
Register of regulatory functions undertaken by Local Government in NSW

Final Report

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SIMPLIFYING GOVERNMENT

Disclaimer

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1 Introduction

The NSW Government has asked the Independent Pricing and Regulatory Tribunal (IPART) to review local government compliance and enforcement activity (including regulatory powers delegated under NSW legislation) and provide recommendations that will reduce unnecessary regulatory burdens for business and the community.

The full Terms of Reference (ToR) for IPART's review of Local Government Compliance and Enforcement is available on IPART's [website](#). Amongst other things, the ToR requires IPART to identify the:

- nature and extent of key regulatory functions undertaken by local government;
- differences in approach across local government areas;
- areas of local government compliance and enforcement with the greatest regulatory impact on business and the community; and
- opportunities for reducing regulatory burdens on business and the community.

As part of the review, IPART was requested to develop a comprehensive Register that clearly identifies the nature and extent of regulatory functions currently undertaken by local government in NSW. This requires a comprehensive stocktake of the regulatory functions conferred on local government and an understanding of the nature of those functions. To this end, IPART engaged Stenning & Associates, in conjunction with KPMG, to develop the Register.

This report outlines the content of the Register that has been compiled based on a thorough legislative stocktake of all the current regulatory functions that have been conferred on local councils by successive NSW Governments. The Register (compiled in Excel spreadsheet format) provides the current IPART inquiry with a thorough mapping of the regulatory system that local councils must administer and highlights its breadth and complexity.

The Productivity Commission noted that in its 2012 report¹ that no State or Territory Government was able to provide a complete list of all laws under which local government had a regulatory role. The Commission recommended creating such a list and, to the best of our knowledge, this Register is the first systematic attempt to do so.

When recommending the creating of such a Register, the Productivity Commission also supported an assessment of its costs and benefits. The Commission identified five benefits of a Register:

- better business understanding of their compliance obligations;
- clarity for state and local governments;
- more information for state and local governments in discussing and setting priorities;
- a better understanding of regulatory burdens placed on business; and
- a clearer understanding of whether local governments are resourced adequately to fulfil their regulatory roles.

The Register is likely to support further analysis of where local governments allocate their resources to administer their regulatory functions and aid an examination of whether they have adequate resources.

¹ *Performance Benchmarking of Australian Business Regulation: The Role of Local Government as Regulator*, Productivity Commission, July 2012, p.81

However, the process of developing the current Register suggests the Register alone is necessary, but not sufficient to generate the benefits envisaged by the Commission. Rather, for the full benefits to be achieved, the Register needs to be combined with other quantitative and qualitative information on how local government applies its regulatory functions, the burdens on businesses and councils that arise and the priority areas of concern.

1.1 What are local government regulatory functions?

In compiling the Register the following definition of local government regulatory function was used:

A local government regulatory function is any function under an Act, regulation or other statutory instrument which empowers local government to create, impose, enforce or administer rules that control the actions of others.

A regulatory function can involve local government undertaking a number of regulatory roles, which broadly include:

- Rule-making – making regulatory instruments, such as plans or policies, that guide regulatory decision-making (eg, development control plans (DCPs), local environmental plans (LEPs), Local Approvals Policies (LAPS), declaring an 'alcohol prohibited area' and so on).
- Approvals– the issuing of permits, approvals or registrations to enable an activity to lawfully take place, often subject to conditions (eg, development approvals, parking permits, cat or dog registrations).
- Notifications – receiving notification of activities (eg, notification of food handling operations, notification of emergency coastal protection works).
- Compliance – undertaking inspections, searches or investigations, requiring monitoring or reporting (eg, food safety inspections).
- Enforcement – the issuing of: orders, directions, declarations or notices to control activities (eg, noise abatement orders); impounding, seizures or evictions; undertaking rectifying works; and penalty notices or other enforcement action for breaches such as court proceedings (eg, parking fines)
- Referral – providing recommendations or advice to State agencies for regulatory action (eg, prepare fire safety inspection reports to provide to the Commissioner of Fire and Rescue NSW).

There can also be associated with these functions a power for councils to require payment of levies or charges related to exercising the regulatory function.

This definition excludes local government service or infrastructure provision, procurement or community advocacy functions. However, it includes regulatory functions associated with these functions, for example powers to protect council infrastructure. The definition also excludes regulatory requirements imposed on local government that do not affect other persons or bodies, for example a requirement that certain activities of local councils be audited by a State agency.

The Register is confined to identifying those regulatory functions that are administered by local government. Whilst the Register provides information on the potential extent of the regulatory functions exercised by local government, it does not extend to data on the scale of the regulatory functions undertaken - for example, the level of enforcement activity, the number of licences (permits, registrations) issued, etc. It is understood that IPART will seek information on the scale of local government regulatory functions through other mechanisms when addressing the ToR of its current review.

The Register also does not currently cover any regulatory functions delegated to local government under a general power of delegation of a Minister or a Department/agency under an Act (ie, by a separate instrument of delegation). This is discussed further below.

1.2 How are functions conferred on local government?

Local government plays an important role in NSW in providing services to local communities and managing economic, social and environmental issues within those communities. In fulfilling this role, councils undertake a range of regulatory functions that involve controlling the actions of business and the community within their municipalities.

Predominantly, these regulatory functions arise from NSW state legislation, as unlike local government in most other jurisdictions, local government in NSW does not have the ability to make its own local laws. Rather, rule-making at the local government level in NSW is constrained to narrower areas than in other states, with most rule making functions being subject to approval by the relevant Minister or administering department/ministry/agency. NSW councils are confined to making statutory instruments in defined areas (eg, DCPs, LEPs, LAPs), with the content of these instruments prescribed under the primary legislation.

1.2.1 Functions under Local Government Act

The *Local Government Act 1993* provides the constitutional basis for local government in NSW by establishing a system of democratic governance for councils.² The Act also provides a process for establishing county councils. These are special purpose councils for a defined area of operations, with each local council that is within that area being a 'constituent council' of the county council. A county council has the same legal status as a council.³ Importantly, a county council may only exercise specific functions that are granted to it under the Local Government Act or under any other Act (ie, it cannot exercise the general powers of a council).⁴

There are currently 152 local councils and 14 county councils in NSW.

Chapter 7 of the Local Government Act sets out the 'major regulatory functions' of councils and the manner in which these functions are to be carried out. The two main functions granted to local government under Chapter 7 are:

- Granting of approval for the carrying out of specified activities (listed in the table set out in section 68); and
- Ordering persons to do or cease to refrain from undertaking a specified activity (listed in the table set out in section 124).

It is important to note that not all of these functions are exclusive to local government. Under section 154 the Minister may exercise any function that a council may exercise under Part 2 of Chapter 7. However, if the Minister wishes to issue an order in relation to public health, the Minister must consult the Minister administering the *Public Health Act 1991*. Similarly the Minister must not give an order (except in certain circumstances) that relates to an activity the subject of a development consent without consulting the Minister administering the *Environmental Planning and Assessment Act 1979*.

In the event of inconsistency between an order given by a council, and an order given by the Minister, the order given by the Minister prevails. The Minister also has the power to revoke

² Note that the Local Government Act does not apply to the Western Division of the State (to which the *Western Lands Act 1901* applies) and Lord Howe Island (to which the *Lord Howe Island Act 1953* applies).

³ Local Government Act , Sections 387-388

⁴ Local Government Act , Section 394

or modify an order given by a council. This power may only be exercised in cases of emergency, reasonable likelihood of a serious risk to health or safety, matters of State or regional significance, or where it is necessary in the public interest to do so.

1.2.2 Functions under other legislation

Councils can also be granted regulatory functions by other NSW legislation. Section 22 of the Local Government Act provides that beyond those functions granted by the Act, a council also ‘...has the functions conferred or imposed on it by or under any other Act or law’. A note to section 22 provides a list of 18 other Acts that confer regulatory functions on councils, including:

- companion animal registration and control (*Companion Animals Act 1998*);
- environmental planning (*Environmental Planning and Assessment Act 1979*);
- pollution control (*Protection of the Environment Operations Act 1997*); and
- impounding of animals and articles (*Impounding Act 1993*).

As this Report and the associated Register that has been compiled demonstrates, the number of Acts that confer regulatory functions on NSW local government is much greater than the list outlined in the Local Government Act.

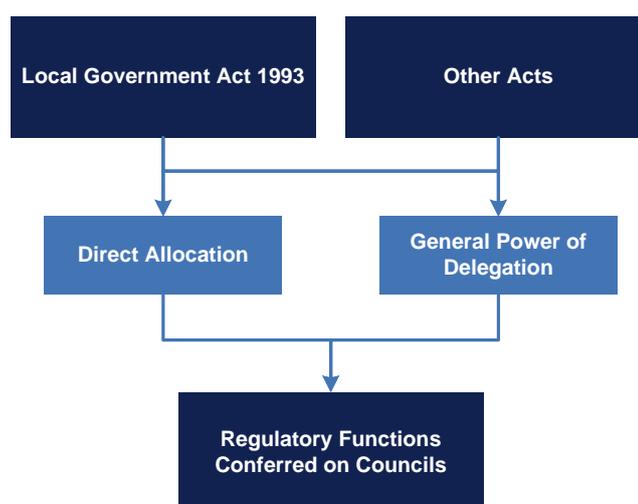
1.2.3 Specific or general allocation of functions

There are two broad methods by which an Act may confer a regulatory function on local government.

- An Act may specifically grant to local government, or a group of persons or organisations including local government, the authority to exercise a particular regulatory role relating to a regulatory function (‘specific allocation’).
- Alternatively, an Act may confer a regulatory function on a State Agency, but authorise the State Agency to delegate the function to another person or body (‘a general power of delegation’).

These methods are illustrated in Figure 1 and discussed below.

Figure 1: Methods by which Acts may confer regulatory functions on local government⁵



⁵ Whilst the majority of regulatory functions conferred on councils under the Local Government Act are directly allocated to councils, note that under the Act the Minister or Director-General may also delegate their powers to a council.

Specific allocation

An Act may directly create a regulatory function to be exercised by local government. For example, the Local Government Act confers a range of regulatory functions on councils and the *Graffiti Control Act 2008* authorises a council to carry out graffiti removal work on private premises.

It is more common, however, for an Act to create a particular regulatory position which can undertake defined regulatory roles (for example, the position of inspector, authorised officer, enforcement officer or consent authority). Councils are then defined by the Act or its regulations as an organisation that can exercise the powers of that regulatory position. Councils may not be the only organisation that can exercise the powers. For example,

- The *Impounding Act 1993* confers regulatory roles on an 'impounding authority'. The Act's dictionary defines an impounding officer to include a 'council'. In this instance, a council shares its functions with a number of state agencies, including the Director of National Parks and Wildlife, and Forests NSW.
- The *Swimming Pools Act 1992* confers regulatory functions on a 'local authority'. A local authority is defined to include the council of an area, the Western Lands Commissioner or the Lord Howe Island Board.

General power of delegation

An Act may grant a Minister or State Agency the discretion to delegate regulatory functions. This is often expressed in terms of a general power to delegate a function or functions to any person or class of persons (a general power of delegation). A delegation power may be limited to certain persons or bodies, or it may not be limited.

An example of a general power of delegation that is limited is contained in the *Native Vegetation Act 2003*. Section 48 of the Act allows the Director-General to '*...delegate to an authorised body or person any of the Minister's functions under this Act*'. A note to section 27, concerning the requirement for ministerial approval of vegetation plans, states that the Minister can delegate the function '*...to a catchment management authority or other government agency*'. An authorised body or person is defined to include a government agency, which the Act elsewhere defines as including the '*...council of a local government area*'.

An Act may also create a similar discretion by establishing a particular position, such as inspector or authorised officer, to whom a function may be delegated. Section 14 of the *Smoke Free Environment Act 2000* allows the Director-General to appoint persons to act as inspectors for the purposes of the Act.⁶ This is an example of a general power of delegation that is not limited, as neither the Act nor regulations provide any detail on which persons, or classes of persons, are to perform the role of inspector.

In the case of a general power of delegation, it is not possible to determine from the legislation or regulations whether a council does in fact exercise a regulatory role in relation to the particular regulatory function. It would be necessary to get this information from the administering State agency via their instruments of delegation (which was not within the scope of this Register, but could be added to the Register in future).

Based on discussions with two key State government agencies, it is expected that the number of regulatory roles delegated under instruments of delegation is likely to be small. The Office of Environment and Heritage has indicated that there are no regulatory roles delegated under instruments of delegation to local councils in relation to Acts and regulations

⁶ Section 48

administered by it or the Environment Protection Authority.⁷ The Division of Local Government has also indicated that it is not aware of any regulatory roles delegated to local government under its instruments of delegation.⁸

1.3 Methodology

The development of the Register involved identification of the key features of the regulatory functions to be included and the roles that councils have in relation to these functions.

The Register was developed through detailed legislative research and consultation with relevant key stakeholders, including IPART, the NSW Division of Local Government and the NSW Local Government and Shires Association. The information in the Register is current as of 10 October 2012.

The identification of local government regulatory functions through legislative research involved:

- A review of the Productivity Commission’s report *Performance Benchmarking of Australian Business Regulation: The Role of Local Government as Regulator* to identify relevant legislation and regulations that assign regulatory functions to local government (the report identifies 50 laws that have a regulatory function).
- A review of the NSW local government Business Licence Information Service (BLIS)⁹ data to help identify legislation that contains discrete regulatory functions conferred on local government.
- A review of the identified legislation to determine the regulatory functions conferred on local government and the regulatory roles associated with those functions.
- A search of all other NSW legislation and its subordinate instruments to identify those containing defined search terms. The legislative instruments that contained the defined search terms were analysed to identify those pieces of legislation that bestow regulatory functions on local government not identified by the preceding steps. The terms used and the number of instruments examined are shown in Table 1.

Table 1: Search terms used

Search Term	Total Number of Legislative Instruments Examined
County Council	81
Local Council	119
Local Government	387
Local authority	155

For each regulatory function and associated regulatory role identified using the processes outlined above, the relevant data was collected and entered into the Register.

In some instances, multiple regulatory functions were identified that, whilst different, still covered the same issue. In this instance, the same regulatory function title has been used, but this has been followed by a number to signify that the function is materially different from

⁷ Pers Comm between IPART and OEH, 11 October 2012.

⁸ Pers Comm between IPART and DLG, 12 October 2012.

⁹ This database contains information on all licences, permits and other approvals that NSW businesses need to obtain prior to commencing business, or undertaking specific new activities.

others with the same name. For example, two separate food safety functions were identified and these have been recorded as follows:

Food safety (1): This function is imposed by the Food Safety Act and involves regulating the handling, sale and marketing of food.

Food safety (2): This function is imposed by the Local Government Act and involves controls on the condition of food premises and vehicles.

The structure of the Register, including the data fields and definitions of roles, is presented as [Attachment A](#) to this report.

Each regulatory function was assigned a topic. The topic describes the broad nature of the activity that is being controlled by the regulatory function, or the overarching public policy rationale behind the regulatory function. Although some regulatory functions are related to more than one topic classification, each regulatory function has been assigned to only the primary topic.

The topics by which regulatory functions were classified are outlined in **Table 2**.

Table 2: Topic and sub-topic classification scheme

Topic	Sub-topic
Building and construction	Fire safety General
Public health and safety	Food safety Premises and infrastructure safety Hazard reduction General
Land use planning	Heritage General
Environment	Waste Coastal management Contaminated land Vegetation Noxious weeds Pollution (Air, Water, Noise, Pesticides) General
Public land and infrastructure	Roads and parking Water and sewerage Parks and Gardens Crown land and state forests General
Community order	Liquor and gaming Nuisances General
Keeping of animals	Companion Animals Other
Multiple	No sub topics were assigned to this topic
Other	No sub topics were assigned to this topic

The topic “multiple” refers to a number of generic enforcement regulatory functions under the Local Government Act that span a range of local government functions under that Act.

Each regulatory role associated with a regulatory function has been classified according to the type of power exercised by local government in carrying out the role. The (12) categories used to describe the types of roles which may be exercised by local government are shown in Table 3.

Table 3: Regulatory roles undertaken by local government

Role Title	Definition
Rule-making	Includes all delegated instruments that councils make, such as DCPs and LEPs under planning legislation, declarations of an 'alcohol prohibited area', etc.
Approvals	Includes all permits, approvals, registrations, consents or licences.
Inspections	Includes any power to undertake inspections.
Investigation/ search	Includes any power to carry out investigations and/or search premises
Court proceedings	A specific power to take court proceedings to enforce an Act or regulation, or to seek a court order connected to the exercise of a regulatory function. It does not include the power to take action to claim a debt owed to the council.
Penalty notices/ fines	The power to issues penalty notices or fines.
Directions	Includes all order, direction or notice powers to control activities.
Referral to state agency	Covers referrals of regulatory matters to state agencies.
Reporting	All reporting requirements imposed by councils on others – i.e., business has to report certain information to council. It does not include council specific reporting to state agencies.
Notifications	Covers any requirement to notify a council of a particular matter.
Seizure/ Impounding	Covers the power to seize documents or goods or impound goods or animals.
Evictions	The power to remove or evict persons from land or premises.
Works	Covers the power to undertake works without the consent of the owner or occupier of a premises/property
Levies and Charges	Includes any power to require the payment of levies or charges related to a regulatory function. It does not include the power to collect council rates or charge a fee for a non-regulatory service.
Other	Includes any function which does not come within the above roles.

In the Register, each role undertaken by local government is described in detail. The role description reflects how the legislation expresses the regulatory role.

The description does not include information on the role played by a state agency in carrying out the regulatory function. The relationship between state agencies and local government is outside the scope of the Register.

However, whether the role is exclusive to local government has been indicated. For each regulatory function, the Register identifies whether the role is shared with a state agency, or with the private sector. Note that this identification was based on a review of the relevant

legislative provisions only. It does not indicate if the sharing of a role is reflected in practice. For example, an Act may indicate that the role may be shared between state and local government, but the practice might be that only local government performs the role. Confirmation of whether the role is shared in practice will require confirmation with the administering Department/Ministry/Agency.

2 Characteristics of local government regulatory functions

At a high level, the Register identifies that:

- There are 121 individual regulatory functions (see Columns D of the Register) conferred on local government by legislation.
- These regulatory functions involve local government undertaking 309 separate regulatory roles (Columns E and F).
- The regulatory functions emanate from 67 different Acts (Column I), with the Local Government Act contributing the most functions (41 out of 121 functions).
- These Acts are administered by 8 NSW Departments or Ministries and 23 agencies (Columns M and N).

This section sets out the salient features of the regulatory functions identified and entered into the Register.

