for councils and council enforcement officers.</p> <p>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.</p>	Supported
14	<p>Councils should support the use of alternative and internal review mechanisms (for example, the NSW Ombudsman, NSW Small Business Commissioner, and private providers of ADR 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.</p>	Supported with comment – there is concern about threshold needs to be reached for triggering or being eligible for an internal review. There is potential for the number of reviews of relatively minor matters to grow exponentially and be a significant resource drain for minimal gain.
<b>Improving regulatory outcomes</b>		
15	<p>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:</p> <ul style="list-style-type: none"> <li>consider councils' responsibilities in developing their risk-based approach to compliance and enforcement</li> <li>consider councils' responsibilities in defining the regulatory outcomes and setting monitoring mechanisms to measure the outcomes, and</li> <li>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.</li> </ul> <p>These requirements should be developed in consultation with local government regulators and commence by the end of 2014.</p>	<p>The following comments are provided on each proposal:</p> <ul style="list-style-type: none"> <li>Supported</li> <li>Supported</li> <li>Supported</li> </ul>
<b>Planning</b>		
16	<p>DoPI, in consultation with key stakeholders and on consideration of existing approaches, should:</p> <ul style="list-style-type: none"> <li>identify which development consent conditions may be applied across council areas, including regional groupings of councils, and which conditions will vary across council areas</li> <li>then develop (where appropriate) a standardised and consolidated set of development consent conditions for councils to utilise for different forms of development</li> </ul>	<p>The following comments are provided on each proposal:</p> <ul style="list-style-type: none"> <li>Not supported – Mosman Council supports and undertakes a merit assessment on its Development Applications.</li> <li>Not supported - it is noted that Mosman Council already uses standard conditions for developments where applicable and that these generally focus on engineering matters not planning outcomes.</li> </ul>
17	<p>The NSW Government (eg, DoPI) should enable building owners to submit Annual Fire Safety Statements online to councils and the Commissioner of Fire and Rescue NSW.</p>	Supported
<b>Building and Construction</b>		

No	Recommendation	Response
18	<p>The NSW Government should:</p> <ul style="list-style-type: none"> <li>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 and the building trades regulation aspects of NSW Fair Trading, and</li> <li>create a more robust, coordinated framework for interacting with councils through instituting a 'Partnership Model' (as discussed in Chapter 2).</li> </ul>	<p>The following comments are provided on each proposal:</p> <ul style="list-style-type: none"> <li>Council supports initiatives to introduce an appropriately resourced and relevant state regulator for the building and construction industry.</li> <li>Supported in part – there is an absolute requirement to focus attention on clearly defined roles and responsibilities otherwise any proposed partnership will fail.</li> </ul>
19	<p>The Building Professionals Board or Building Authority (if adopted) should:</p> <ul style="list-style-type: none"> <li>initially, modify its register of accredited certifiers to link directly with its register of disciplinary action</li> <li>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.</li> </ul>	<p>The following comments are provided on each proposal:</p> <ul style="list-style-type: none"> <li>Supported</li> <li>Supported</li> </ul>
20	<p>Councils seeking to impose conditions of consent above that of the Building Code of Australia (BCA) (now part of the National Construction Code (NCC)) must conduct a cost benefit analysis (CBA) justifying the benefits of these additional requirements and seek approval from an independent body, such as IPART, under a 'gateway' model.</p>	<p>Not supported – Council undertakes a merit assessment in assessing Development Applications. These assessments take into consideration significant community amenity and impact issues, including view loss and it is expected that Council manage these issues. This recommendation appears to be driven solely by the developers and is not balanced with the outcomes that are to be achieved as part of development assessment. The proposed use of a 'gateway' model would place a significant burden on Councils and significantly delay the assessment of development applications for no real benefit.</p>
21	<p>Certifiers should be required to inform council 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, they should be required to respond to the certifier in writing within a set period of time. If council does not respond within the specified period, then the certifier can issue an occupation certificate.</p>	<p>Not supported – it is not appropriate in these circumstances to provide a default concurrence given the potential risks involved. It is strongly recommended that there is no activity regarding this proposal until the Government provides its response to the paper "<i>Building Certification and Regulation – Serving a New Planning System for NSW</i>".</p>
22	<p>The Building Professionals Board (BPB) or Building Authority (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 run-off 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/Authority and certifiers.</p>	<p>There is no specific objection to this proposal, however its efficacy may be limited given the widespread confusion over roles and responsibilities.</p>
<b>Public health, safety and the environment</b>		
23	<p>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 recognised by other councils.</p>	<p>Mosman Council does use the guidelines and supports this recommendation on the condition that it retains the right to regulate the activities of all vendors operating within the LGA and recover associated costs.</p>
24	<p>The NSW Food Authority, in consultation with councils, should stipulate a maximum</p>	<p>Further information is required on this recommendation. Indicative caps for</p>

