

Children, Young People and the Built Environment – Follow-up Inquiry

Division of Local Government, Department of Premier and Cabinet responses to questions

Introduction

The role of the Division of Local Government, Department of Premier and Cabinet is to administer the legislative and policy framework within which local councils operate.

Under the *Local Government Act 1993*, local councils are established as autonomous bodies with rights and powers conferred by law. They are ultimately accountable to their electors for their actions. The Act does not give the Minister, or the Division, wide-ranging powers to intervene in the affairs of individual councils, particularly those which are operational in nature.

The Division's investigation and review priorities are to focus on councils where there is evidence of systemic breakdowns in a council's operations or where there are major flaws in a key council process.

Response to questions

1. *Has the Department of Local Government developed policies and standards for councils to ensure that built4kids criteria are included in the decision-making process for planning, designing and maintaining built environments?*

As planning and design of the built environment falls within the responsibilities of the Department of Planning, the Division of Local Government has not developed policies and standards relating to this. This part of the question is more appropriately directed to the Department of Planning.

While councils have a role in maintaining the built environment, particularly on public land, the Division has not developed any policies or standards on this. Maintenance is considered an operational matter so it is not appropriate for the Division to provide guidance on how councils should maintain the built environment.

2. *The built4kids indicators can be used in different ways – either for assessment of development proposals, auditing of existing environments or developing child-friendly design guidelines. Has the Department monitored how the indicators are being used by local councils?*

As the indicators relate to planning and design of the built environment, the Division has not monitored how they are being used by councils. This question is more appropriately directed to the Department of Planning.

3. *The Committee has been advised by the Commission for Children and Young People that the Department will include built4kids on the Integrated Planning and Reporting page of the Department's website. How do you expect this will help to encourage use of the criteria by councils?*

The Integrated Planning and Reporting webpage is currently being finalised and is yet to be approved. It is proposed to include a link to *built4kids* on the webpage.

It is proposed to include the link in the section on strategic planning. It will therefore remind councils of the availability of the resource and where it might be considered as part of the new integrated planning and reporting framework.

The Division, in conjunction with the Local Government and Shires Associations of NSW and the Office for Ageing, has recently commenced developing a planning for an ageing population webpage as part of the Integrated Planning and Reporting webpage. It is also proposed to include a link to *built4kids* as the characteristics of a child friendly environment are considered similar to those for an age friendly environment.

4. *The Commission has informed the Committee that its future research program will include an assessment of how councils are using the built4kids resource. Is the Department of Local Government able to assist the Commission with obtaining feedback? What would be the best, most consistent way of doing that?*

The Division is able to assist the Commission with obtaining feedback. It is considered that this is best done through conducting an electronic survey of all councils. The Division conducts both regular and ad hoc surveys of all councils on various issues.

5. *What other ways might the Department promote the use of built4kids to local councils and, through them, to planners, designers and other stakeholders?*

As planning and design fall within the responsibilities of the Department of Planning, this question is more appropriately directed to this agency. However, the Division is willing to consider suggestions bearing in mind that its communication with councils is largely limited to issuing circulars and emails.

6. *The introduction of the Integrated Planning and Reporting Framework for councils under the Local Government Amendment (Planning and Reporting) Act 2009 has a significant impact on how strategic planning is conducted at local government level. What is its likely impact in relation to children, young people and the built environment?*

This will depend on the extent to which children, young people and the built environment emerges as an issue from the consultation councils undertake with their communities as part of the development of the Community Strategic Plan.

7. *The Committee is pleased to note that the Department has amended its Local Government Playground Grants program guidelines so that applicants are now required to provide details of how children and young people have been consulted as part of the request for funding. This is a positive outcome for government and children. What was the stimulus for this initiative? Are there other possibilities for introducing child-friendly planning principles in the policies and guidelines of the Department?*

The program guidelines for both funding rounds required councils to indicate if they had consulted children and young people. The guidelines for Round 2 were revised to require councils to indicate how they had consulted children and young people. The stimulus for this was the Commission for Children and Young People which was represented on a Steering Committee established to develop the guidelines and assessment criteria for the program. The advice the Commission provided was very useful.