2.1 Regulatory functions

Table 4 illustrates that regulatory functions relating to the control of public land and infrastructure comprise almost 40 percent of all regulatory functions. Other key control areas where there are regulatory functions include public health and safety (20 percent), and the environment (12 percent). Three other regulatory functions were identified that were general in nature and could not be assigned to specific topic areas – for example, the general enforcement/ancillary functions under the Local Government Act (including the roles of inspections, investigation/search, imposing penalty notices/fines and commencing legal proceedings).

As previously noted, while the Register indicates the breadth of regulatory functions exercised by local government, it does not indicate the magnitude of the impact those functions have on business and the community. That magnitude can only be assessed by additional data on the activity associated with the enforcement of and compliance with the regulatory function.

Table 4: Number of regulatory functions by topic

Topic	# of Regulatory Functions	% of Regulatory Functions
Public land and infrastructure	47	39%
Public health and safety	24	20%
Environment	15	12%
Community Order	12	10%
Building and construction	9	7%
Land use planning	8	7%
Multiple topics	3	2%
Keeping of animals	2	2%
Other	1	1%
Total	121	100%

A total of 67 Acts grant regulatory functions to local government (see [Section 5](#) for the full list of Acts). Table 5 shows the 8 Acts that grant the most separate regulatory functions to local government, although this does not necessarily reflect the relative importance of those functions.

Not surprisingly, the Act that grants local government the greatest number of regulatory functions is the Local Government Act, which contributes 34 percent of all local government regulatory functions. The next major contributor of regulatory functions is the Environmental Planning and Assessment Act with 8 percent.

Table 5: Number of local government regulatory functions by Act - Top 8

Act	Topics	# Regulatory Functions	%
<i>Local Government Act 1993</i>	Community order Environment Keeping of animals Land use planning Public Health and safety Public land and infrastructure Multiple Other	41	34%
<i>Environmental Planning and Assessment Act 1979</i>	Building and construction Land use planning	10	8%
<i>Public Health Act 2010</i>	Public health and safety	4	3%
<i>Protection of the Environment Operations Act 1997</i>	Environment	2	2%
<i>Roads Act 1993</i>	Public health and safety Public land and infrastructure	3	2%
<i>Road Transport (Safety and Traffic Management) Act 1999</i>	Public land and infrastructure	2	2%
<i>Rural Lands Protection Act 1998</i>	Public land and infrastructure	2	2%
<i>Work Health and Safety Act</i>	Public health and safety	2	2%

2.1.1 Administering department, ministry or agency

Table 6 outlines the number of Acts that grant regulatory functions to local government by the administering Department or Ministry, or by Agency where relevant. The Department of Premier and Cabinet and the Department of Trade and Investment, Regional Infrastructure & Services administer the most Acts that grant regulatory functions (19), followed by the Department of Finance and Services (12), Department of Transport (8) and the Department of Attorney General and Justice (8). This illustrates the significant number of Departments/Ministries/Agencies with which local government must potentially deal when administering its regulatory functions.

Table 6: State Departments¹⁰ responsible for legislation that contains local government regulatory functions

Department	Agency	Acts
Department of Attorney General and Justice	Department of Attorney General and Justice	4
	Ministry for Police and Emergency Services	2
	Fire & Rescue NSW	1
	NSW Rural Fire Service	1
Department of Education and Communities	Sport and Recreation	1
Department of Finance and Services	Department of Finance and Services	5
	NSW Fair Trading	4
	Land and Property Information	2
	WorkCover Authority	1
Department of Premier and Cabinet	Department of Premier and Cabinet	1
	Department of Planning and Infrastructure	1
	Building Professionals Board	1
	Barangaroo Delivery Authority	1
	Environment Protection Authority	4
	Office of Environment and Heritage	2
	Heritage Council of NSW	1
	National Parks and Wildlife Service	1
	Local Government Division	6
	Western Sydney Parklands Trust	1
Department of Trade and Investment, Regional Infrastructure & Services	Department of Trade and Investment, Regional Infrastructure & Services	3
	Department of Primary Industries	4
	Forests NSW	1
	Independent Liquor and Gaming Authority	4

¹⁰ Note that the number of Acts identified in this table sum to more than 67 as a number of Acts are administered by more than one Department.

Department	Agency	Acts
	NSW Food Authority	1
	NSW Office of Water	2
	Resources and Energy Division	4
Ministry of Health	Ministry of Health	3
The Treasury	NSW Industrial Relations	1
Department of Transport	Department of Transport	1
	Roads and Maritime Services	7

2.1.2 County council functions

There are a number of Acts that grant regulatory functions to county councils. These Acts are shown in Table 7.

Table 7: Acts that apply regulatory functions to county councils

Department	Act
Department of Finance and Services	<i>Conveyancing Act 1919</i>
Department of Trade and Investment, Regional Infrastructure & Services	<i>Noxious Weeds Act 1993</i>
Resources and Energy/Regional Infrastructure and Services	<i>Pipelines Act 1967</i>
Department of Trade and Investment, Regional Infrastructure & Services	<i>Plumbing and Drainage Act 2011</i>
Department of Finance and Services	<i>Strata Schemes (Freehold Development) Act 1973</i>
Department of Finance and Services	<i>Strata Schemes (Leasehold Development) Act 1986</i>
Department of Trade and Investment, Regional Infrastructure & Services	<i>Water Act 1912</i>
Department of Premier and Cabinet	<i>Western Sydney Parklands Act 2006</i>
Department of Finance and Services	<i>Work Health and Safety Act 2011</i>

Table 8 lists all of the current county councils and their purpose. Due to the nature of the regulatory functions and roles assigned to county councils, it is not possible to determine from a desktop analysis whether all those regulatory functions conferred are being used by at least one county council. Rather, consultation with county councils is required to confirm whether these regulatory functions are in use.

Table 8: Current county councils and their purpose

County Council	Purpose
Castlereagh-Macquarie County Council	Eradication of Noxious Weeds
Central Murray County Council	Eradication of Noxious Weeds
Central Tablelands County Council	Water Supply

County Council	Purpose
Far North Coast County Council	Eradication of Noxious Weeds
Goldenfields Water County Council	Water Supply
Hawkesbury River County Council	Eradication of Noxious Weeds
MidCoast County Council	Water and Sewerage Services
New England Tablelands (Noxious Plants) County Council	Eradication of Noxious Weeds
Richmond River County Council	Floodplain Management
Riverina Water County Council	Water Supply
Rous County Council	Water Supply
Southern Slopes County Council	Eradication of Noxious Weeds
Upper Hunter County Council	Eradication of Noxious Weeds
Upper Macquarie County Council	Eradication of Noxious Weeds

2.1.3 Comparison of Register with Legislation identified by Productivity Commission Report

A comparison of the Register was made to the findings of the Productivity Commission's report titled *Performance Benchmarking of Australian Business Regulation: The Role of Local Government as Regulator*. The Productivity Commission used a survey methodology to identify from NSW State departments/agencies those Acts that contained local government regulatory functions. That process identified 50 laws that have a regulatory function; comprising:

- 27 Acts (only 25 of which were found to confer additional regulatory functions to NSW councils;
- 20 regulations; and
- 3 policies.

In comparison, the development of the register used a desktop legislative analysis methodology. This resulted in the identification of an additional forty two (42) Acts and associated subordinate legislation, which are shown in Table 9. That is, the Register development process identified 63 percent of the Acts that contain local government regulatory functions and roles.

Table 9: Comparison of Acts identified by Productivity Commission report against those contained in Register of Local Government Regulatory Functions

Acts identified by Productivity Commission	Other Acts identified during Register development
<i>Building Professionals Act 2005</i>	<i>Barangaroo Delivery Authority Act 2009</i>
<i>Coastal Protection Act 1979</i>	<i>Catchment Management Authorities Act 2003</i>
<i>Companion Animals Act 1998</i>	<i>Children (Protection and Parental Responsibility) Act 1997</i>
<i>Crown Lands Act 1989</i>	<i>Commons Management Act 1989</i>
<i>Environmental Planning and Assessment Act 1979</i>	<i>Community Land Development Act 1989</i>

Acts identified by Productivity Commission	Other Acts identified during Register development
Filming Related Legislation Amendment Act 2008 No 39 ^a	<i>Community Land Management Act 1989</i>
<i>Food Act 2003</i>	<i>Contaminated Land Management Act 1997</i>
<i>Forestry Act 1916</i>	<i>Conveyancing Act 1919</i>
<i>Gambling (Two-up) Act 1998</i>	<i>Electricity Supply Act 1995</i>
Government Information (Public Access) Act 2009 ^b	<i>Explosives Act 2003</i>
<i>Graffiti Control Act 2008</i>	<i>Firearms Act 1996</i>
<i>Heritage Act 1977</i>	<i>Fisheries Management Act 1994</i>
<i>Impounding Act 1993</i>	<i>Gaming Machines Act 2001</i>
<i>Liquor Act 2007</i>	<i>Gas Supply Act 1996</i>
<i>Local Government Act 1993</i>	<i>Major Events Act 2009</i>
<i>Mining Act 1992</i>	<i>Marine Pollution Act 2012</i>
<i>Noxious Weeds Act 1993</i>	<i>Motor Vehicle Sports (Public Safety) Act 1985</i>
<i>Protection of the Environment Operations Act 1997</i>	<i>National Parks and Wildlife Act 1974</i>
<i>Public Health (Tobacco) Act 2008</i>	<i>Native Vegetation Act 2003</i>
<i>Public Health Act 1991</i>	<i>Pesticides Act 1999</i>
<i>Road Transport (General) Act 2005)</i>	<i>Petroleum (Onshore) Act 1991</i>
<i>Road Transport (Safety and Traffic Management) Act 1999</i>	<i>Pipelines Act 1967</i>
<i>Roads Act 1993</i>	<i>Plumbing and Drainage Act 2011</i>
<i>Rural Lands Protection Act 1998</i>	<i>Protection of the Environment Administration Act 1991</i>
<i>Strata Schemes (Freehold Development) Act 1973</i>	<i>Public Works Act 1912</i>
<i>Strata Schemes (Leasehold Development) Act 1986</i>	<i>Recreation Vehicles Act 1983</i>
<i>Swimming Pools Act 1992</i>	<i>Registered Clubs Act 1976</i>
	<i>Restricted Premises Act 1943</i>
	<i>Retail Trading Act 2008</i>
	<i>Road Transport (Driver Licensing) Act 1998</i>
	<i>Road Transport (Vehicle Registration) Act 1997</i>
	<i>Rural Fires Act (1997)</i>
	<i>Security Industry Act 1997</i>
	<i>Smoke Free Environment Act 2007</i>
	<i>Strata Schemes Management Act 1996</i>
	<i>Transport Administration Act 1988</i>

Acts identified by Productivity Commission	Other Acts identified during Register development
	<i>Trees (Dispute Between Neighbours) Act 2006</i>
	<i>Water Act 1912</i>
	<i>Water Industry Competition Act 2006</i>
	<i>Water Management Act 2000</i>
	<i>Western Sydney Parklands Act 2006</i>
	<i>Work Health and Safety Act 2011</i>

Notes:

- a. This Act simply introduced a new regulatory function into the *Local Government Act 1993* (which was already identified by the Commission as containing regulatory functions).
- b. This Act does not contain local government regulatory functions.

An analysis of the number of regulatory functions and roles associated with the Acts identified by the Commission compared to those identified during Register development is shown in Table 10. This indicates that the development of the Register has resulted in the identification of Acts that contain one third of the total number of local government regulatory functions and roles. Whereas the Acts identified by the original Productivity Commission exercise contain two thirds of the local government regulatory functions and roles.

Table 10: Comparison of regulatory roles and functions associated with Acts identified by Productivity Commission report and those additional Acts identified during the development of the Register of Local Government Regulatory Functions

Source	Number of Functions	Number of Roles
Productivity Commission Report	81	205
Register Development	40	104
Total	121	309

Put another way, those 37 percent of the Acts in the Register identified by the Productivity Commission Report account for two thirds of local government regulatory functions and roles.

2.2 Local government roles

The Register contains 309 local government roles spread across 121 regulatory functions. Figure 2 illustrates the total incidence of regulatory roles over all identified local government regulatory functions. This shows that the directions and approvals roles are the most prevalent, comprising 17 and 16 percent respectively, followed by the court proceedings, notifications and penalty notices/fines roles.

It should be noted that the Local Government Act contains some general enforcement powers that span a number of regulatory functions. This largely explains why, for example, the number of penalty notice/fines roles is less than the number of directions and approvals roles.

Figure 2: Incidence of regulatory roles

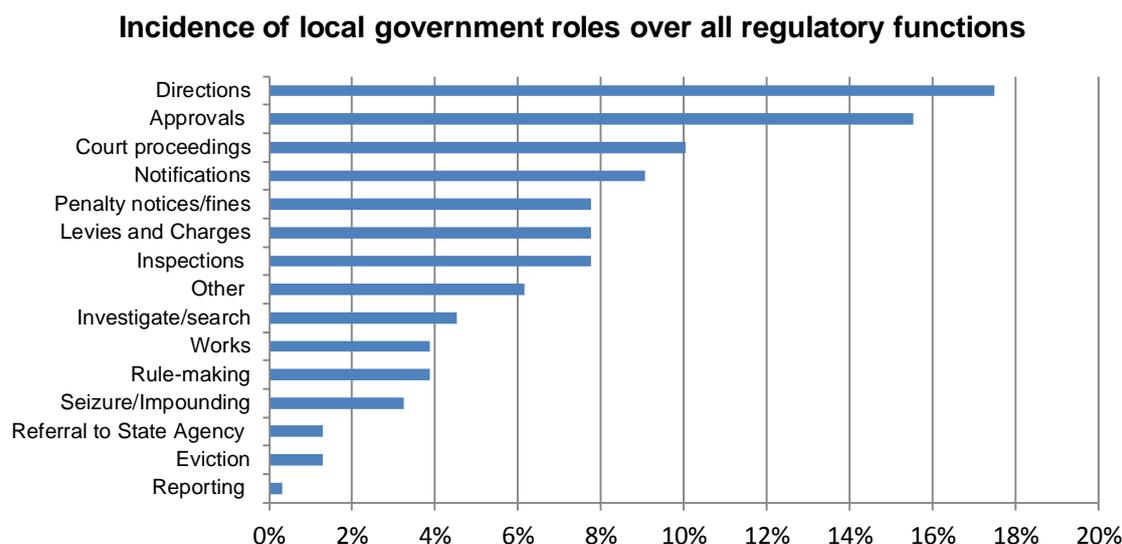


Table 11 shows the incidence of the range of regulatory roles used across the different topic areas. This shows that:

- Inspections and levies and charges are the most prevalent roles in the building and construction area, with each of these roles representing 22 percent of the total regulatory roles for building and construction. Approvals is the next most prevalent role, with 17 percent of the total roles in this area.
- Court proceedings is the most used role in the community order area, representing 26 percent of regulatory roles for the community order area.
- In the environment area, there is a broader spread of roles used, with the 5 most prevalent roles being directions (17 percent), levies and charges (17 percent), approvals (13 percent) and works (11 percent).
- The directions role is the most widely used for the keeping of animals regulatory roles, with this regulatory role representing a quarter of the total regulatory roles used.
- The approvals role amounted to a third of land use planning regulatory roles, while the notifications role also represented a large proportion (21 percent) of the total.
- Nearly a quarter of public health and safety regulatory roles involved the directions role, with 13 percent of regulatory roles involving court proceedings.
- Approvals roles represented almost a fifth (19 percent) of regulatory roles for public land and infrastructure regulatory functions.

Furthermore, the combination of roles granted to local government by legislation varies depending on the nature of the regulatory role concerned.

An analysis of the relationship between the approval and the directions roles indicates that only 18 percent of all regulatory functions that used these roles had both roles associated with them. This suggests that the directions role is predominately used as an alternative to the approvals role. This is likely to be due to the directions function being more suited to dealing with situations where the regulator only requires the power to deal with transgressions or isolated significant risks, rather than requiring all those being regulated to pass through an approvals phase.

Table 11: Incidence (percentage) of regulatory roles by topic and sub-topic

Topic	Approvals	Court proceedings	Directions	Eviction	Inspections	Investigate/search	Levies and Charges	Notifications	Other	Penalty notices/fines	Referral to State Agency	Reporting	Rule-making	Seizure/Impounding	Works	Total
Building and construction	17	6	11		22		22	11		6					6	100
Fire safety					50			50								100
General	19	6	13		19		25	6		6					6	100
Community order		26	16		11			11	5	11	11				11	100
General		60			20					20						100
Liquor and gaming								40	20		40					100
Nuisances		22	33		11					11					22	100
Environment	13	9	17		6	2	17	9	4	9		2	2		11	100
Coastal management	13	13	13				13	13		13			13		13	100
Contaminated land							67								33	100
General							50		50							100
Noxious weeds		14	29		14			14		14					14	100
Pollution (noise, air, water, pesticides)	13	8	17		8	4	17	8	4	8		4			8	100
Vegetation	100															100
Waste	50		50													100
Keeping of Animals	13		25		13	13	13			13				13		100
Companion Animals	14		14		14	14	14			14				14		100
Other			100													100
Land use planning	32	14	4		7		4	21	7		4		7			100
General	33	17			8			25	8				8			100
Heritage	25		25				25				25					100
Multiple		11	11		11	11	11			11			22		11	100
Other	100															100
Public health and safety	10	13	23	1	9	12	3	10	3	12				4		100
Food safety			25		13	13	13	13		13				13		100
General	11	11	22	4	4	15		11	4	11				7		100
Hazard reduction	50	50														100
Premises and infrastructure safety	9	16	25		13	9	3	9	3	13						100



Topic	Approvals	Court proceedings	Directions	Eviction	Inspections	Investigate/search	Levies and Charges	Notifications	Other	Penalty notices/fines	Referral to State Agency	Reporting	Rule-making	Seizure/impounding	Works	Total
Public land and infrastructure	19	6	19	3	5	3	6	6	11	6	1		6	5	3	100
Crown land and state forests	50				50											100
General	13	8	8	8		4		17	8	4	4		8	13	4	100
Parks and Gardens	25	13		13					25				25			100
Roads and parking	17	4	33		2	2	10	2	10	6			4	6	2	100
Water and sewerage	25	7	11		11	4	7	7	11	11			4		4	100
Total	16	10	17	1	8	5	8	9	6	8	1		4	3	4	100

Of the fourteen discrete regulatory roles identified by the Register, the Local Government Act confers the largest number of regulatory roles on local government, as illustrated by Table 12. Of the 49 instances of these roles applied by this Act, over forty percent of those relate to public land and infrastructure regulatory functions.