No	Recommendation	Response
	frequency of inspections by councils of retail food businesses with a strong record of compliance to reduce over-inspection and costs.	standard inspections only may be acceptable however any cap should not include necessary follow-up inspections.
25	<p>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:</p> <ul style="list-style-type: none"> <li>remove any regulatory overlap (eg, of related retail and non-retail food business on the same premises)</li> <li>develop a single register of notification for all food businesses, or a suitable alternative, to avoid the need for businesses to notify both councils and the Food Authority</li> <li>review the notification system to determine whether negligible risk food businesses should be exempt from the requirement to notify</li> <li>ensure the introduction of the standard inspections template for use by all councils in NSW, to enhance the consistency of inspections across the State</li> </ul>	<p>The following comments are provided on each proposal:</p> <ul style="list-style-type: none"> <li>Supported subject to appropriate consultation with affected parties.</li> <li>Supported</li> <li>There is a question as to what is a negligible risk food business and what is the process if the business changes. Perhaps this will not be required if the single notification system is implemented.</li> <li>Supported on the basis that there is some flexibility to include additional site specific requirements</li> </ul>
26	<p>DLG should:</p> <ul style="list-style-type: none"> <li>develop a 'model' risk-based inspections program to assist councils in developing their own programs under the <i>Swimming Pools Act 1992</i> (NSW)</li> <li>issue guidance material on the implementation of amendments to the <i>Swimming Pools Act 1992</i> (NSW)</li> <li>provide a series of workshops for councils (by region) on how to implement and comply with their new responsibilities under the <i>Swimming Pools Act 1992</i> (NSW)</li> <li>promote the use of shared services or 'flying squads' for swimming pool inspections, if a backlog becomes apparent under the new regulatory regime</li> <li>review the <i>Swimming Pools Act 1992</i> (NSW) in less than 5 years to determine whether the benefits of the legislative changes clearly outweigh the costs.</li> </ul>	<p>There is no objection in principle in relation to this series of proposals noting that Mosman Council has already implemented its program to meet the requirements of the <i>Swimming Pools Act 1992</i>.</p> <p>Further detail is required on the proposal to use shared services or 'flying squads' for swimming pool inspections, if a backlog becomes apparent under the new regulatory regime.</p>
27	<p>Ageing, Disability and Home Care, Department of Family and Community Services, in consultation with the Division of Local Government, should:</p> <ul style="list-style-type: none"> <li>develop a 'model' risk based inspections program, including an inspections checklist, to assist councils in developing their own programs under the Boarding Houses Act 2012 (NSW)</li> <li>issue guidance material on the implementation of the Boarding Houses Act 2012 (NSW)</li> <li>co-ordinate a series of workshops for council employees (by region) on how to implement and comply with responsibilities under the Boarding Houses Act 2012 (NSW).</li> </ul>	No objection noting that boarding houses are not prevalent in Mosman.
28	DoPI, in consultation with the EPA and other relevant stakeholders, should:	Supported subject to consultation with Councils.



No	Recommendation	Response
	<ul style="list-style-type: none"> <li>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</li> <li>remove the need for applicants to submit separate Waste Management Plans to councils for these types of developments.</li> </ul>	
<b>Parking and road transport</b>		
<b>29</b>	<p>Councils should either:</p> <ul style="list-style-type: none"> <li>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</li> <li>adopt the SDRO's guide for handling representations where a council is using SDRO's basic service package and retains the role of handling parking fine requests for review or appeals, to ensure consistency and fairness across the state.</li> </ul>	<p>Mosman Council currently uses the State Debt Recovery Office as per dot point one.</p> <p><i>Note: the reference on page 252 of the Report that states that Mosman Council has established a parking appeals panel is incorrect. Mosman Council does not have a parking appeals panel.</i></p>
<b>30</b>	DLG should review and, where necessary update, its free parking area agreement guidelines (including model agreements). Councils should then have a free parking area agreement in place consistent with these guidelines.	No objection
<b>31</b>	<p>That the NSW Government:</p> <ul style="list-style-type: none"> <li>notes the potential red tape savings and net benefits that could accrue to NSW through the National Heavy Vehicle Regulator (NHVR) providing: <ul style="list-style-type: none"> <li>technical assistance to councils in certifying local roads for access by heavy vehicles, and</li> <li>guidelines to councils for assessing applications for heavy vehicle access to local roads in relation to potential amenity and safety impacts; and</li> </ul> </li> <li>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.</li> </ul>	No objection, noting that Mosman Council is not impacted by these proposals.
<b>Companion animal management</b>		
<b>32</b>	<p>DLG should allow for an optional 1-step registration process, whereby:</p> <ul style="list-style-type: none"> <li>the owner could microchip and register their pet at the same time</li> </ul>	<p>The following comments are provided on each proposal:</p> <ul style="list-style-type: none"> <li>Initiatives to simplify the process are supported, however it is noted that micro chipping occurs when the animal is very young (up to 12 weeks) and registration generally occurs at the time the animal is desexed (which is at six months). A move to one step registration at a young age may lead to adversely affecting the registration rebate for desexed animals and therefore have unintended consequences.</li> </ul>
	<ul style="list-style-type: none"> <li>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 a opt-in, fee-for-service basis).</li> </ul>	<ul style="list-style-type: none"> <li>Supported on the condition that there are no additional costs passed on to Council.</li> </ul>

No	Recommendation	Response
33	DLG should allow for online companion animals registration (including provision to change details of registration online).	Supported
34	DLG 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 desexing where these campaigns are rolled out.	Supported
35	DLG 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.	Supported
36	DLG should amend the <i>Companion Animals Act 1998</i> (NSW) to enable fees to be periodically indexed by CPI.	Supported
<b>Other areas</b>		
37	The NSW Government should amend section 125 of the Roads Act 1993 (NSW) to extend the lease terms for footway restaurants to 10 years, subject to lease provisions ensuring adequate access by utility providers.	Supported on the condition that there is the right to cancel the licence in the event of breaches.
38	DLG should collect data on the time taken for Section 68 approvals to be processed by councils. This data should be collated and reported as an indicator of performance in this area to reduce delays.	Further information is required on the purpose of this data collection. Data collection in itself is a form of red tape that can lead to increased costs for all parties.
39	Councils should issue longer-term DAs for periods of 3 to 5 years for recurrent local community events (subject to lodging minor variations as section 96 EP&A Act amendments).	Mosman Council currently uses its planning mechanisms like Plans of Management and local policies such as the Special Events Management Policy to assess and mitigate impacts of events. This process has minimised the need for regulation through the development application process. That said, events do seek an event-by-event approval from Council and there has been limited concerns raised with the process that Council has in place.