

Circular Details	22-02 / 7 March 2022 / A676997
Previous Circular	07-49
Who should read this	Councillors / General Managers / Governance / Property / Major Projects
Contact	Sector Performance and Intervention Team / 02 4428 4100 / olg@olg.nsw.gov.au
Action required	Information

Subject

New guidelines covering section 358 applications and Public Private Partnerships (PPP)

What's new or changing

The new PPP and section 358 Guidelines combine information spread over several circulars and guidance documents and are clearer and more informative, with updated guidance to aid councils' understanding of the process and factors they are required to consider before making an application. The new guidelines also include self-assessment forms and detailed checklists for all required supporting documentation.

The revised PPP Guidelines, issued pursuant to section 400C of the *Local Government Act 1993* (the Act), require councils to comprehensively address the rationale for the proposed PPP project. The guidelines require councils to consult widely with their communities and encourage them to carefully consider alternatives.

The new section 358 Guidelines replace previous guidance in Circular 07-49. The new guidelines have been issued pursuant to section 23A of the Act. They expand the range of considerations to provide councils with a better understanding of the procedures and processes to be followed when considering an application to the Minister under section 358.

What this will mean for your council

- The PPP Guidelines are issued pursuant to section 400C of the Act. Guidelines issued pursuant to section 400C are mandatory guidelines that councils must comply with.
- The section 358 Guidelines are issued pursuant to section 23A of the Act. Guidelines issued under section 23A of the Act must be taken into account before a council makes a relevant decision.

Key Points

- The new guidelines are clearer and more informative.
- The revised PPP Guidelines provide greater guidance on whether a project is considered to be significant and/or high risk.
- The PPP Guidelines clarify the relationship between tendering and the PPP requirements, and provide greater guidance on how to consider or approach unsolicited proposals specific to PPPs.

- Flowcharts and checklists in the PPP Guidelines have been revised.
- The new section 358 Guidelines provide detailed guidance to councils on the matters to consider before making an application to the Minister.
- Flowcharts and checklists have been included in the new section 358 Guidelines.

Where to go for further information

The PPP Guidelines are available at <https://www.olg.nsw.gov.au/wp-content/uploads/2022/02/ppp.pdf>

The section 358 Guidelines are available at <https://www.olg.nsw.gov.au/wp-content/uploads/2022/02/s358-Guidelines.pdf>

For enquiries, contact olg@olg.nsw.gov.au



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