Eighty five percent of the regulatory roles imposed by the Environmental Planning and Assessment Act relate to building and construction regulatory functions. Of the 28 roles conferred on local government by the Roads Act, ninety six percent relate to public land and infrastructure, while the remaining four percent relates to public health and safety. The roles for the remaining Acts in the table related to single regulatory function topic areas.

Table 12: Local government regulatory roles by Act – Top 12

Act	Topics /Sub topics	LG Regulatory Roles	# of LG Regulatory Roles
<i>Local Government Act 1993</i>	Community order <ul style="list-style-type: none"> • Nuisances Environment <ul style="list-style-type: none"> • General • Pollution • Waste Keeping of Animals <ul style="list-style-type: none"> • Other Land use planning <ul style="list-style-type: none"> • General Multiple <ul style="list-style-type: none"> • Other Public health and safety <ul style="list-style-type: none"> • Food safety • General • Premises and infrastructure 	Approvals Court proceedings Directions Eviction Inspections Investigate/search Levies and Charges Other Penalty notices/fines Rule-making Seizure/Impounding Works	49

Act	Topics /Sub topics	LG Regulatory Roles	# of LG Regulatory Roles
	safety Public land and infrastructure <ul style="list-style-type: none"> • General • Roads and parking • Water and sewerage 		
<i>Roads Act 1993</i>	Public health and safety <ul style="list-style-type: none"> • Premises and infrastructure safety Public land and infrastructure <ul style="list-style-type: none"> • Roads and parking 	Approvals Directions Levies and Charges Other Penalty notices/fines Rule-making Works	28
<i>Public Health Act 2010</i>	Public health and safety <ul style="list-style-type: none"> • General • Premises and infrastructure safety 	Court proceedings Directions Inspections Investigate/search Notifications Other Penalty notices/fines	21
<i>Environmental Planning and Assessment Act 1979</i>	Building and construction <ul style="list-style-type: none"> • Fire safety • General Land use planning <ul style="list-style-type: none"> • General 	Approvals Court proceedings Directions Inspections Levies and Charges Notifications Penalty notices/fines Rule-making Works	20
<i>Protection of the Environment Operations Act 1997</i>	Environment <ul style="list-style-type: none"> • General • Pollution 	Approvals Commence proceedings Directions Inspections Investigate/search Levies and Charges Notifications Penalty notices/fines Reporting	12

Act	Topics /Sub topics	LG Regulatory Roles	# of LG Regulatory Roles
<i>Water Management Act 2000</i>	Public land and infrastructure <ul style="list-style-type: none"> Water and sewerage 	Approvals Court proceedings Directions Inspections Levies and Charges Notifications Other Penalty notices/fines Rule-making Works	10
<i>Coastal Protection Act 1979</i>	Environment <ul style="list-style-type: none"> Coastal management 	Approvals Court proceedings Directions Levies and Charges Notifications Penalty notices/fines Rule-making Works	8
<i>Food Act 2003</i>	Public health and safety <ul style="list-style-type: none"> Food safety 	Directions Inspections Investigate/search Levies and Charges Notifications Penalty notices/fines Seizure/Impounding	7
<i>Noxious Weeds Act 1993</i>	Environment <ul style="list-style-type: none"> Pollution 	Court proceedings Directions Inspections Notifications Penalty notices/fines Works	7
<i>Major Events Act 2009</i>	Public health and safety <ul style="list-style-type: none"> General 	Directions Eviction Investigate/search Penalty notices/fines Seizure/Impounding	5
<i>National Parks and Wildlife Act 1974</i>	Public land and infrastructure <ul style="list-style-type: none"> Parks and gardens 	Approvals Court proceedings Eviction Other Rule-making	7

Act	Topics /Sub topics	LG Regulatory Roles	# of LG Regulatory Roles
<i>Companion Animals Act</i>	Keeping of Animals <ul style="list-style-type: none"> Companion animals 	Approvals Directions Inspections Investigate/search Levies and Charges Penalty notices/fines Seizure/Impounding	7

2.2.1 Functions conferred on all or some councils

Eighty four percent of the regulatory roles granted to local government are granted to all local councils. There are a further nine percent of the identified regulatory roles that have been granted to local councils and county councils. There is a small number of Acts that grant regulatory functions to less than all local governments. These Acts, their scope and the regulatory roles they give councils are outlined in Table 13.

Table 13: Local government regulatory roles confined to less than all councils by Act

Act	LG Regulatory Roles	Scope
<i>Barangaroo Delivery Authority Act 2009</i>	<ul style="list-style-type: none"> Other (may delegate its functions to a council). 	Applies to the Barangaroo area within the City of Sydney municipal area.
<i>Coastal Protection Act 1979</i>	<ul style="list-style-type: none"> Approvals Court proceedings Directions Levies and Charges Notifications Penalty notices/fines Rule-making Works 	Applies to councils/county councils which manage land within a coastal zone or control an area in which emergency coastal protection works or coastal protection works have been undertaken or are being undertaken.
<i>Gambling (Two-up) Act 1998</i>	<ul style="list-style-type: none"> Other 	Applies to Council of the City of Broken Hill only.
<i>Road Transport (Safety and Traffic Management) Act 1999</i>	<ul style="list-style-type: none"> Approvals Levies and Charges Penalty notices/fines Seizure/Impounding Other 	Applies to City of South Sydney only (Kings Cross area).
<i>Water Management Act 2000</i>	<ul style="list-style-type: none"> Approvals Court proceedings Directions Inspections Levies and Charges Notifications Penalty notices/fines 	The Gosford City Council and Wyong Shire Council exercise the functions of a water supply authority under the Act.

Act	LG Regulatory Roles	Scope
	<ul style="list-style-type: none"> • Rule-making • Works • Other 	

2.2.2 Discretionary or mandatory roles

Each of the regulatory roles identified was analysed to determine if the role is mandatory (ie, the legislation indicates that councils must undertake the role) or discretionary (ie, councils may undertake the role).¹¹ For example, an approvals roles is generally considered to be mandatory (ie, councils must make a decision on applications for an approval), whereas in most cases directions will be discretionary – ie, a council has a discretion on whether it issues a direction. The result of this analysis is presented by topic area in Figure 3.

Over two thirds of regulatory roles appear to be discretionary, whilst over one quarter of them are mandatory. It is unclear whether the remaining 3 percent are mandatory or discretionary.

Figure 3: Discretionary or mandatory nature of regulatory roles

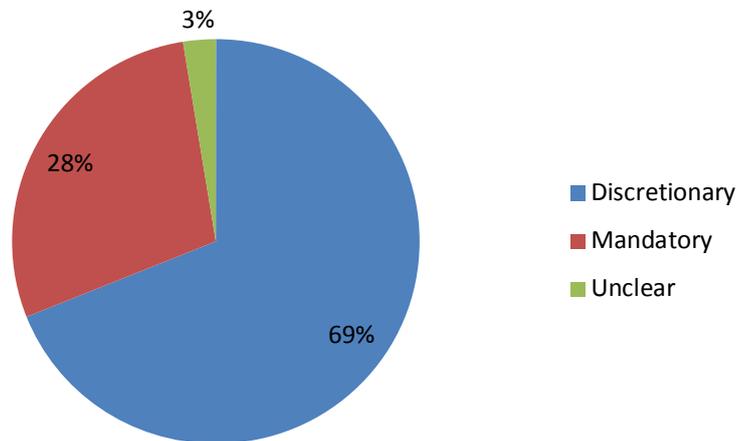
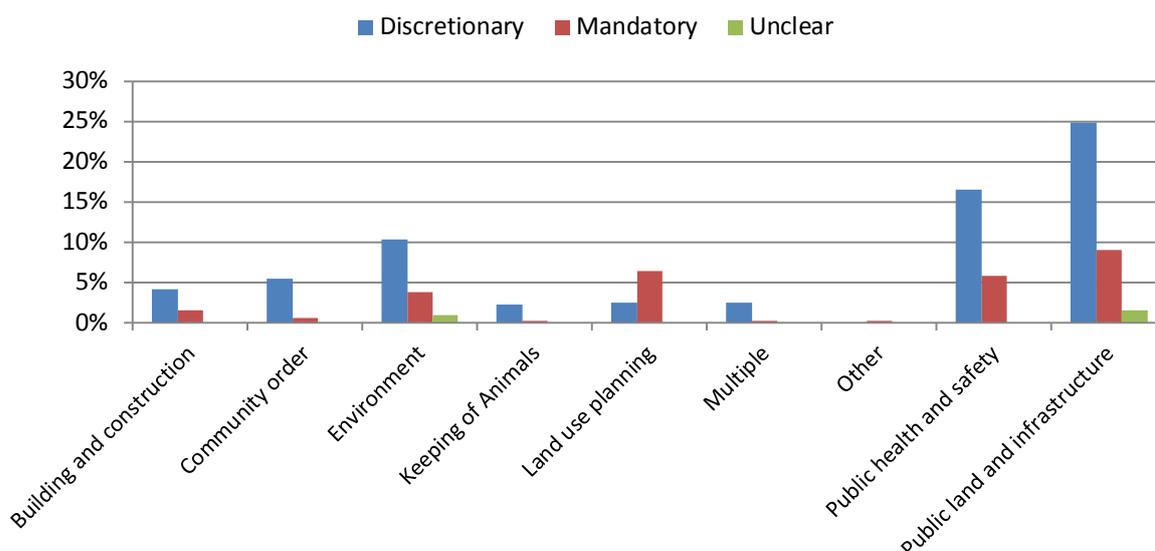


Figure 4 shows the nature of the regulatory roles by topic. This indicates that discretionary roles are most prevalent in relation to controls relating to the public land and infrastructure, public health and safety and environment topics. The only topic area where mandatory regulatory roles are more prevalent than discretionary is land use planning.

¹¹ Note that this was predominately a desktop analysis only. Consequently, it reflects what is in the legislation, but is supplemented by some departmental and other advice on the current arrangements at a practical level.

Figure 4: Discretionary or mandatory nature of regulatory functions by topic



The prevalence of discretionary roles conferred on councils may have implications in relation to the attainment of regulatory outcomes. If councils do not exercise their discretion to use these regulatory roles (eg, inspections, issuing directions, fines or taking court proceedings), and no other agency is undertaking these functions, this may be an indication that regulatory outcomes are not being achieved or that the function may be redundant. The information in the Register needs to be tested against the reality of on-the-ground enforcement activities and any relevant complaints to determine if the function or role is being used effectively or is redundant.

The prevalence of discretionary roles also highlights the potential value of adopting a risk assessment approach to regulatory activities when determining when to use discretionary functions. Such an approach is a more efficient and effective way of achieving regulatory goals than only using discretionary roles in a reactive fashion and is likely to result in improved regulatory outcomes.

2.3 Topics

This section analyses the regulatory functions contained in the Register by topic and sub-topic.

2.3.1 Building and construction

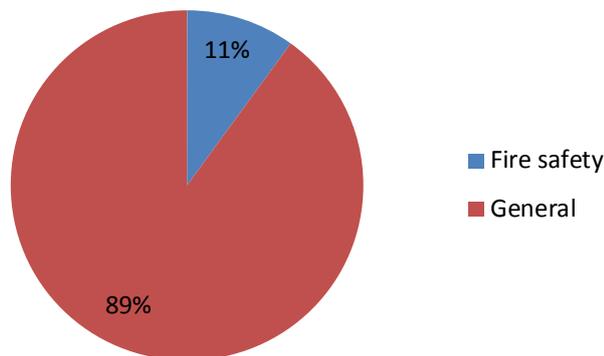
The Register contains 9 regulatory functions related to the building and construction topic. As illustrated by Table 14, a large proportion of these relate to development compliance.

Table 14: Regulatory functions for the building and construction topic showing relevant roles

Subtopic / Regulatory Function	Approvals	Court Proceedings	Directions	Inspections	Levies and Charges	Notifications	Penalty notices/fines	Works	Total
Fire safety									
Fire safety				1		1			2
General									
Building Compliance Accreditation				1					1
Building Compliance Certification (1)	1								1
Building Compliance Certification (2)	1								1
Building, development and planning compliance		1					1		2
Development compliance			1	1					2
Development compliance certification	1			1	2				4
Development Contributions					1				1
Development Orders			1		1	1		1	4
Total	3	1	2	4	4	2	1	1	18

Figure 5 shows the spread of sub topics for building and construction. A small proportion of regulatory roles (11 percent) concerned fire safety, while the remaining 89 percent were general in nature.

Figure 5: Sub-topics identified for the building and construction topic



The key state departments and agencies that administer the legislation covering the building and construction regulatory functions are set out in Table 15.

Table 15: Administering departments and agencies for the building and construction topic

Department	Agency
Department of Attorney General and Justice	Fire & Rescue NSW
Department of Premier and Cabinet	Building Professionals Board Department of Planning and Infrastructure

Table 16 shows the degree to which regulatory roles associated with the building and construction topic involve other players in addition to local government. The majority (60 percent) of regulatory roles are exercised exclusively by local government, with the remaining roles exercised jointly with state agencies and/or the private sector.

Table 16 also shows that the roles played by the private sector are primarily centred on granting approval (eg, certification) or carrying out inspections.

Table 16: Regulatory functions for the building and construction topic showing involvement of the state government and private sector in local government regulatory roles¹²

Involvement of State and Private entities in Regulatory Roles				
LG Regulatory Role	% LG	% SG and LG	% LG and Private	% LG, SG and Private
Approvals	6%		6%	6%
Court proceedings		6%		
Directions	6%	6%		
Inspections	11%	6%	6%	
Levies and Charges	17%			6%
Notifications	11%			
Penalty notices		6%		
Works	6%			
Total	56%	22%	11%	11%

2.3.2 Community order

Twelve regulatory functions relating to the community order topic were identified. Court proceedings is the most prevalent role associated with these regulatory functions. There are no approvals, or levies and charges roles relating to these regulatory functions. This is illustrated in Table 17.

¹² Note that the figures in this table may not sum to 100% due to rounding.

Table 17: Regulatory functions for the community order topic showing relevant roles

Subtopic/Regulatory Function	Court proceedings	Directions	Inspections	Notifications	Other	Penalty notices/fines	Referral to state agency	Works	Total
General									
Brothels	1								1
Security industry	1					1			2
Trading hours	1		1						2
Liquor and gaming									
Gaming regulation				1					1
Liquor control				1			1		2
Registered clubs							1		1
Regulation of 'Two-up'					1				1
Nuisances									
Graffiti Control	1					1		1	3
Property identification		1							1
Public nuisances		1							1
Tree dispute resolution	1		1					1	3
Unsightly conditions		1							1
Total	5	3	2	2	1	2	2	2	19

The key departments that administer the legislation covering regulatory functions related to the community order topic are set out in Table 18.

Table 18: Administering departments, ministries and agencies for the community order topic

Department	Agency
Department of Attorney General and Justice	Department of Attorney General and Justice Ministry for Police and Emergency Services
Department of Premier and Cabinet	Local Government Division
Department of Trade and Investment, Regional Infrastructure & Services	Independent Liquor and Gaming Authority
The Treasury	NSW Industrial Relations

Nearly half (47 percent) of regulatory functions concerned nuisances, whilst a large proportion concerned the regulation of liquor and gaming (26 percent). The same proportion

(26 percent) of the regulatory functions is general in nature. This spread of sub-topics associated with the community order topic is illustrated in Figure 6.

Figure 6: Sub-topics identified for the community order topic regulatory roles

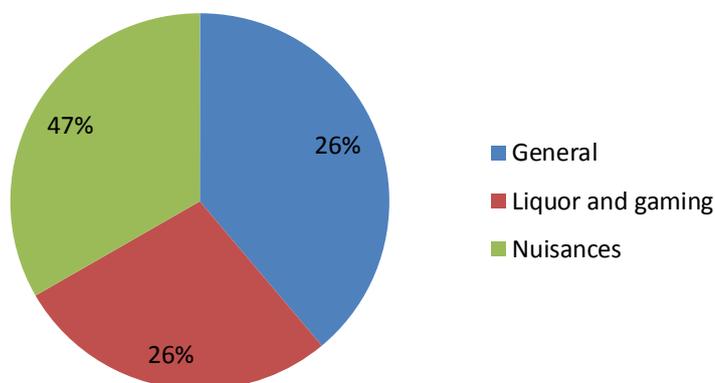


Table 19 shows that the majority of regulatory roles are exercised by both local government and state government (58 percent). However, a large proportion of regulatory roles are exclusive to local government (42 percent). Of the community order regulatory roles exercised exclusively by local government, the largest proportions involve directions (16 percent of the total) and court proceedings (11 percent of the total).

Table 19: Regulatory functions for the community order topic showing involvement of state government and private sector in local government regulatory roles¹³

Involvement of State and Private entities in Regulatory Roles				
LG Regulatory Role	% LG	% SG and LG	% LG and Private	% LG, SG and Private
Court proceedings	11%	16%		
Directions	16%			
Inspections	5%	5%		
Notifications	5%	5%		
Other		5%		
Penalty notices/fines		11%		
Referral to state agency		11%		
Works	5%	5%		
Total	42%	58%		

¹³ Note that the figures in this table may not sum to 100% due to rounding.



2.3.3 Environment

Fifteen regulatory functions were identified relating to the environment topic. Directions are the most prevalent role associated with these regulatory functions, followed by the levies and charges, and approvals roles. This is illustrated in Table 20.

Table 20: Regulatory functions for the environment topic showing relevant roles

Subtopic/Regulatory Function	Approvals	Court proceedings	Directions	Inspections	Investigate/search	Levies and charges	Notifications	Other	Penalty notices/fines	Reporting	Rule-making	Works	Total
Coastal management													
Coastal zone management	1	1	1			1	1		1		1	1	8
Contaminated land													
Contaminated land						2						1	3
General													
Environmental upgrade agreements						1							1
Fisheries Management								1					1
Noxious weeds													
Noxious weeds control		1	2	1			1		1			1	7
Pollution (noise, air, water, pesticides)													
Buildings in catchment districts			1										1
Controlling pesticides						2						1	3
Drainage works			1										1
Environmental Protection	2	1	1	1	1	2	2	1	1	1			13
Heating appliances	1												1
Marine Pollution		1							1			1	3
Vehicle emissions			1	1									2
Vegetation													
Native vegetation	1												1
Waste													
Waste Management (1)			1										1
Waste Management (2)	1												1
Total	6	4	8	3	1	8	4	2	4	1	1	5	47

The key state departments that administer the legislation covering the environment regulatory functions are set out in Table 21.

Table 21: Administering departments and agencies for the environment topic

Department	Agency
Department of Premier and Cabinet	Environment Protection Authority Local Government Division Office of Environment and Heritage
Department of Trade and Investment, Regional Infrastructure & Services	Department of Primary Industries
Department of Transport	Department of Transport

Just over half of environment regulatory roles were concerned with controlling pollution (51 percent). Controls related to maintaining coastal management comprised 17 percent of all regulatory roles, with 15 percent being associated with the control of noxious weeds. This spread of sub-topics associated with the environment topic is illustrated in Figure 7.