Administering the Playground Grants Program was a one-off initiative. The Division does not usually administer such programs given its role as a policy and regulatory body. Furthermore, as planning and design fall within the responsibilities of the Department of Planning, there are unlikely to be other possibilities for including child-friendly planning principles in the Division's policies and guidelines. However, the Division will consider referring to *built4kids* should it be appropriate in any future publications.

8. *(i) The Built Environment Report identified concerns about risk and fear of litigation in relation to play spaces and equipment for children. What do you consider is required to further encourage the development of suitable playgrounds and recreational facilities in this context?*

The Division is not aware that this is currently an issue and therefore cannot provide any advice in response to this question. It is considered that this question is more appropriately directed to Council insurers. It should be noted that a condition of funding under the Playground Grants Program was that playground upgrades comply with any relevant Australian Standards.

(ii) Recommendation 3 (j) of the Built Environment Report asked the Commission to consult with the Minister for Local Government about gathering together examples of good playground and recreational developments for dissemination to councils. Has such a project been undertaken? Are there other means by which councils could promote examples of good playground and recreational developments between each other and among all relevant stakeholders?

Such a project has not been undertaken because the Division does not collect this information nor does it have the expertise to determine what constitutes good practice in these areas. Due to administering the Playground Grants Program, the Division is now able to provide information about 102 playgrounds which were or are being upgraded as part of this program. One of the conditions of funding was that any work complied with relevant Australian Standards.

In regard to how examples of good practice might be promoted, councils could be encouraged to place information on their websites, and regional organisations of councils and other regional networks of councils could be encouraged to provide information to member councils.

(iii) In what way, if at all, does the Department participate in inter-departmental programs and strategies to prevent injury occurring in children and young people? How does it communicate developments to local councils?

The Division is currently participating in the following inter-departmental initiatives which are injury prevention-related:

- member of Water Safety Advisory Council - which is chaired by NSW Sport and Recreation and provides advice to the Minister for Sport and Recreation on reducing drownings and near drownings. At the Council's request, the then Minister for Local Government agreed to review the swimming pools legislation which provides for fencing of backyard swimming pools. This is particularly relevant to children because drowning is one of the leading causes of death and injury. Developments regarding backyard swimming pools have been communicated to councils by DDG circular
- Water Safety Practice Note - the Division is currently reviewing this Practice Note which provides advice to councils on ensuring that waterways under council control, such as beaches and public swimming pools, are safe. The Standards Sub-Committee of the Water Safety Advisory Council, which is chaired by the Division, is providing input to the review. When the Practice Note has been revised, it will be placed on the Division's website and councils will be advised by DDG Circular
- member of NSW Sports Safety Reference Group – which is chaired by NSW Sport and Recreation and is providing advice on the development of a framework and guidelines for sporting organisations to reduce sport-related injuries. The Division will consider informing councils, for example, by DDG Circular, when this work is completed
- the NSW Government regularly consults with a Companion Animals Stakeholder Group which has included NSW Health, Department of Industry and Investment (Animal Welfare Branch), Commission for Children and Young People, NSW Police and the Department of Education and Training at different times depending on the issues being considered. Outcomes of this consultation led to the Government developing the Safe Pets Out There (SPOT) program, which targeted NSW junior primary school children in classes Kindergarten to Year 2 (i.e. 5 to 7 years olds) in all schools. SPOT taught children about animal welfare, safety around dogs, and responsible pet ownership. The SPOT program was developed by a cooperative partnership between the former Department of Local Government and the following key companion animal organisations: Australian Companion Animals Council, Australian Veterinary Association, RSPCA, Animal Welfare League and Delta Society Australia. Since February 2007, the SPOT program taught almost 186,000 children from Kindergarten to Year 2. The SPOT program was funded for a period of 3 years concluding on 30 September 2009. The Division is currently assessing tenders for the delivery of a similar education program for a further 3 years commencing in Term 3 this year.