Figure 7: Sub-topics identified for the environment regulatory roles

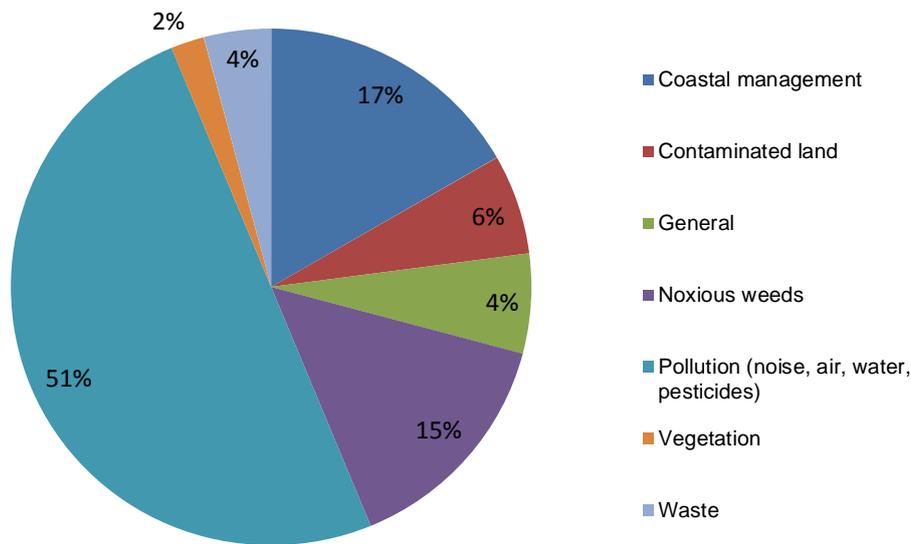


Table 22 shows that the majority of environment regulatory roles are exercised jointly by local and state government (81 percent). Of the environment regulatory roles exercised exclusively by local government, a large proportion involves directions (6 percent of the total regulatory roles).

Table 22: Regulatory functions for the environment topic showing involvement of state government and private sector in local government regulatory roles¹⁴

Involvement of State and Private entities in Regulatory Roles				
LG Regulatory Role	% LG	% SG and LG	% LG and Private	% LG, SG and Private
Approvals	4%	9%		
Court proceedings		9%		
Directions	6%	11%		
Inspections		6%		
Investigate/search		2%		
Levies and charges		15%		2%
Notifications	4%	4%		
Other		4%		
Penalty notices/fines		9%		
Reporting		2%		
Rule-making		2%		
Works	2%	9%		
Total	17%	81%		2%

2.3.4 Keeping of animals

Only two regulatory functions were identified under the keeping of animals topic. One of these functions relates to the control of companion animals, whilst the other relates to the control of other animals.

¹⁴ Note that the figures in this table may not sum to 100% due to rounding.

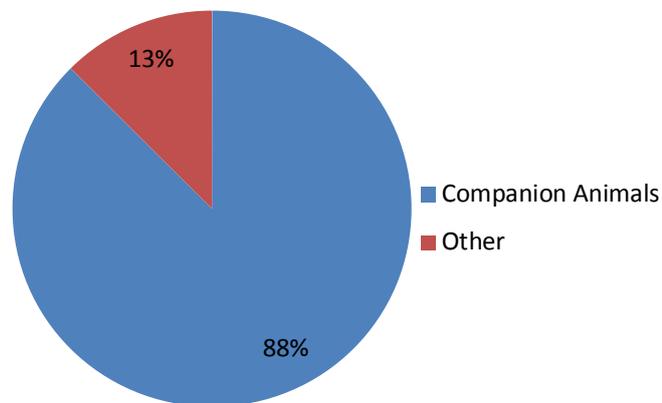
Table 23: Regulatory functions for the keeping of animals topic showing relevant roles

Subtopic/Regulatory Function	Approvals	Directions	Inspections	Investigate/search	Levies and charges	Penalty notices/fines	Seizure/Impounding	Total
Companion Animals								
Control of companion animals	1	1	1	1	1	1	1	7
Other								
Control of animals		1						1
Total	1	2	1	1	1	1	1	8

The Department of Premier and Cabinet – Local Government Division administers the legislation covering the keeping of animals regulatory functions.

As shown in Figure 8 the majority of regulatory roles related to the keeping of animals topic are concerned with controlling animals other than companion animals (ie, not dogs or cats).

Figure 8: Sub-topics identified for the keeping of animals topic regulatory roles



The majority of regulatory roles for the keeping of animals topic are shared by state and local government (88 percent), as illustrated by Table 24. The only roles exclusive to local government involve directions (13 percent of total). The regulatory roles shared between state and local governments are evenly distributed between approvals roles and various enforcement roles, including directions and penalty notices/fines.

Table 24: Regulatory functions for the keeping of animals topic showing involvement of state government and private sector in local government regulatory roles¹⁵

Involvement of State and Private entities in Regulatory Roles				
LG Regulatory Role	% LG	% SG and LG	% LG and Private	% LG, SG and Private
Approvals		13%		
Directions	13%	13%		
Inspections		13%		
Investigate/search		13%		
Levies and charges		13%		
Penalty notices/fines		13%		
Seizure/impounding		13%		
Total	13%	88%		

2.3.5 Land-use planning

Eight regulatory functions were identified under the land use planning topic. These functions and the regulatory roles associated with them are shown in Table 25. The most prevalent regulatory roles granted to local government under these regulatory functions are the approvals and notifications roles.

Table 25: Regulatory functions for the land-use planning topic showing relevant roles

Subtopic/Regulatory Function	Approvals	Court proceedings	Directions	Inspections	Levies and charges	Notifications	Other	Referral to state agency	Rule-making	Total
General										
Community development	4					2				6
Conveyancing						1	2			3
Development Control	1									1
Installation of moveable dwellings	1									1
Mining controls						1				1
Planning instruments									2	2
Strata titles	2	4		2		2				10

¹⁵ Note that the figures in this table may not sum to 100% due to rounding.

Subtopic/Regulatory Function	Approvals	Court proceedings	Directions	Inspections	Levies and charges	Notifications	Other	Referral to state agency	Rule-making	Total
Heritage										
Heritage conservation	1		1		1			1		4
Total	9	4	1	2	1	6	2	1	2	28

The key state departments that administer the legislation covering the land use planning regulatory functions are set out in Table 26.

Table 26: Administering departments and agencies for the land use planning topic

Department	Agency
Department of Finance and Services	Department of Finance and Services NSW Fair Trading Land and Property Information
Department of Premier and Cabinet	Department of Planning and Infrastructure Heritage Council of NSW Local Government Division
Department of Trade and Investment, Regional Infrastructure & Services	Resources and Energy Division

Figure 8 shows that the majority of regulatory roles for land use planning are general in nature, while 15 percent relate to heritage.

Figure 8: Sub-topics identified for the land use planning topic regulatory roles

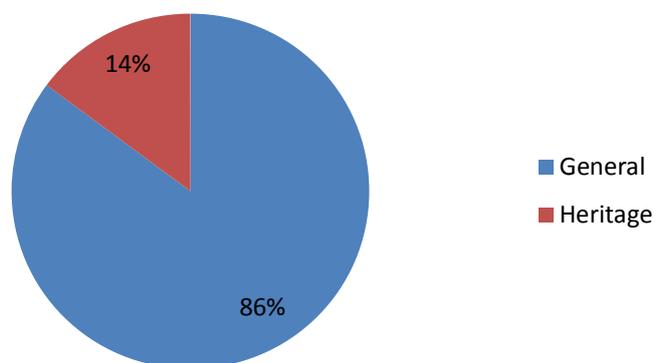


Table 27 shows that two thirds of the regulatory roles for the land-use planning topic are exercised exclusively by local government (68 percent). A large proportion of the roles

exclusive to local government involve an approvals role (25 percent of total regulatory roles) or a notifications role (21 percent of total regulatory roles).

Table 27: Regulatory functions for the land-use planning topic showing involvement of state government and private sector in local government regulatory roles¹⁶

Involvement of State and Private entities in Regulatory Roles				
LG Regulatory Role	% LG	% SG and LG	% LG and Private	% LG, SG and Private
Approvals	25%	4%	4%	
Court proceedings	7%			7%
Directions		4%		
Inspections	4%		4%	
Levies and charges	4%			
Notifications	21%			
Other				7%
Referral to state agency	4%			
Rule-making	4%	4%		
Total	68%	11%	7%	14%

2.3.6 Public health and safety

Twenty four regulatory functions were identified as being covered by the public health and safety topic. These functions and their associated regulatory roles are shown in Table 28.

Table 28: Regulatory functions for the public health and safety topic showing relevant roles

Subtopic/Regulatory Function	Approvals	Court proceedings	Directions	Eviction	Inspections	Investigate/search	Levies and charges	Notifications	Other	Penalty notices/fines	Seizure/impounding	Total
Food safety												
Food safety (1)			1		1	1	1	1		1	1	7
Food safety (2)			1									1
General												
Amusement devices	1											1
Controls on smoking		1	1			1				1		4
Firearms controls	1											1

¹⁶ Note that the figures in this table may not sum to 100% due to rounding.

Subtopic/Regulatory Function	Approvals	Court proceedings	Directions	Eviction	Inspections	Investigate/search	Levies and charges	Notifications	Other	Penalty notices/fines	Seizure/Impounding	Total
Fireworks regulation								1				1
Major events			1	1		1				1	1	5
Major hazard facilities								2	1			3
Motor vehicle sports	1											1
Tennis courts			1									1
Threats to public safety			1									1
Tobacco control		1	1		1	1				1	1	6
Work health and safety		1	1			1						3
Hazard reduction												
Bush fires	1	1										2
Premises and infrastructure safety												
Caravan parks	1											1
Disposal of bodies		1			1				1			3
Fencing land			1									1
Legionella control		1	1		1	1		1		1		6
Premises compliance			1									1
Premises controls			1									1
Private roads			1									1
Public swimming pools		1	1		1	1		1		1		6
Skin penetration		1	1		1	1		1		1		6
Swimming pool compliance	2	1	1				1			1		6
Total	7	9	16	1	6	8	2	7	2	8	3	69

The key state departments that administer the legislation covering the public health and safety regulatory functions are set out in Table 29.

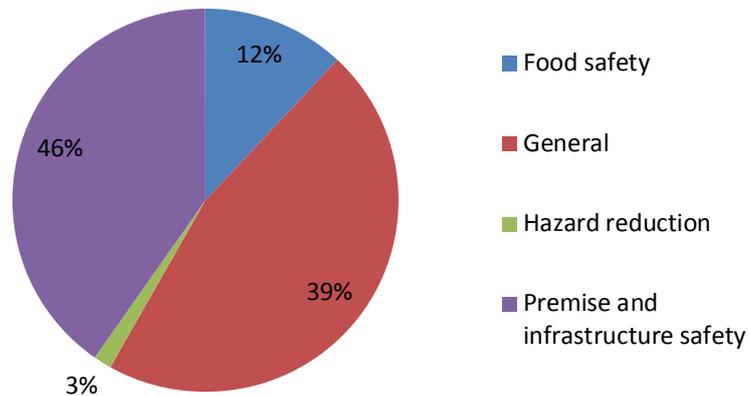
Table 29: Administering departments, ministries and agencies for the public health and safety topic

Department	Agency
Department of Attorney General and Justice	Ministry for Police and Emergency Services NSW Rural Fire Service
Department of Education and Communities	Sport and Recreation
Department of Finance and Services	Department of Finance and Services

Department	Agency
	WorkCover Authority
Department of Premier and Cabinet	Department of Premier and Cabinet Local Government Division
Department of Trade and Investment, Regional Infrastructure & Services	NSW Food Authority
Ministry of Health	Ministry of Health
Department of Transport	Roads and Maritime Services

Figure 9 shows that almost half of the regulatory roles related to the public health and safety topic were concerned with premises and infrastructure safety (46 percent). A large proportion of the regulatory roles were general in nature (39 percent), with 12 percent controlling food safety.

Figure 9: Sub-topics identified for the public health and safety topic regulatory roles



The majority of regulatory roles for public health and safety are shared by state and local governments (72 percent), as shown by Table 30. The most prevalent roles relevant to only local government concerned directions (12 percent of total), and approvals (7 percent of total).

Table 30: Regulatory functions for the public health and safety topic showing involvement of state government and private sector in local government regulatory roles¹⁷

Involvement of State and Private entities in Regulatory Roles				
LG Regulatory Role	% LG	% SG and LG	% LG and Private	% LG, SG and Private
Approvals	7%	3%		
Court proceedings	1%	10%		1%
Directions	12%	12%		

¹⁷ Note that the figures in this table may not sum to 100% due to rounding.

Involvement of State and Private entities in Regulatory Roles			
Eviction		1%	
Inspections		9%	
Investigate/search		12%	
Levies and charges	1%	1%	
Notifications	3%	7%	
Other		3%	
Penalty notices/fines	1%	10%	
Seizure/impounding		4%	
Total	26%	72%	1%

2.3.7 Public land and infrastructure

Table 31 shows that there are 46 different regulatory functions related to the public land and infrastructure topic. The approvals and directions roles are the most prevalent associated with these regulatory functions.

Table 31: Regulatory functions for the public land and infrastructure topic showing relevant roles

Subtopic/Regulatory Function	Approvals	Court proceedings	Directions	Eviction	Inspections	Investigate/search	Levies and Charges	Notifications	Other	Penalty notices/fines	Referral to state agency	Rule-making	Seizure/Impounding	Works	Total
Crown land and state forests															
Management of Crown Land					1										1
Management of State Forests	1														1
General															
Child welfare												1			1
Commons management	1	1		1						1					4
Community land	1														1
Gas supply								1							1
Impounding													1		1
Land Acquisition									1						1
Management of Barangaroo									1						1

Subtopic/Regulatory Function	Approvals	Court proceedings	Directions	Eviction	Inspections	Investigate/search	Levies and Charges	Notifications	Other	Penalty notices/fines	Referral to state agency	Rule-making	Seizure/Impounding	Works	Total
National works		1													1
Petroleum production											1				1
Pipelines								1							1
Policing community land				1											1
Policing public places						1									1
Protection of public places			1												1
Public drinking of alcohol												1	1		2
Public trading	1														1
Rail infrastructure								1							1
Recreational equipment													1		1
Water infrastructure			1					1						1	3
Parks and Gardens															
Parkland management									1						1
Regional parks	2	1		1					1			2			7
Roads and parking															
Car parks	1														1
Driver licensing									1						1
Electricity works			1					1							2
Parking	1						1		1						3
Public footpaths	1														1
Public roads	4		13				4		2	1		2		1	27
Road safety (1)		1	1							1					3
Road safety (2)										1			2		3
Travelling stock	1														1
Vehicle registration									1						1
Vehicle registration enforcement		1	1		1	1							1		5

Subtopic/Regulatory Function	Approvals	Court proceedings	Directions	Eviction	Inspections	Investigate/search	Levies and Charges	Notifications	Other	Penalty notices/fines	Referral to state agency	Rule-making	Seizure/Impounding	Works	Total
Water and sewerage															
Catchment management							1								1
Emergency water measures									1						1
Greywater diversion	1														1
Plumbing and drainage		1			1	1		1		2					6
Public drains and sewers	1														1
Public water	1														1
Sewage management	1														1
Stock watering places									1						1
Water and sewerage (1)			1												1
Water and sewerage (2)	1														1
Water and sewerage (3)	1														1
Water and sewerage (4)					1										1
Water restrictions			1												1
Water supply management	1	1	1		1		1	1	1	1		1		1	10
Total	21	7	21	3	5	3	7	7	12	7	1	7	6	3	110

The key state departments that administer the legislation covering the public land and infrastructure regulatory functions are set out in Table 32.

Table 32: Administering departments and agencies for the public land and infrastructure topic

Department	Agency
Department of Attorney General and Justice	Department of Attorney General and Justice
Department of Finance and Services	Department of Finance and Services NSW Fair Trading
Department of Premier and Cabinet	Barangaroo Delivery Authority Local Government Division National Parks and Wildlife Service Western Sydney Parklands Trust
Department of Trade and Investment, Regional Infrastructure & Services	Department of Primary Industries Department of Trade and Investment, Regional Infrastructure & Services Forests NSW NSW Office of Water Resources and Energy Division
Department of Transport	Roads and Maritime Services

Figure 10 indicates that the two major subgroupings of regulatory roles associated with the public land and infrastructure topic were the control of roads and parking (44 percent), and the control of water and sewerage assets (25 percent). There is also a large proportion of regulatory roles under this topic that were general in nature (22 percent).

Figure 10: Sub-topics identified for the public land and infrastructure topic regulatory roles

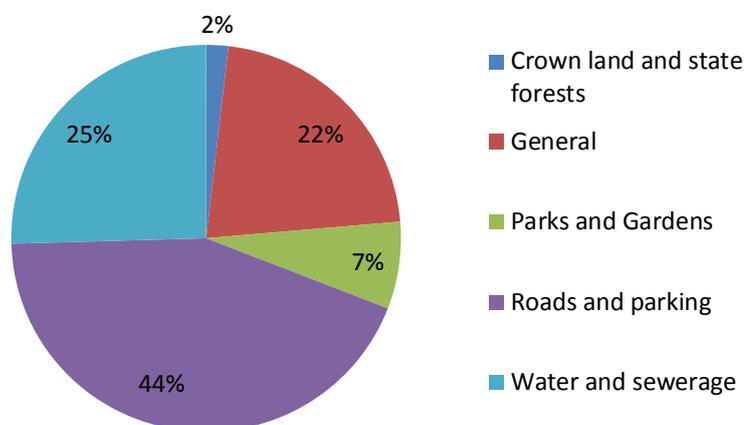


Table 33 illustrates that, while almost a quarter (24 percent) of regulatory roles for public land and infrastructure are exclusive to local government, nearly two thirds (65 percent) are exercised jointly by state and local governments. There are also a significant number which are shared between the private sector and state and local governments (12 percent).

Table 33: Regulatory functions for the public land and infrastructure topic showing involvement of state government and private sector in local government regulatory roles¹⁸

Involvement of State and Private entities in Regulatory Roles				
LG Regulatory Role	% LG	% SG and LG	% LG and Private	% LG, SG and Private
Approvals	9%	8%		2%
Court proceedings	1%	5%		1%
Directions	5%	13%		1%
Eviction		3%		
Inspections	1%	2%		2%
Investigate/search		3%		
Levies and charges		5%		1%
Notifications	3%	3%		1%
Other		10%		1%
Penalty notices/fines	2%	4%		1%
Referral to state agency		1%		
Rule-making	1%	5%		1%
Seizure/impounding	1%	4%		1%
Works	1%	1%		1%
Total	24%	65%		12%

¹⁸ Note that the figures in this table may not sum to 100% due to rounding.

3 Next steps

The Register provides the basis for informing IPART and participants in the current review of local government compliance and enforcement activity on the breadth of regulatory functions exercised by local government in NSW.

However, it is not possible from the Register alone to identify where unnecessary burdens are imposed or where regulatory duplication or overlap exists, either between local government regulatory functions or between local government and state government regulatory functions. This is because the Register does not provide information on the magnitude of the impact those regulatory functions have on business and the community, nor does it cover state government regulatory functions.

In terms of potential areas of regulatory overlap or duplication of existing local government regulatory functions, there are four primary potential causes of such overlap or duplication that may impose unnecessary compliance burdens on businesses or the community:

1. Local government administers the same regulatory function under different state legislation resulting in unnecessary burdens caused by different enforcement approaches;
2. Local government uses its rule making powers under the *Environment Planning and Assessment Act 1979* to impose constraints on activities that are also regulated via separate regulatory functions administered by local government or state or commonwealth governments;
3. Both local government and state (or even commonwealth) departments/ministries/agencies are administering the same regulatory function, imposing two (or three) sets of burdens on business or the community; and
4. In administering two separate regulatory functions, council enforcement activities impose what are considered by business or the community to be duplicative compliance burdens. For example, where two separate council inspectors may carry out separate inspections of a business premises for different regulatory purposes.

To assess the issue of duplication or overlap, IPART will need to evaluate the information in the Register in tandem with other quantitative and qualitative information on:

- how local government applies its regulatory functions;
- the burdens imposed on businesses and councils by local government regulatory functions;
- areas where unnecessary burdens arise due to overlaps between local government regulatory functions or local and state government regulatory functions; and
- the priority areas of concern to businesses and the community.

This will enable IPART to develop a better understanding of:

- the burdens on business and community imposed by local government regulatory functions;
- the impacts on local government of administering and enforcing state laws;
- whether local government and state government regulatory priorities are aligned; and
- where state and local government enforcement activities unnecessarily overlap.

Nevertheless, the Register will provide IPART with a starting point for a more detailed analysis of specific impacts of key local government regulatory functions, potentially using the Standard Cost Model methodology and structured consultation with businesses.

It will also provide a basis for identifying the potential source of resource costs on local government and assessing whether these are consistent with State Government priorities.

A desktop analysis of the Register is able to identify areas where potential overlap or duplication may be occurring between local government functions. These areas are shown in Table 34. As the Register does not cover state government regulatory functions, it is not possible to identify any potential overlaps or duplications between local government and state regulatory functions from the Register.

Table 34: Local government regulatory function areas where potential overlap or duplication may occur

Regulatory Function	Description of overlap or duplication
Food safety	<p>The <i>Local Government Act 1993</i> contains provisions relating to preserving health conditions through controls on food premises and vehicles. Specifically, section 124, item 20 of the Act allows a council to issue, where a premises, vehicle or article is not in a clean or sanitary condition, orders “<i>To do such things as are specified in the order to put premises, vehicles or articles used for the manufacture, preparation, storage, sale, transportation or other handling or use of or in relation to food into a clean or sanitary condition</i>”.</p> <p>However, sections 57-61 of the <i>Food Act 2003</i> also permit councils to issue improvement orders relating to unclean or unfit premises, vehicles or equipment. Essentially, these provisions allow the council to do exactly the same thing as they can under section 124 of the <i>Local Government Act</i>. As the <i>Food Act</i> is the primary legislative control relating to food vehicles, premises, or equipment, it would seem that the provisions of Section 124, item 20 of the <i>Local Government Act</i> are redundant.</p>
Development Control and Installation of moveable dwellings	<p>Under the <i>Environmental Planning and Assessment Act 1979</i> councils are consent authorities that are responsible for issuing development consents. It is understood that consent must be sought for a wide range of developments.</p> <p>However, under section 68 of the <i>Local Government Act 1993</i>, councils must also consider approval for an application to install a manufactured home, moveable dwelling or associated structure on land. This would appear to be separate from the development consent and hence a duplication.</p>

It is not known if these areas cause a problem in practice. Hence, it will be necessary to understand how these regulatory functions are administered by local government before drawing any firm conclusions on the impacts of these potential overlaps or duplications. Accordingly, it is suggested that these issues should be further investigated by IPART as part of its broader Local Government Compliance and Enforcement review.

4 Methodology for maintaining/updating the Register

It is understood that IPART intends to make the Register available online as a resource available to interested stakeholders. With this in mind, this section discusses the broad requirements for maintaining the Register content and the some considerations regarding the best long term repository for the Register that facilitates online discovery.

4.1 Maintaining the Register

For the Register to be a useful ongoing resource for councils, government departments/ministries and their agencies and other stakeholders, it is important that it is updated regularly to reflect changes in legislative instruments and therefore potential changes to the regulatory functions of local government.

The maintenance cycle for the Register is dependent on the needs of the target audience for the Register. The data contained in the Register is unlikely to be subject to frequent change and it is therefore suggested that the data be maintained on at least a monthly or quarterly basis. A less regular cycle would be possible (say, six monthly), but annual or greater cycles should be avoided as they are likely to result in the data being of significantly less value to the target audience. Furthermore, an annual or greater maintenance cycle increases the risk that the maintenance will not be undertaken at all.

Maintenance of the Register needs to involve the ongoing review of all relevant legislation on the Register that has been amended, as well as identification of any new legislation that comes into force. Analysis of these for potential impact on the Register will be required. This would require analysis of legislative instruments using defined search terms. It is recommended that the following search terms be used:

- County council;
- Local council;
- Local government; and
- Local authority.

The method for maintaining the Register will involve:

- Checking the NSW Legislation website (<http://www.legislation.nsw.gov.au>) for identification of new legislation, and amendments to existing legislation;
- Checking the NSW Government Gazettes for new subordinate legislation, as well as identification of amendments made. The NSW Government Gazettes are available at <http://www.nsw.gov.au/gazette>.
- Identifying any amendments that have been made to the administrative arrangements in relation to legislation through the NSW Administrative Arrangements order, and potentially agency websites.

The NSW Legislation website contains a function that allows a user to subscribe to a 'feed' that provides notification of changes made to the legislation website. Subscription to this function is potentially the most efficient way of keeping up to date with legislative change.

Updates to the Register would need to be made in accordance with any changes identified using the above processes.

Based on the cost of maintaining licence content for Business Licence Information Services, it is estimated that the cost of maintaining the Register could be around \$14 000 to \$20 000 excluding GST, depending on the frequency of the data maintenance cycle.

4.2 Data repository

The Register has been compiled in an Excel spread-sheet and is based on a simple structure that captures data on the key attributes of a regulatory function. While this structure and format is currently fit-for-purpose in terms of IPART's current review, it is recommended that some thought be given to how the Register will be used, maintained and delivered in the future.

There are two main ways to publish the Register online:

- Provide the Excel spread-sheet as a downloadable file; or
- Establish an interface that supports online user discovery processes.

If the latter is the preferred delivery objective, it is recommended that the Register be migrated into a database structure (or content management system) to provide greater flexibility for online content delivery and search capability. For example, a Microsoft SQL Server database is often used for this purpose.

The migration of the data to a database repository will provide the following benefits:

- Data changes can be easily captured and recorded to create an audit trail or change log;
- There is improved stability and a reduced risk of data loss;
- Data that is currently duplicated across rows in the spread-sheet could be migrated to a relational structure to streamline ongoing data maintenance processes and effort. This would also mitigate the risk of content integrity issues occurring or the data being inconsistent over time. Using this design approach, data that is associated with more than one regulatory function (such as a department name) would be migrated to a separate database table and linked to records in other tables – in other words, a data update would only need to be entered once and the change would be reflected in all associated records; and
- Register content can be filtered and tailored to each individual user's information needs, thus achieving improved end-user satisfaction.

The migration process would involve:

- Modelling the data and implementing an appropriate database design;
- Importing the data from the Excel spread-sheet;
- Establishing a data maintenance interface (alternatively, the data could be maintained in the existing spread-sheet and migrated on a scheduled basis); and
- Establishing a process for approving updates to the public interface.

It must be noted that the design of the database repository would need to support both the storage and maintenance of content and online discovery of that content.

To confirm the design requirements, it would also be necessary to:

1. Determine the user experience and the ways that they will query the Register. For example, what attributes will be searched, will keyword searching be supported, what filters can be applied, etc.
2. Define the structure and format of the outputs that will be delivered to end-users.
3. Identify what additional data or attributes need to be captured and added to the Register to support the desired user experience. For example, rather than simply displaying the title of an Act, it may be a better user experience to provide a hyperlink to an online consolidation of the Act. This would require adding a new field to the Register to support the source URL.

It is difficult to quantify the costs of developing an online searchable database repository without determining the user requirements. Nevertheless, it could be expected that the cost of converting the Excel spreadsheet to a basic SQL database (excluding user interfaces) would be in the region of \$5000-\$10 000 excluding GST. The further cost of developing the public and maintenance interfaces could be in the region of \$60 000 to \$85 000 depending on the finalised user requirements.

IPART will further consider the costs and benefits of the ongoing maintenance of the Register, in its current form or in a database form, as part of its Local Government Compliance and Enforcement review.

5 Detailed Register

5.1 Regulatory Functions and Roles by Topic

5.1.1 Building and construction

Sub-topic	Function	Act	Role Title	Role Description
Fire safety	Fire safety	Environmental Planning and Assessment Act 1979	Inspections	Where requested to do so by the Commissioner of Fire & Rescue NSW, a council must inspect a building to determine whether there is adequate provision for fire safety. The council must send a report of the inspection to the Commissioner of Fire & Rescue NSW.
Fire safety	Fire safety	Environmental Planning and Assessment Act 1979	Notifications	Councils receive annual fire safety statements from the owner of a building to which essential fire safety measures apply.
General	Building Compliance Accreditation	Building Professionals Act 2005	Inspections	A council may nominate an individual to apply for a certificate to carry out certification work only on behalf a council (a council accredited certifier).
General	Building Compliance Certification (1)	Environmental Planning and Assessment Act 1979	Approvals	A council may act as a certifying authority and undertake certification of development. A council may issue the following four types of certificate: compliance certificate, construction certificate, occupation certificate and subdivision certificate.
General	Building Compliance Certification (2)	Environmental Planning and Assessment Act 1979	Approvals	On application, a council must issue a building certificate if certain conditions are met. The effect of a building certificate is to prevent the council from making an order requiring the building to be repaired, demolished, altered added to, or rebuilt, or from taking proceedings in relation to encroachment by the building onto council land.
General	Building, development and planning compliance	Environmental Planning and Assessment Act 1979	Penalty notices/fines	A council may issue a penalty notice or fine on a person who has committed a prescribed offence against the Act.

Sub-topic	Function	Act	Role Title	Role Description
General	Building, development and planning compliance	Environmental Planning and Assessment Act 1979	Court proceedings	A council may take court proceedings in relation to an offence against this Act.
General	Development compliance	Environmental Planning and Assessment Act 1979	Inspections	Councils are granted powers of inspection, investigation, search and entry for the purpose of exercising their functions under the Act.
General	Development compliance	Environmental Planning and Assessment Act 1979	Directions	As a consent authority, council may issue an order to persons to stop doing specified things/activities which breach the requirements of the Act. This includes activities such as using premises for a purpose for which development consent is required but has not been obtained. A council may also issue a compliance cost order to a person, ordering the person to pay costs incurred in ensuring compliance with the order.
General	Development compliance certification	Environmental Planning and Assessment Act 1979	Approvals	Councils consider and determine applications for a certificate of complying development. A certificate of complying development certifies that the proposed development will comply with all applicable standards and regulations.
General	Development compliance certification	Environmental Planning and Assessment Act 1979	Inspections	A council may enter land on which development is being carried out, including any building or work being erected on the land, for the purpose of exercising functions under this Act and the related regulations. This includes inspecting premises and any article, matter or thing on premises.
General	Development compliance certification	Environmental Planning and Assessment Act 1979	Levies and Charges	A council may recover the reasonable costs of the entry and inspection of premises for the purpose of development compliance certification.
General	Development compliance certification	Environmental Planning and Assessment Act 1979	Levies and Charges	A council may require applicants for approvals or consents under the Act to pay application fees.

Sub-topic	Function	Act	Role Title	Role Description
General	Development Contributions	Environmental Planning and Assessment Act 1979	Levies and Charges	A council may establish arrangements to require development contributions from developers. A council may do so through a planning agreement, a local infrastructure contribution, or a special infrastructure contribution.
General	Development Orders	Environmental Planning and Assessment Act 1979	Directions	The consent authority (council) may give an order to a person requiring them to take, or to cease taking, the actions specified in the order.
General	Development Orders	Environmental Planning and Assessment Act 1979	Notifications	Before giving an order the consent authority (council) must give notice of the intention to give the order, the terms of the proposed order and the proposed period within which the order is to be complied with.
General	Development Orders	Environmental Planning and Assessment Act 1979	Works	If a person fails to comply with the terms of an order given to the person by a consent authority (council) then the consent authority may carry out the work required by the order itself.
General	Development Orders	Environmental Planning and Assessment Act 1979	Levies and Charges	A consent authority (council) that has given an order under this Act may also require the payment of all reasonable costs and expenses incurred in connection with monitoring action under the order, ensuring that the order is complied with and any other associated matters.

5.1.2 Community order

Sub-topic	Function	Act	Role Title	Role Description
General	Brothels	Restricted Premises Act 1943	Court proceedings	A council may apply to the Land and Environment Court for an order that the occupier of premises not use or allow the use of the premises for the purpose of a brothel.

Sub-topic	Function	Act	Role Title	Role Description
General	Security industry	Security Industry Act 1997	Penalty notices/fines	An authorised council officer may issue penalty notices to persons for specified offences against the Act and regulations.
General	Security industry	Security Industry Act 1997	Court proceedings	A council may take court proceedings in relation to an offence against this Act.
General	Trading hours	Retail Trading Act 2008	Inspections	Council inspectors appointed under the Act may inspect and require the production of records for the purpose of investigating a possible breach of the Act or regulations.
General	Trading hours	Retail Trading Act 2008	Court proceedings	It is an offence to hinder, obstruct or fail to comply with a requirement made by a council inspector. Proceedings for an offence under this Act or the related regulations may be dealt with summarily.
Liquor and gaming	Gaming regulation	Gaming Machines Act 2001	Notifications	An applicant for an increase to the maximum number of gaming machines that may be kept in a hotel or premises of a club (gaming machine threshold) must notify the council for the area in which the relevant venue is located.
Liquor and gaming	Liquor control	Liquor Act 2007	Notifications	Councils must be notified by applicants for a liquor licence. Councils must also be notified of certain matters by licensees (intention to hold wine show and producer's market/fair, trading on premises other than licensed premises by a catering business, limited licensee's intention to sell or supply alcohol at a club social function of a surf lifesaving club).
Liquor and gaming	Liquor control	Liquor Act 2007	Referral to State Agency	Councils may make complaints to the Independent Liquor and Gaming Authority about neighbourhood disturbance caused by licensed premises, or about a licensee, manager or close associate of a licensee.
Liquor and gaming	Registered clubs	Registered Clubs Act 1976	Referral to State Agency	A council is authorised to make a complaint about a registered club to the Authority.

Sub-topic	Function	Act	Role Title	Role Description
Liquor and gaming	Regulation of 'Two-up'	Gambling (Two-up) Act 1998	Other	The playing of a game of two up in Broken Hill is unlawful unless the game is conducted by, or on behalf of the Council of the City of Broken Hill. The Council may enter arrangements with other persons to conduct games of two-up. The Council may also receive commission on bets or winnings in games, and may receive payment for the right to participate in games. The council may also make rules for the conduct of games (subject to approval by the Minister, and consistency with the Act).
Nuisances	Graffiti Control	Graffiti Control Act 2008	Works	A council may carry out graffiti removal work to private property, without consent of the owner, if the graffiti is visible from a public place.
Nuisances	Graffiti Control	Graffiti Control Act 2008	Penalty notices/fines	Councils may issue penalty notices for offences relating to the sale or display of spray cans (selling a spray paint can to a person under the age of 18, or failing to properly secure spray cans which are on display for sale).
Nuisances	Graffiti Control	Graffiti Control Act 2008	Court proceedings	A council may take court proceedings in relation to an offence against this Act.
Nuisances	Property identification	Local Government Act 1993	Directions	A council may issue an order requiring the owner or occupier of the land to identify premises through the use of numbers or other specified identification. Council may do so where premises have a frontage or entrance from a road and no clear markings can be seen from the road.
Nuisances	Public nuisances	Local Government Act 1993	Directions	A council may order a person responsible for a public nuisance to remedy the public nuisance. A public nuisance is any interference with the enjoyment of public or private rights, i.e. Harming the comfort and convenience of the public.

Sub-topic	Function	Act	Role Title	Role Description
Nuisances	Tree dispute resolution	Trees (Dispute Between Neighbours) Act 2006	Works	Where the Land and Environment Court has made an order requiring the owner of land to carry out work in relation to a tree and the owner fails to carry out the work, the council may enter the land to carry out the work.
Nuisances	Tree dispute resolution	Trees (Dispute Between Neighbours) Act 2006	Inspections	Where the Land and Environment Court has made an order requiring the owner of land to carry out work in relation to a tree, the council may enter the land to determine whether the relevant work has been carried out.
Nuisances	Tree dispute resolution	Trees (Dispute Between Neighbours) Act 2006	Court proceedings	Where the council has carried out work as directed by an order of the Land and Environment Court in relation to the failure of the owner to carry out the related work, the council may recover the costs involved in the work in a in a court of competent jurisdiction.
Nuisances	Unsightly conditions	Local Government Act 1993	Directions	A council may order the owner or occupier of land to do any of the following: remove or stack articles or matter; cover articles or matter; erect fences or screens; plant trees.

5.1.3 Environment

Sub-topic	Function	Act	Role Title	Role Description
Coastal management	Coastal zone management	Coastal Protection Act 1979	Rule-making	A council whose area is included within the coastal zone must make a coastal zone management plan where directed to do so by the responsible Minister. A council must also, if directed to do so by the Minister, review the council's existing plan and make a new plan to replace the existing plan.