9. *The Committee's report of its Inquiry into Children and Young People Aged 9-14 Years recommended the development of individual plans by relevant departments to increase consultation with and participation of children and young people. Has your department reviewed how much consultation is being conducted by local councils with children and young people in relation to the built environment? How could mechanisms for consultation with young people on planning and design issues be increased and/or strengthened?*

The Division has not reviewed how much consultation is being conducted. As planning and design fall within the responsibilities of the Department of Planning, this question is more appropriately directed to this agency.

10. *Evidence to the Committee's recent Inquiry into Children and Young People Aged 9-14 Years recommended the introduction of child impact statements to ensure that all levels of government consider the current and future needs of children when making legislative or planning decisions. Would it be practicable for your Department to incorporate this kind of analysis of data provided by councils in the policy and decision-making process for the sector as a whole? Alternatively, do you see merit in having councils produce such statements individually?*

If councils were to prepare child impact statements, it would not be practicable for the Division to receive these from 152 local councils on every initiative they implement. Analysis of such information is not consistent with the Division's role.

Given councils are largely autonomous under the Local Government Act, councils producing such statements individually is considered a matter for each council to determine. However, given that under section 8 of the Act, councils are required to provide and plan for the needs of children as part of their Charter, this is considered sufficient to ensure that councils consider the needs of children, including the impacts of any initiatives on them. It is also considered that the needs of children need to be considered in the broader context of the families and communities they live in. One of the aims of the new integrated planning and reporting framework is that the needs of the various groups which make up communities in a local government area are considered in an integrated way as this is more likely to result in needs being met in the most appropriate and effective way.

11. (i) *In the three and a half years since the publication of the Built Environment Report, what progress has been made in developing councils' capacity to provide the Department with more meaningful planning and reporting data?*

Councils are not required to provide the Division with planning and reporting data related to the built environment.

(ii) What is the most meaningful way, from the Department's point of view, for councils to report against child-friendly indicators?

As land use planning and design falls within the responsibilities of the Department of Planning, this question is more appropriately directed to this agency.

(iii) Can child-friendly indicators be incorporated as standard practice within the integrated planning and reporting system for the local government sector as a whole?

It is not considered appropriate to include child-friendly indicators as standard practice because the integrated planning and reporting system has been developed as a framework which sets out broad requirements which councils must comply with. This framework allows councils to determine the most appropriate and effective way of meeting these broad requirements based on the characteristics and needs of their communities and the resources they have available to them.

Councils are required to identify assessment methods for determining whether the objectives in the Community Strategic Plan, Delivery Program and Operational Plan are being achieved. However, how they do this is a matter for each council to determine. The Division has provided some advice to councils about how they might do this but councils are not required to comply with this advice.

Incorporating the indicators as standard practice in relation to land use planning and design is considered more appropriately directed to the Department of Planning.

12. *Evidence presented by Waverley Council to the Committee's recent Inquiry into Children and Young People Aged 9-14 Years in NSW referred to The Supporting Young People's Connection to Activities Project, which is funded under the Government's Better Futures strategy. The project crosses several local government areas in the inner eastern sub region. One of the major outcomes is development of an integrated approach to the planning and delivery of services for young people.*

This project would appear to be a model which could be used by councils to collaborate on urban design and planning projects across borders.

(i) Has the Department observed a need for this kind of collaboration in relation to the implementation of the child-friendly indicators?

The Division has not observed a need for this kind of collaboration because it does not have a role in the implementation of the indicators. It is considered that this question is more appropriately directed to the Department of Planning.

(ii) How do you consider the Department might further encourage the creation of structures at local government level that support initiatives to develop child-friendly environments within and across Local Government Areas?

As land use planning and design falls within the responsibilities of the Department of Planning this question is more appropriately directed to this agency.

In regard to collaboration between councils generally, the Division has recently surveyed local councils to obtain information about initiatives which involve working with other councils in order to update the Division's resource sharing database. This may provide useful information about relevant cross-council structures.