Sub-topic	Function	Act	Role Title	Role Description
Coastal management	Coastal zone management	Coastal Protection Act 1979	Court proceedings	A council may bring proceedings in the Land and Environment Court for an order to remedy or restrain a breach of a coastal zone management plan (except against the State or a NSW Government Agency). A council may also bring court proceedings for an offence against this Act, depending on the nature of the offence.
Coastal management	Coastal zone management	Coastal Protection Act 1979	Approvals	A council may issue a certificate authorising the placement of emergency coastal protection works on the land and distribute copies of the certificate to the relevant authorities.
Coastal management	Coastal zone management	Coastal Protection Act 1979	Notifications	An owner of land must notify the relevant council that the works are to be placed on land on or around the time of the placing of the works.
Coastal management	Coastal zone management	Coastal Protection Act 1979	Directions	A council may order a person to remove material deposited on a beach, or to stop carrying out an activity which may cause erosion, limit public access, or threaten safety. If erosion is considered to have occurred due to the activity, the council may order the person to restore the land. A council may also order a person to remove, alter, repair emergency coastal protection works in certain circumstances.
Coastal management	Coastal zone management	Coastal Protection Act 1979	Levies and Charges	An applicant for a certificate of placement of emergency coastal protection works must pay an application fee to the council. A person who is issued with an order under the Act by a council must pay to the issuing council a fee to meet the costs of preparing and administering the order.
Coastal management	Coastal zone management	Coastal Protection Act 1979	Penalty notices/fines	A council may issue penalty notices for offences against the Act and regulations.

Sub-topic	Function	Act	Role Title	Role Description
Coastal management	Coastal zone management	Coastal Protection Act 1979	Works	The council may remove works and restore the land where a person fails to remove works and restore the land within the required timeframes. Any costs reasonably incurred by the Coastal Authority (the council) under these subsections may be recovered in court.
Contaminated land	Contaminated land	Contaminated Land Management Act 1997	Works	If a person fails to comply with a requirement of an order relating to the management of contaminated land, the EPA may order another public authority, including a council, to carry out the requirement.
Contaminated land	Contaminated land	Contaminated Land Management Act 1997	Levies and Charges	A council may issue a notice to a person, requiring that person to pay all or any costs associated with carrying out a requirement of an order relating to the management of contaminated land.
Contaminated land	Contaminated land	Contaminated Land Management Act 1997	Levies and Charges	If a council has issued an order to recover costs related to the carrying out of an order under this Act, it may apply to the Registrar-General to place a charge on the related piece of land in order to help secure payment.
General	Environmental upgrade agreements	Local Government Act 1993	Levies and Charges	A council may enter into an environmental upgrade agreement with a building owner. Under an environmental upgrade agreement a finance provider advances funds to improve the energy, water, or environmental efficiency or sustainability of the building. The council then levies a charge over the property for the purposes of repaying the financier. A council may also charge fees to recover its costs of entering into and administering the agreement.
General	Fisheries Management	Fisheries Management Act 1994	Other	A council may be identified in a recovery and threat abatement plan as responsible for implementation of measures included in the plan.

Sub-topic	Function	Act	Role Title	Role Description
Noxious weeds	Noxious weeds control	Noxious Weeds Act 1993	Directions	A council may close or obstruct public or private works, or waters, while work to control noxious weeds is undertaken. A council may also require the owner or occupier of land to remove animals or prevent animals from entering a part of land for a specified period.
Noxious weeds	Noxious weeds control	Noxious Weeds Act 1993	Directions	A council may give directions, and take steps necessary to enable its functions under the Act to be carried out. This includes directing a person to treat machinery or equipment, or to remove a plant, seed or plant material. A council may also issue a weed control notice, or an emergency weed control notice, requiring the owner or occupier of land to carry out obligations to control noxious weeds as required under a weed control order.
Noxious weeds	Noxious weeds control	Noxious Weeds Act 1993	Inspections	A council may inspect land/premises for the presence of noxious weed material.
Noxious weeds	Noxious weeds control	Noxious Weeds Act 1993	Notifications	Councils must be notified by an occupier of land, or a person acting in a professional capacity, who discovers or suspects that there is a notifiable weed on the land.
Noxious weeds	Noxious weeds control	Noxious Weeds Act 1993	Works	Where the owner or occupier fails to comply with a weed control notice, a council may undertake work to control noxious weeds on the land subject to the weed control order.
Noxious weeds	Noxious weeds control	Noxious Weeds Act 1993	Penalty notices/fines	A council may issue a penalty notice to a person who has committed an offence against the Act or regulations.
Noxious weeds	Noxious weeds control	Noxious Weeds Act 1993	Court proceedings	A council may take court proceedings in relation to an offence against this Act.

Sub-topic	Function	Act	Role Title	Role Description
Pollution (noise, air, water, pesticides)	Buildings in catchment districts	Local Government Act 1993	Directions	A council may issue an order requiring a person to demolish, remove, repair or alter a building which has been erected in a catchment district and causes or is likely to cause pollution of the water supply.
Pollution (noise, air, water, pesticides)	Controlling pesticides	Pesticides Act 1999	Works	A council may enter any premises at any reasonable time to take clean up actions in relation to pesticide pollution.
Pollution (noise, air, water, pesticides)	Controlling pesticides	Pesticides Act 1999	Levies and Charges	The council may require a person who caused pollution, or the occupier of premises at which the pollution occurred, to pay the costs of the clean-up action.
Pollution (noise, air, water, pesticides)	Controlling pesticides	Pesticides Act 1999	Levies and Charges	If a council has issued a compliance cost notice regarding a clean-up notice it may apply to the Registrar-General to place a charge on the related piece of land in order to help secure payment.
Pollution (noise, air, water, pesticides)	Drainage works	Local Government Act 1993	Directions	A council may order the owner or occupier of land to do or refrain from doing certain things, to repair or prevent environmental damage. Environmental damage includes damage to the physical environment caused by: drainage; drainage works; obstructing a natural watercourse. Council may also order an owner or occupier to do things necessary to control the flow of surface water across land.
Pollution (noise, air, water, pesticides)	Environmental Protection	Protection of the Environment Administration Act 1991	Other	The EPA may delegate any of its functions to an authorised person, including a council.
Pollution (noise, air, water, pesticides)	Environmental Protection	Protection of the Environment Operations Act 1997	Penalty notices/fines	A council may serve a penalty notice in relation to certain offences specified as 'penalty notice offences' under the Act.

Sub-topic	Function	Act	Role Title	Role Description
Pollution (noise, air, water, pesticides)	Environmental Protection	Protection of the Environment Operations Act 1997	Investigate/search	An authorised council officer may apply for a search warrant to enter premises and conduct inspections relating to an offence under the Act or regulations. An authorised council officer also has a power to question persons and require answers, and a power to demand the name and address of a suspected offender.
Pollution (noise, air, water, pesticides)	Environmental Protection	Protection of the Environment Operations Act 1997	Levies and Charges	A council may issue a compliance cost notice to a person to whom a clean-up notice, noise control, or prevention notice has been issued, requiring that person to pay the costs and expenses incurred by the council in monitoring action under notice and ensuring the notice is complied with. Councils are also designated enforcement officers and can issue penalty notices in relation to specified offences against the Act and regulations.
Pollution (noise, air, water, pesticides)	Environmental Protection	Protection of the Environment Operations Act 1997	Notifications	A person carrying on a non-scheduled activity which results in a pollution incident which causes or threatens material harm to the environment must notify the council of the incident.
Pollution (noise, air, water, pesticides)	Environmental Protection	Protection of the Environment Administration Act 1991	Approvals	A council may grant an approval to burn dead and dry vegetation on premises.
Pollution (noise, air, water, pesticides)	Environmental Protection	Protection of the Environment Administration Act 1991	Notifications	A validation report must be provided to the relevant council before a modified underground petroleum storage system can be commissioned or decommissioned.
Pollution (noise, air, water, pesticides)	Environmental Protection	Protection of the Environment Operations Act 1997	Directions	A council may issue a range of notices ordering the occupier of premises to take certain action including: a clean-up notice, a preventive notice, a smoke abatement notice and a noise control notice. An authorised council officer may also issue a notice directing a person to extinguish a fire.

Sub-topic	Function	Act	Role Title	Role Description
Pollution (noise, air, water, pesticides)	Environmental Protection	Protection of the Environment Operations Act 1997	Court proceedings	A council may commence proceedings for an offence against the Act or regulations (except for excluded offences).
Pollution (noise, air, water, pesticides)	Environmental Protection	Protection of the Environment Operations Act 1997	Approvals	A council may issue a licence to control the carrying out of a non-scheduled activity for the purpose of regulating water pollution resulting from the activity. (Non-scheduled activity means an activity that is not defined as a scheduled activity or scheduled development work under the Protection of the Environment Operations Act 1997 or related regulations).
Pollution (noise, air, water, pesticides)	Environmental Protection	Protection of the Environment Operations Act 1997	Levies and Charges	The holder of a licence controlling the carrying out of a non-scheduled activity issued by a council must pay annual licence fees to the council. A person who is given a clean-up notice, prevention notice, or noise control notice by a council, must also pay the prescribed fee to the issuing council.
Pollution (noise, air, water, pesticides)	Environmental Protection	Protection of the Environment Operations Act 1997	Inspections	An authorised council officer may enter and undertake inspections at premises where industrial, agricultural or commercial activities are being carried out.
Pollution (noise, air, water, pesticides)	Environmental Protection	Protection of the Environment Operations Act 1997	Reporting	A council may require a person to provide any information or records connected to a matter that the council is responsible for under the Act.
Pollution (noise, air, water, pesticides)	Heating appliances	Local Government Act 1993	Approvals	A council may approve the installation of a domestic oil or solid fuel heating appliance.
Pollution (noise, air, water, pesticides)	Marine Pollution	Marine Pollution Act 2012	Works	A council may take clean-up action in relation to a marine pollution incident at its own initiative, or may be directed to do so by the Minister.
Pollution (noise, air, water, pesticides)	Marine Pollution	Marine Pollution Act 2012	Penalty notices/fines	A council may require the person who caused the pollution, or occupier of premises where the pollution incident occurred, to pay any costs associated with the clean-up action.

Sub-topic	Function	Act	Role Title	Role Description
Pollution (noise, air, water, pesticides)	Marine Pollution	Marine Pollution Act 2012	Court proceedings	A council may take court proceedings in relation to an offence against this Act.
Pollution (noise, air, water, pesticides)	Vehicle emissions	Protection of the Environment Operations Act 1997	Directions	An authorised council officer may direct the owner of a vehicle which emits excessive air impurities to have the vehicle serviced or repaired, or to fit the vehicle with a prescribed anti-pollution device. An authorised council officer may also issue a defective vehicle notice where a motor vehicle exceeds specified noise levels.
Pollution (noise, air, water, pesticides)	Vehicle emissions	Protection of the Environment Operations Act 1997	Inspections	An authorised council officer has the power to inspect and test a motor vehicle for the purposes of this function.
Vegetation	Native vegetation	Native Vegetation Act 2003	Approvals	Where this function is delegated to a council, a council may approve a draft property vegetation plan submitted by a landholder.
Waste	Waste Management (1)	Local Government Act 1993	Directions	A council may issue orders relating to the treatment, processing, collection, and disposal of waste. This includes where waste is not satisfactorily controlled by a licence or notice under the Protection of the Environment Operations Act 1997, and when waste on residential premises is likely to cause a threat to public or individual health.
Waste	Waste Management (2)	Local Government Act 1993	Approvals	A council may approve applications to undertake the following activities relating to the management of waste: commercial waste transport, placing waste or a waste storage container in a public place, disposing waste into a sewer of the council. A council cannot grant an approval to discharge trade waste into a sewer without the consent of the Director General of the Department of Energy, Utilities and Sustainability.

5.1.4 Keeping of animals

Sub-topic	Function	Act	Role Title	Role Description
Companion Animals	Control of companion animals	Companion Animals Act 1998	Approvals	Councils are designated registration agents under the Companion Animals Regulation 2008. A council may receive applications for registration of a companion animal (a dog, cat or other prescribed animal). A council may also issue a certificate of compliance for a dangerous or restricted dog enclosure which meets specified standards.
Companion Animals	Control of companion animals	Companion Animals Act 1998	Seizure/Impounding	A council has the power to seize dangerous or restricted dogs, and a power to seize and destroy dangerous or restricted dogs in certain circumstances.
Companion Animals	Control of companion animals	Companion Animals Act 1998	Directions	A council may issue the following orders and directions relating to companion animals: nuisance dog orders, nuisance cat orders, dangerous dog declaration, and restricted dog declaration.
Companion Animals	Control of companion animals	Companion Animals Act 1998	Investigate/search	A council may require a person suspected to have committed an offence against the Act or regulations to state his or her full name and residential address. If the request is not complied with, the council may arrest the person.
Companion Animals	Control of companion animals	Companion Animals Act 1998	Inspections	A council has the power to enter property to determine whether there has been a breach of the Act or regulations, or to seize or secure a companion animal.
Companion Animals	Control of companion animals	Companion Animals Act 1998	Penalty notices/fines	A council may issue a penalty notice to a person who has committed a prescribed offence against the Act.
Companion Animals	Control of companion animals	Companion Animals Act 1998	Levies and Charges	A council may levy prescribed fees from applicants for registration of a companion animal, and applicants for a certificate of compliance for a dangerous or restricted dog enclosure.

Sub-topic	Function	Act	Role Title	Role Description
Other	Control of animals	Local Government Act 1993	Directions	A council may order the occupier of premises not to keep specified birds or animals on premises other than in such numbers or in such manner as specified in the order.

5.1.5 Land-use planning

Sub-topic	Function	Act	Role Title	Role Description
General	Community development	Community Land Development Act 1989	Approvals	If council is considering a development consent submitted in conjunction with a development contract for an area covered by a community scheme or a precinct scheme council may not grant the development consent unless the proposed development contract complies with the rules set out in this Act.
General	Community development	Community Land Development Act 1989	Approvals	Community management statements must bear the seal of approval of the consent authority (council).
General	Community development	Community Land Development Act 1989	Approvals	Any application to convert a community development lot to community property, convert a neighbourhood lot to neighbourhood property or sever a community development lot from a community scheme must include a certificate from the consent authority (council) signifying its consent.
General	Community development	Community Land Development Act 1989	Notifications	If an application is made to the Supreme Court in relation to the resumption of land within a community, precinct, neighbourhood scheme and concerns part of a lot or common property to be excluded from the related scheme the council must be notified (where the council is a consent authority).

Sub-topic	Function	Act	Role Title	Role Description
General	Community development	Community Land Management Act 1989	Approvals	A proposed amendment to a development contract involving changes to the basic architectural or landscaping design, or requiring a change in the terms of the development consent, may not be made unless it is approved by the council (where the council is the relevant consent authority).
General	Community development	Community Land Management Act 1989	Notifications	If a community association, precinct association, neighbourhood association, or strata corporation applies for an order from the Land and Environment Court for approval of an amendment of a development contract, a copy of the application must be served on the council, where the council is the relevant consent authority.
General	Conveyancing	Conveyancing Act 1919	Notifications	Where directed to do so by a Court, an applicant for an order to modify or extinguish an easement, profit a prendre or covenant must notify the council of the area.
General	Conveyancing	Conveyancing Act 1919	Other	A council may impose restrictions on the use of, or impose public positive covenants on, any prescribed land vested in it.
General	Conveyancing	Conveyancing Act 1919	Other	A prescribed authority (council or county council) may impose restrictions on the use of, or impose public positive covenants on, any land not vested in the authority.
General	Development Control	Environmental Planning and Assessment Act 1979	Approvals	Councils act as consent authorities for applications for development consent.
General	Installation of moveable dwellings	Local Government Act 1993	Approvals	A council may approve an application to install a manufactured home, moveable dwelling or associated structure on land.

Sub-topic	Function	Act	Role Title	Role Description
General	Mining controls	Mining Act 1992	Notifications	A council must be notified by the Minister of certain matters: a proposal to constitute a mineral claims district, intention to grant an assessment lease, where development consent is not required for mining. A council must also be notified before inviting tenders for a mining lease. A council may provide the Minister with objections to the granting of a mining lease, or may propose conditions to be included in the mining lease.
General	Planning instruments	Environmental Planning and Assessment Act 1979	Rule-making	Councils act as planning authorities and may prepare development control plans. Development control plans impose additional requirements on development applications.
General	Planning instruments	Environmental Planning and Assessment Act 1979	Rule-making	Councils act as planning authorities and prepare proposals for environmental planning instruments for local areas (LEP's). LEP's must be reviewed and approved by Minister.
General	Strata titles	Strata Schemes (Freehold Development) Act 1973	Inspections	Prior to issuing a strata certificate in respect of freehold land, a council must inspect the building and common property areas.
General	Strata titles	Strata Schemes Management Act 1996	Court proceedings	A council may seek an order from a Strata Schemes Adjudicator requiring a person to refrain from breaching a restriction on the use of a utility lot. A council may also seek an order from the Tribunal to reallocate unit entitlements among the lots subject to a strata scheme.
General	Strata titles	Strata Schemes (Freehold Development) Act 1973	Approvals	A council must issue a strata certificate for a proposed strata plan, in respect of freehold land, which meets certain conditions.
General	Strata titles	Strata Schemes (Freehold Development) Act 1973	Notifications	An accredited certifier who issues a strata certificate in respect of freehold land must send a copy of the following documents to the council: strata certificate, proposed strata plan, and any other related documents.

Sub-topic	Function	Act	Role Title	Role Description
General	Strata titles	Strata Schemes (Freehold Development) Act 1973	Court proceedings	A council may take court proceedings in relation to an offence against this Act.
General	Strata titles	Strata Schemes (Leasehold Development) Act 1986	Approvals	A council must issue a strata certificate for a proposed strata plan, in respect of leasehold land, which meets certain conditions.
General	Strata titles	Strata Schemes (Leasehold Development) Act 1986	Inspections	Prior to issuing a strata certificate in respect of leasehold land, a council must inspect the building and common property areas.
General	Strata titles	Strata Schemes (Leasehold Development) Act 1986	Notifications	An accredited certifier who issues a strata certificate in respect of leasehold land must send a copy of the following documents to the council: strata certificate, proposed strata plan, and any other related documents.
General	Strata titles	Strata Schemes (Leasehold Development) Act 1986	Court proceedings	A council may take court proceedings in relation to an offence against this Act.
General	Strata titles	Strata Schemes Management Act 1996	Court proceedings	A council may take court proceedings in relation to an offence against this Act.
Heritage	Heritage conservation	Heritage Act 1977	Directions	If authorised by the Minister, a council may make interim heritage orders for items (a place, building, work relic, moveable object or precinct) in the council's area. An interim heritage order prevents the carrying out of certain activities including, but not limited to, demolition works, development works, and excavation. A council may also revoke these interim heritage orders. Councils are to provide notification of creating and revoking interim heritage orders.
Heritage	Heritage conservation	Heritage Act 1977	Approvals	A council may exempt persons from the effect of an interim heritage order and will then provide notice of the determination to the applicant (ss 64). The council (as the approved authority) may also modify the approval (ss 65A).

Sub-topic	Function	Act	Role Title	Role Description
Heritage	Heritage conservation	Heritage Act 1977	Referral to State Agency	A council may refer an item of environmental heritage to the Heritage Council for consideration for listing.
Heritage	Heritage conservation	Heritage Act 1977	Levies and Charges	A council may charge fees for applications for exemption from an interim heritage order.

5.1.6 Public health and safety

Sub-topic	Function	Act	Role Title	Role Description
Food safety	Food safety (1)	Food Act 2003	Directions	A council may be appointed to act as an enforcement agency in respect of rules concerning the handling and sale and marketing of food, as well as compliance with the Food Standards Code. This role grants the council the power to issue improvement notices to a food business that has unclean or unfit premises, vehicles or equipment. If an improvement notice is not complied with, a council may issue a prohibition order to the owner of the food business, requiring the owner to cease specified activities relating to the handling or sale of food.
Food safety	Food safety (1)	Food Act 2003	Inspections	As an enforcement agency, a council has broad powers to enter and inspect food premises, or food transport vehicle.
Food safety	Food safety (1)	Food Act 2003	Investigate/search	As an enforcement agency, a council may apply for a search warrant to investigate a suspected contravention of the Act or regulations.
Food safety	Food safety (1)	Food Act 2003	Seizure/Impounding	As an enforcement agency, a council may seize any food, vehicle, equipment package or labelling or advertising material or any other thing which does not comply with the Act or regulations, or is evidence of an offence under the Act.

Sub-topic	Function	Act	Role Title	Role Description
Food safety	Food safety (1)	Food Act 2003	Penalty notices/fines	As an enforcement agency, a council may serve a penalty notice on a person for offences committed under the Act.
Food safety	Food safety (1)	Food Act 2003	Notifications	A council may be appointed to receive notifications of a food handling operation (pursuant to Standard 3.1.1 of the Food Standards Code) on behalf of the Food Authority.
Food safety	Food safety (1)	Food Act 2003	Levies and Charges	A council may charge fees for the issuing of improvement notices, for carrying out food inspections, and for receiving food business notifications.
Food safety	Food safety (2)	Local Government Act 1993	Directions	A council may issue orders relating to premises, vehicles or articles used for the manufacture, transportation, sale or handling of food.
General	Amusement devices	Local Government Act 1993	Approvals	A council may approve the use of amusement devices. An amusement device is an amusement device that is high risk plant within the meaning of the Work Health and Safety Act 2011. An amusement device not required to be registered under the Occupational Health and Safety Regulation 2001 may be installed or operated without council approval.
General	Controls on smoking	Smoke Free Environment Act 2007	Investigate/search	A council inspector may enter premises to carry out inspections and carry out inquiries. A council inspector may apply for a search warrant to enter premises and search for evidence of a breach of the Act or its regulations.
General	Controls on smoking	Smoke Free Environment Act 2007	Directions	A council inspector may direct a person to cease smoking in a smoke-free area.
General	Controls on smoking	Smoke Free Environment Act 2007	Penalty notices/fines	An inspector may serve penalty notices in relation to prescribed offences under the Act.
General	Controls on smoking	Smoke Free Environment Act 2007	Court proceedings	A council may take court proceedings in relation to an offence against this Act.

Sub-topic	Function	Act	Role Title	Role Description
General	Firearms controls	Firearms Act 1996	Approvals	The commissioner cannot issue a permit to conduct paint-ball games unless the conduct of paint ball games on the premises specified has been approved by the council. The Commissioner cannot approve an application for approval to operate a shooting range unless the shooting range has been approved by the council.
General	Fireworks regulation	Explosives Act 2003	Notifications	A holder of a pyro technician's licence, or a fireworks (single use) licence must notify the relevant council of an intention to use any fireworks, distress signal or model rocket propellant device.
General	Major events	Major Events Act 2009	Seizure/Impounding	A council may be designated as the responsible authority for a major event. Where a council is the responsible authority it may remove an unattended motor vehicle or trailer from a road within a transport area if it is necessary to do so. Where a person fails to comply with a direction to remove a prescribed article from a controlled area, the council may seize it.
General	Major events	Major Events Act 2009	Directions	A council may be designated as the responsible authority for a major event. Where a council is the responsible authority it may direct a person selling or distributing prescribed articles during a sales control period to remove the articles from a controlled area.
General	Major events	Major Events Act 2009	Investigate/search	A council may be designated as the responsible authority for a major event. Where a council is the responsible authority it may exercise certain search powers in relation to persons seeking entry to a major event venue or facility.
General	Major events	Major Events Act 2009	Eviction	A council may be designated as the responsible authority for a major event. Where a council is the responsible authority it may evict unauthorised persons from a major event venue of facility.

Sub-topic	Function	Act	Role Title	Role Description
General	Major events	Major Events Act 2009	Penalty notices/fines	A council may be designated as the responsible authority for a major event. Where a council is the responsible authority it may issue a penalty notice to a person who has committed an offence against the Act or regulations.
General	Major hazard facilities	Work Health and Safety Act 2011	Other	In preparing its emergency plan the operator of a major hazard facility must consult with the local authority (council) in relation to the off-site health and safety consequences of a major incident occurring.
General	Major hazard facilities	Work Health and Safety Act 2011	Notifications	The operator of a licensed major hazard facility must provide the relevant council with information regarding its operations.
General	Major hazard facilities	Work Health and Safety Act 2011	Notifications	As soon as practicable after a major incident occurs the operator of the major hazard facility must take all reasonable steps to provide the relevant council with information about the major incident.
General	Motor vehicle sports	Motor Vehicle Sports (Public Safety) Act 1985	Approvals	The toilet facilities provided at a motor vehicle sport event must meet standards satisfactory to the council.
General	Tennis courts	Local Government Act 1993	Directions	A council may order an occupier of land to use or not to use a tennis court as specified where the use may cause annoyance or a threat to the safety of neighbours or users of a public place.
General	Threats to public safety	Local Government Act 1993	Directions	A council may order a person not to conduct an activity on premises which may constitute a life threatening hazard or a threat to public health or safety. If the order is not complied with, a council may also order the person to leave or cease the use of premises.

Sub-topic	Function	Act	Role Title	Role Description
General	Tobacco control	Public Health (Tobacco) Act 2008	Seizure/Impounding	A council may seize tobacco products which are in a person's possession in contravention of the prohibition on retailing for certain persons in Part 5, Div. 2 of the Act.
General	Tobacco control	Public Health (Tobacco) Act 2008	Penalty notices/fines	A council may issue a penalty notice to a person who has committed an offence against the Act or regulations.
General	Tobacco control	Public Health (Tobacco) Act 2008	Investigate/search	A council may apply for a search warrant to enter premises and search for evidence of a breach of the Act or regulations.
General	Tobacco control	Public Health (Tobacco) Act 2008	Inspections	A council is given broad inspection powers for the purposes of the Act. A council may also require certain information from persons suspected to have breached the Act or regulations.
General	Tobacco control	Public Health (Tobacco) Act 2008	Directions	Where a court order allows a council do so, a council may remove or obscure a tobacco advertisement.
General	Tobacco control	Public Health (Tobacco) Act 2008	Court proceedings	A council may take court proceedings in relation to an offence against this Act.
General	Work health and safety	Work Health and Safety Act 2011	Directions	The regulator may appoint a council as an inspector. An inspector may require compliance with the Act by issuing notices.
General	Work health and safety	Work Health and Safety Act 2011	Investigate/search	The regulator may appoint a council as an inspector. An inspector may investigate contraventions of this Act.
General	Work health and safety	Work Health and Safety Act 2011	Court proceedings	The regulator may appoint a council as an inspector. An inspector may assist in the prosecution of offences under the Act.
Hazard reduction	Bush fires	Rural Fires Act (1997)	Approvals	A council may issue bush fire hazard reduction certificates to an owner or occupier of property or to a public authority. A bush fire hazard certificate authorises the carrying out of bush fire hazard reduction work on land.

Sub-topic	Function	Act	Role Title	Role Description
Hazard reduction	Bush fires	Rural Fires Act (1997)	Court proceedings	A council may bring proceedings in the Land and Environment Court regarding a failure to have the required bush fire hazard reduction certificate.
Premises and infrastructure safety	Caravan parks	Local Government Act 1993	Approvals	A council may approve the operation of a caravan park or manufactured home estate.
Premises and infrastructure safety	Disposal of bodies	Public Health Act 2010	Other	A person must not proceed with an exhumation unless an authorised council officer or member of staff of the Ministry of Health is present, or if an environmental health officer/member of staff of the Ministry of Health has ordered the exhumation to stop.
Premises and infrastructure safety	Disposal of bodies	Public Health Act 2010	Inspections	An authorised council officer may enter and inspect a mortuary, crematory, cemetery, holding room, or mortuary transport service.
Premises and infrastructure safety	Disposal of bodies	Public Health Act 2010	Court proceedings	A council may take court proceedings in relation to an offence against this Act.
Premises and infrastructure safety	Fencing land	Local Government Act 1993	Directions	A council may issue an order requiring the owner or occupier of land to fence the land. This may include an order to fence, empty, fill in or cover up a hole or waterhole where the hole or waterhole may become dangerous to life.
Premises and infrastructure safety	Legionella control	Public Health Act 2010	Penalty notices/fines	A council may issue penalty notices to persons for offences against the Act or regulations.
Premises and infrastructure safety	Legionella control	Public Health Act 2010	Notifications	The occupier of premises at which a water cooling system or warm-water system is installed must notify the council.

Sub-topic	Function	Act	Role Title	Role Description
Premises and infrastructure safety	Legionella control	Public Health Act 2010	Investigate/search	A council may enter premises for the purposes of undertaking investigations, may obtain a search warrant to search premises in relation to a breach of the Act or regulations, and may require information, documents, or answers to questions. An investigation of an outbreak of legionnaires' disease must be carried out in accordance with procedures approved by the Director-General.
Premises and infrastructure safety	Legionella control	Public Health Act 2010	Directions	A council investigating an occurrence of legionnaires' disease may direct that a regulated system on the premises be maintained in a specific manner. A council may also issue an improvement notice to the occupier of premises where there is a regulated system if the premises do not comply with the requirements of the Act or regulations. If an improvement notice is not complied with a council may issue a prohibition order on the occupier of premises, prohibiting use of the system until the occupier has been given a clearance certificate stating that the system may be operated.
Premises and infrastructure safety	Legionella control	Public Health Act 2010	Inspections	An occupier of premises subject to a prohibition order may request that an authorised council officer re-inspect the premises.
Premises and infrastructure safety	Legionella control	Public Health Act 2010	Court proceedings	A council may take court proceedings in relation to an offence against this Act.
Premises and infrastructure safety	Premises compliance	Local Government Act 1993	Directions	A council may order the owner, occupier or manager of specified premises to take action to bring premises into compliance with relevant requirements or standards made under the Local Government Act 1919.
Premises and infrastructure safety	Premises controls	Local Government Act 1993	Directions	A council may issue an order requiring the owner or occupier of land or premises to do certain things/refrain from doing certain things to ensure premises are kept in a safe or healthy condition.

Sub-topic	Function	Act	Role Title	Role Description
Premises and infrastructure safety	Private roads	Roads Act 1993	Directions	A council may direct the owner of a private road to carry out works necessary to prevent the road from becoming unsafe or unsightly. If appropriate, a council may carry out such work at its own expense
Premises and infrastructure safety	Public swimming pools	Public Health Act 2010	Penalty notices/fines	A council may issue penalty notices to persons for offences against the Act or regulations.
Premises and infrastructure safety	Public swimming pools	Public Health Act 2010	Inspections	An occupier of premises subject to a prohibition order may request that a council re-inspect the premises.
Premises and infrastructure safety	Public swimming pools	Public Health Act 2010	Investigate/search	A council may enter premises for the purposes of undertaking investigations, may obtain a search warrant to search premises in relation to a breach of the Act or regulations, and may require information, documents, or answers to questions.
Premises and infrastructure safety	Public swimming pools	Public Health Act 2010	Directions	An authorised council officer may issue an improvement notice to the occupier of premises where there is a public swimming pool or spa pool if the premises do not comply with the requirements of the Act or regulations. If the improvement notice is not complied with, a council may issue a prohibition order, directing that the swimming pool or spa pool must not be opened for use by the public until the occupier has been given a clearance certificate.
Premises and infrastructure safety	Public swimming pools	Public Health Act 2010	Court proceedings	A council may take court proceedings in relation to an offence against this Act.
Premises and infrastructure safety	Public swimming pools	Public Health Act 2010	Notifications	The occupier of premises at which a public swimming pool or spa pool is situated must not allow a person to use the pool unless the occupier has caused notice of the pool's existence to be given to the local government authority (council).

Sub-topic	Function	Act	Role Title	Role Description
Premises and infrastructure safety	Skin penetration	Public Health Act 2010	Penalty notices/fines	A council may issue penalty notices to persons for offences against the Act or regulations.
Premises and infrastructure safety	Skin penetration	Public Health Act 2010	Notifications	The occupier of premises where skin penetration procedures are carried out must notify the council.
Premises and infrastructure safety	Skin penetration	Public Health Act 2010	Directions	A council may issue an improvement notice to the occupier of premises where skin penetration procedures are carried out if the premises do not comply with the requirements of the Act or regulations. If an improvement notice is not complied with, a council may issue a prohibition order, directing that skin procedures must not be carried out at the premises until the occupier has been given a clearance certificate stating that skin penetration procedures may be carried out at the premises.
Premises and infrastructure safety	Skin penetration	Public Health Act 2010	Inspections	An occupier of premises subject to a prohibition order may request that a council re-inspect the premises.
Premises and infrastructure safety	Skin penetration	Public Health Act 2010	Investigate/search	A council may enter premises for the purposes of undertaking investigations, may obtain a search warrant to search premises in relation to a breach of the Act or regulations and may require information, documents, or answers to questions.
Premises and infrastructure safety	Skin penetration	Public Health Act 2010	Court proceedings	A council may take court proceedings in relation to an offence against this Act.
Premises and infrastructure safety	Swimming pool compliance	Swimming Pools Act 1992	Directions	Councils may order compliance with requirements for restricting access to swimming pools set out in Part 2 of the Act.

Sub-topic	Function	Act	Role Title	Role Description
Premises and infrastructure safety	Swimming pool compliance	Swimming Pools Act 1992	Approvals	On application from the owner of a swimming pool, a council must issue a certificate of compliance for the swimming pool, where the swimming pool complies with the requirements.
Premises and infrastructure safety	Swimming pool compliance	Swimming Pools Act 1992	Approvals	A council may grant an exemption from the barrier requirements for swimming pools set out in part 2 of the Act. A council may place conditions on the exemption to restrict access to the swimming pool.
Premises and infrastructure safety	Swimming pool compliance	Swimming Pools Act 1992	Penalty notices/fines	An authorised officer (council) may serve a penalty notice on a person if the person commits an offence under this Act or the related regulations.
Premises and infrastructure safety	Swimming pool compliance	Swimming Pools Act 1992	Court proceedings	A council may take court proceedings in relation to an offence against this Act.
Premises and infrastructure safety	Swimming pool compliance	Swimming Pools Act 1992	Levies and Charges	A council may charge fees for granting a certificate of compliance or an exemption from the barrier requirements set out in part 2 of the Act.

5.1.7 Public land and infrastructure

Sub-topic	Function	Act	Role Title	Role Description
Crown land and state forests	Management of Crown Land	Crown Lands Act 1989	Inspections	A council may be appointed as an authorised inspector of crown land. The council may then inspect crown land to determine compliance with regulations on its use, and may enter private land to monitor restrictions on the use of crown land.
Crown land and state forests	Management of State Forests	Forestry Act 1916	Approvals	The commission may delegate to a council the function of authorising a person to take timber products or forest materials from land within a State forest or from Crown land.

Sub-topic	Function	Act	Role Title	Role Description
General	Child welfare	Children (Protection and Parental Responsibility) Act 1997	Rule-making	A council may request the Attorney General to declare the council's area to be an operational area for the purposes of the Act. An operational area is an area from which a police officer may remove a child who is not under adult supervision and is at risk of harm. A council may also prepare a draft local crime prevention plan.
General	Commons management	Commons Management Act 1989	Eviction	A council may be appointed to manage the affairs of a trust established to control and manage a commons. In exercising this role, a council may remove unauthorised persons from a commons.
General	Commons management	Commons Management Act 1989	Penalty notices/fines	A council may fine a person if they hinder or obstruct an officer authorised by this Act (including an employee of the council) in their attempt to lawfully remove a person from a common piece of land.
General	Commons management	Commons Management Act 1989	Court proceedings	A council may bring court proceedings relating to offences against the Act.
General	Commons management	Commons Management Act 1989	Approvals	Authorisation by council is required to undertake certain activities within a commons.
General	Community land	Local Government Act 1993	Approvals	A council may approve applications to undertake certain activities on community land, including trading, busking, public meetings, public entertainment, operating a loudspeaker.
General	Gas supply	Gas Supply Act 1996	Notifications	A network operator must notify the council before undertaking work connected with the erection, installation, extension, alteration, maintenance and removal of gas works.

Sub-topic	Function	Act	Role Title	Role Description
General	Impounding	Impounding Act 1993	Seizure/Impounding	A council is an impounding authority, and can take possession (impound) articles in certain circumstances. A council may impound an animal left unattended in a public place, or an animal which is trespassing on private property. A council may impound articles which have been abandoned or left unattended.
General	Land Acquisition	Local Government Act 1993	Other	A council may acquire land for a public purpose. Land may be acquired by compulsory process according to procedure set out in the Land Acquisition (Just Terms Compensation) Act 1991.
General	Management of Barangaroo	Barangaroo Delivery Authority Act 2009	Other	The authority may delegate its functions to a council. Powers which may be exercised by the authority include the compulsory acquisition of land.
General	National works	Public Works Act 1912	Court proceedings	A council may be appointed as agent for the care, control and management of a national work. A council may take legal proceedings to recover penalties for offences relating to a national work. A national work is any road, bridge, ferry, wharf, public reserve of public work declared by proclamation to be a national work.
General	Petroleum production	Petroleum (Onshore) Act 1991	Referral to State Agency	In certain cases, the Minister must provide the council with notice of an application for a petroleum production lease. A council may then object to the granting of a production lease, or propose conditions to be included on the lease.
General	Pipelines	Pipelines Act 1967	Notifications	A council must be notified by an applicant for a licence to construct a pipeline of the applicant's intention to apply for a licence. A council must also be notified of certain amendments to a licence application, and of variations to a licence area.

Sub-topic	Function	Act	Role Title	Role Description
General	Policing community land	Local Government Act 1993	Eviction	A council may remove a person who is committing an offence against the Act from community land. Reasonable force may be used to remove the person.
General	Policing public places	Local Government Act 1993	Investigate/search	A council may demand the name and address of an offender. If the offender does not comply, council may apprehend the offender and bring the offender before a Magistrate.
General	Protection of public places	Local Government Act 1993	Directions	A council may issue a number of orders directed at requiring the prevention of damage to a public place, or repair of public place, and to preventing obstruction of public places. This includes requiring the owner of a work or structure to alter or repair the work or structure which is located over or under a public place.
General	Public drinking of alcohol	Local Government Act 1993	Rule-making	A council may declare a public place to be an alcohol prohibited area.
General	Public drinking of alcohol	Local Government Act 1993	Seizure/Impounding	A council may seize alcohol in the possession of a person in an alcohol prohibited area, where the person has, is, or is about to drink alcohol in the area.
General	Public trading	Local Government Act 1993	Approvals	A council may approve the use of a standing vehicle or any article for the purpose of trading in a public place.
General	Rail infrastructure	Transport Administration Act 1988	Notifications	Before closing a level crossing, bridge or other structure for crossing or passing over or under a railway track, a rail infrastructure owner must notify the council of the area concerned.
General	Recreational equipment	Local Government Act 1993	Seizure/Impounding	A council may take possession of skating equipment or water-based recreational equipment that is being used contrary to the Act.

Sub-topic	Function	Act	Role Title	Role Description
General	Water infrastructure	Water Industry Competition Act 2006	Notifications	A network operator must notify the council before undertaking work connected with the erection, installation, extension, alteration, maintenance and removal of water industry infrastructure.
General	Water infrastructure	Water Industry Competition Act 2006	Directions	A council may require a network operator to repair damage done to a public road or road reserve.
General	Water infrastructure	Water Industry Competition Act 2006	Works	Where a network operator fails to comply with the direction of council, a council may undertake the work itself, at the expense of the network operator.
Parks and Gardens	Parkland management	Western Sydney Parklands Act 2006	Other	A trust may delegate any of its functions to a council. Functions include the acquisition of land, and preparation of precinct plans.
Parks and Gardens	Regional parks	National Parks and Wildlife Act 1974	Rule-making	If a local council has the control and management of a regional park (as nominated by the Minister), the council must prepare a plan of management for the park, referring to relevant authorities (under s 74 (2)) where necessary.
Parks and Gardens	Regional parks	National Parks and Wildlife Act 1974	Other	If a council has the care, control and management of a regional park, the council must carry out implement any plan of management adopted by the Minister in respect of the park.
Parks and Gardens	Regional parks	National Parks and Wildlife Act 1974	Rule-making	As a park authority, a council may display notices, or issue an oral direction to: designate points of entry to the park, close the park to the public, reserve the park for a particular use, regulate or prohibit the use of facilities in the park or the carrying out of activities, or impose fees and charges for use of, or entry to, the park. A council may also impose conditions on the entry to, or use of, the park.
Parks and Gardens	Regional parks	National Parks and Wildlife Act 1974	Approvals	As a park authority, a council may grant any consent required under the regulations to use the park, and impose conditions on the consent.

Sub-topic	Function	Act	Role Title	Role Description
Parks and Gardens	Regional parks	National Parks and Wildlife Act 1974	Eviction	A designated officer of the council may direct a person to leave the park, or any part of the park, if the person has committed an offence against the Act or regulations, is trespassing, or is causing a nuisance or inconvenience to other persons in the park.
Parks and Gardens	Regional parks	National Parks and Wildlife Act 1974	Court proceedings	A council may take court proceedings in relation to an offence against this Act.
Parks and Gardens	Regional parks	National Parks and Wildlife Act 1974	Approvals	As a park authority, a council may impose fees and charges on persons for use of the park.
Roads and parking	Car parks	Local Government Act 1993	Approvals	A council may approve an application to operate a public car park.
Roads and parking	Driver licensing	Road Transport (Driver Licensing) Act 1998	Other	The Authority may delegate any of its powers under the Act to a council.
Roads and parking	Electricity works	Electricity Supply Act 1995	Notifications	If a network operator intends to undertake work connected with the erection, installation, extension, alteration, maintenance and removal of electricity works, it must notify the council. A network operator must also consult with the council in relation to the preparation of a tree management plan, for managing trees which may interfere with power lines.
Roads and parking	Electricity works	Electricity Supply Act 1995	Directions	A council may require a network operator to repair damage done to a public road or road reserve.
Roads and parking	Parking	Road Transport (Safety and Traffic Management) Act 1999	Approvals	A council may issue a permit authorising the parking of a vehicle without charge or time restrictions in a parking space. There are a number of classes of permits.
Roads and parking	Parking	Road Transport (Safety and Traffic Management) Act 1999	Other	A council may operate a range of pay parking schemes: metered parking, ticket parking, coupon parking, phone parking and special event parking.
Roads and parking	Parking	Road Transport (Safety and Traffic Management) Act 1999	Levies and Charges	A council may charge fees for parking through parking schemes established under the Act.

Sub-topic	Function	Act	Role Title	Role Description
Roads and parking	Public footpaths	Roads Act 1993	Approvals	A council may grant approval for the footway of a public road to be used for the purposes of an adjoining restaurant. A council may also grant approval for a structure to be erected and maintained over part of a footway.
Roads and parking	Public roads	Local Government Act 1993	Approvals	A council may approve applications concerning the use of space on and around public roads for the following purposes: displaying goods for sale, hanging articles over roads, use of a crane or hoist over a public road.
Roads and parking	Public roads	Roads Act 1993	Levies and Charges	A person who causes damage to a public road, or to any road work on a public road or any traffic control facility on a road or road related area is liable to pay to the appropriate roads authority (council) the cost incurred by that authority in making good the damage.
Roads and parking	Public roads	Roads Act 1993	Directions	As a roads authority, a council may direct the owner or occupier of land to erect or install fences, lights or other equipment on or around any premises on the land that are, in the opinion of the roads authority, in a sufficiently dangerous condition to threaten the safety of persons or property on a public road in the vicinity of the premises.
Roads and parking	Public roads	Roads Act 1993	Directions	A roads authority (council) may direct any person who causes an obstruction or encroachment on a public road, or the owner of any land that is used, or is able to be used, in connection with an obstruction or encroachment on a public road, to remove the obstruction or encroachment.
Roads and parking	Public roads	Roads Act 1993	Approvals	A roads authority (council) may permit the occupier of any land through which an unfenced public road passes to erect a gate across the road at any place at which the road intersects a boundary fence.

Sub-topic	Function	Act	Role Title	Role Description
Roads and parking	Public roads	Roads Act 1993	Rule-making	A roads authority (council) may survey the boundaries of a public road if those boundaries are uncertain. The roads authority must provide public notice of the proposed boundaries, conduct public consultation regarding those boundaries and then lodge the final survey plan with the Registrar-General for registration.
Roads and parking	Public roads	Roads Act 1993	Levies and Charges	As a roads authority, a council may charge a fee for considering an application for an approval, permit or consent, carrying out an inspection in connection with that application, or for granting an approval, permit or consent, or issuing a certificate.
Roads and parking	Public roads	Roads Act 1993	Approvals	In response to an application a roads authority (council) may permit a person to erect a structure or carry out a work in, on or over a public road, dig up or disturb the surface of a public road; remove or interfere with a structure, work or tree on a public road; pump water into a public road from any land adjoining the road or connect a road (whether public or private) to a classified road.
Roads and parking	Public roads	Roads Act 1993	Approvals	A roads authority (council) may grant a permit to any person to conduct a road event on a public road.
Roads and parking	Public roads	Roads Act 1993	Levies and Charges	The owner of land adjoining a public road may be liable to contribute to the cost incurred by a roads authority (council) from works conducted on public roads adjacent to their land.

Sub-topic	Function	Act	Role Title	Role Description
Roads and parking	Public roads	Roads Act 1993	Levies and Charges	A roads authority (council) may take such action as is necessary to give effect to a direction under this Act if the direction is not complied with in accordance with its terms. The costs incurred by a roads authority in taking action under this section are recoverable from the person to whom the direction was given, as a debt, in a court of competent jurisdiction.
Roads and parking	Public roads	Roads Act 1993	Other	A council may acquire private land which adjoins land to be acquired for the purpose of opening, widening or constructing a road or road work.
Roads and parking	Public roads	Roads Act 1993	Penalty notices/fines	An authorised officer (council) may serve a penalty notice on a person if it appears that the person has committed an offence against this Act or its related regulations. Offences include (but are not limited to) failing to comply with a direction, obstructing an authorised officer and interfering with survey marks.
Roads and parking	Public roads	Roads Act 1993	Rule-making	As a roads authority, a council may make an order, if approved by the Minister, to widen a public road.
Roads and parking	Public roads	Roads Act 1993	Other	As a roads authority, a council may compulsorily acquire land which is the subject of a road widening order by means of an acquisition notice under the Land Acquisition (Just Terms Compensation) Act 1991 without the need for a proposed acquisition notice under that Act.
Roads and parking	Public roads	Roads Act 1993	Directions	As a roads authority, a council may make an order to fix the levels of a public road or to vary the existing levels of a public road. The roads authority must conduct public consultation on the proposed works before making the order.
Roads and parking	Public roads	Roads Act 1993	Directions	As a roads authority a council may close a temporary public road, provided the road does not give access to an isolated road.

Sub-topic	Function	Act	Role Title	Role Description
Roads and parking	Public roads	Roads Act 1993	Directions	As a roads authority, a council may make an order to construct a bridge or tunnel. The roads authority must conduct public consultation on the proposed works before making the order.
Roads and parking	Public roads	Roads Act 1993	Works	As a roads authority, a council may, without the consent of the owner or occupier of land, alter the landform of land adjoining a public road to ensure the stability of a public road.
Roads and parking	Public roads	Roads Act 1993	Directions	Where a council acts as a roads authority, it may direct the owner of any land adjoining a public road to fill in any excavation that, in the opinion of the roads authority, threatens the stability of the public road.
Roads and parking	Public roads	Roads Act 1993	Directions	As a roads authority, a council may direct the occupier of land from which sand, soil or other such matter has been washed or blown onto a public road to take such action as is necessary to remove the obstruction and prevent its recurrence.
Roads and parking	Public roads	Roads Act 1993	Directions	As a roads authority, a council may direct the occupier of any land in the vicinity of a public road to alter a fence (including a rabbit proof fence) on the land, to provide floodgates in any such fence or to repair any such fence or floodgates.
Roads and parking	Public roads	Roads Act 1993	Directions	As a roads authority, a council may, in relation to a public road in which there are conduits for the carriage of utility services across the road may direct any person who is entitled to place utility services in, on or over the road to locate any new or replacement services in any such conduit and to pay to the roads authority such proportion as may be prescribed by the regulations of the costs incurred by the roads authority in connection with the construction of the conduit.

Sub-topic	Function	Act	Role Title	Role Description
Roads and parking	Public roads	Roads Act 1993	Directions	As a roads authority, a council may direct the person having control of any work or structure that is situated in, on or over a public road to alter the work or structure or the location of the work or structure.
Roads and parking	Public roads	Roads Act 1993	Directions	As a roads authority, a council may direct an irrigation corporation, a private irrigation board, a private drainage board or a private water trust (within the meaning of the Water Management Act 2000) to repair or maintain any of their water supply work or drainage work that is situated in, on or over a public road.
Roads and parking	Public roads	Roads Act 1993	Directions	If a public road passes over, under or across a private railway by means of a bridge or level crossing, the owner of the railway must maintain the bridge or level crossing in a satisfactory state of repair and must, if the appropriate roads authority (council) so directs, repair or replace the bridge or level crossing.
Roads and parking	Public roads	Roads Act 1993	Directions	As a roads authority, a council may direct any person by whom a public road is dug up or damaged to restore the road to its previous condition.
Roads and parking	Road safety (1)	Road Transport (General) Act 2005)	Penalty notices/fines	A council may issue penalty notices for certain offences against the Act, and other Acts relating to road transport.
Roads and parking	Road safety (1)	Road Transport (General) Act 2005)	Directions	A council may prohibit vehicles with laden mass exceeding a specified maximum mass from passing along or over a road, bridge, causeway or road ferry.
Roads and parking	Road safety (1)	Road Transport (General) Act 2005)	Court proceedings	A council may take court proceedings in relation to an offence against this Act.

Sub-topic	Function	Act	Role Title	Role Description
Roads and parking	Road safety (2)	Road Transport (Safety and Traffic Management) Act 1999	Penalty notices/fines	Where a motor vehicle or trailer has been towed, the council may require the person responsible for the vehicle to pay the prescribed tow-away charge.
Roads and parking	Road safety (2)	Road Transport (Safety and Traffic Management) Act 1999	Seizure/Impounding	A council in the Kings Cross area may seize and remove any motor vehicle or trailer that has been used unlawfully on a designated road where a 'tow away area' or 'vehicles impounded' sign is displayed.
Roads and parking	Road safety (2)	Road Transport (Safety and Traffic Management) Act 1999	Seizure/Impounding	A council may require an unattended vehicle or trailer unlawfully standing on a prescribed place to be removed. A council may do so where the vehicle is likely to cause danger to the public, undue traffic congestion. A council may remove an unattended vehicle or trailer unlawfully standing on any place if it is obstructing the passage of a light rail vehicle.
Roads and parking	Travelling stock	Rural Lands Protection Act 1998	Approvals	A stock permit cannot be issued authorising a person to graze stock on a public road under the control of a council without the consent of that council.
Roads and parking	Vehicle registration	Road Transport (Vehicle Registration) Act 1997	Other	The Authority may delegate its functions to a council.
Roads and parking	Vehicle registration enforcement	Recreation Vehicles Act 1983	Seizure/Impounding	An authorised council officer may seize any registration plate relating to a motor vehicle for which the registration has ceased, or which is not in a registrable condition. An authorised council officer may also remove a motor vehicle from a recreation vehicle area or from restricted land.
Roads and parking	Vehicle registration enforcement	Recreation Vehicles Act 1983	Inspections	An authorised council officer may inspect and test a motor vehicle in a recreation vehicle area.
Roads and parking	Vehicle registration enforcement	Recreation Vehicles Act 1983	Directions	An authorised council officer may direct the driver of a motor vehicle in a recreation area to remove the vehicle, or not to drive on restricted land.

Sub-topic	Function	Act	Role Title	Role Description
Roads and parking	Vehicle registration enforcement	Recreation Vehicles Act 1983	Investigate/search	An authorised council officer may require the driver of a motor vehicle in a recreation area to provide his or her name and address.
Roads and parking	Vehicle registration enforcement	Recreation Vehicles Act 1983	Court proceedings	A council may take court proceedings in relation to an offence against this Act.
Water and sewerage	Catchment management	Catchment Management Authorities Act 2003	Levies and Charges	A catchment authority may delegate to a council the role of assessing and collecting catchment contributions levied by the authority.
Water and sewerage	Emergency water measures	Water Act 1912	Other	Where there is an actual or threatened shortage of water a council or county council may be directed by the Minister to take such measures thought fit to conserve water in or obtain water from a river or lake for the purpose of supplying water or augmenting the supply of water for town or village water supply or other public purpose.
Water and sewerage	Greywater diversion	Local Government Act 1993	Approvals	A council may approve an application for a domestic greywater diversion (a system for diverting greywater generated on residential premises to a garden or lawn).
Water and sewerage	Plumbing and drainage	Plumbing and Drainage Act 2011	Notifications	Where the plumbing regulator has delegated its functions to the council, the person responsible for plumbing and drainage work which includes carrying out work on a sanitary drainage system must supply a plan of the work to the council.
Water and sewerage	Plumbing and drainage	Plumbing and Drainage Act 2011	Inspections	Where a council is appointed by the plumbing regulator to carry out inspections, an inspector may enter premises for the purposes of carrying out inspections relating to plumbing and drainage work.
Water and sewerage	Plumbing and drainage	Plumbing and Drainage Act 2011	Investigate/search	Where a council is appointed by the plumbing regulator as an enforcement officer, a council may enter premises, or obtain a search warrant, for the purpose of carrying out investigations relating to plumbing and drainage work.

Sub-topic	Function	Act	Role Title	Role Description
Water and sewerage	Plumbing and drainage	Plumbing and Drainage Act 2011	Penalty notices/fines	Where a council is appointed by the plumbing regulator as an enforcement officer, it may issue penalty notices for specified offences against the Act or regulations.
Water and sewerage	Plumbing and drainage	Plumbing and Drainage Act 2011	Court proceedings	A council may take court proceedings in relation to an offence against this Act.
Water and sewerage	Plumbing and drainage	Plumbing and Drainage Act 2011	Penalty notices/fines	Where a council is appointed by the plumbing regulator as an enforcement officer, it may issue penalty notices for specified offences against the Act or regulations.
Water and sewerage	Public drains and sewers	Local Government Act 1993	Approvals	A council may approve an application to connect a private drain or sewer with a public drain or sewer.
Water and sewerage	Public water	Local Government Act 1993	Approvals	A council may approve an application to draw water from a council water supply or standpipe, or to sell water obtained from a council water supply.
Water and sewerage	Sewage management	Local Government Act 1993	Approvals	A council may approve applications for the installation, construction, alteration or operation of a system of sewage management.
Water and sewerage	Stock watering places	Rural Lands Protection Act 1998	Other	A council is the controlling authority in respect of any stock watering place in its local area that has been declared to be town water supply by the Minister administering the Crown Lands Act 1989.
Water and sewerage	Water and sewerage (1)	Local Government Act 1993	Directions	A council may order the owner or occupier of land to connect premises to a council water supply or sewerage system (where premises are within 225m of council water pipe, or where premises are within 75m of a council sewer).
Water and sewerage	Water and sewerage (2)	Local Government Act 1993	Approvals	A council may approve an application to carry out water supply, sewerage and stormwater drainage work. This includes installing, altering or disconnecting a meter connected to a service pipe.

Sub-topic	Function	Act	Role Title	Role Description
Water and sewerage	Water and sewerage (3)	Local Government Act 1993	Approvals	Soil, waste or house drain pipes, or underground or enclosed water supply, sewerage or stormwater drainage work cannot be put into to use until the work has been inspected and certified by the council.
Water and sewerage	Water and sewerage (4)	Local Government Act 1993	Inspections	A council may enter any premises to carry out works relating to water supply, sewerage or stormwater drainage.
Water and sewerage	Water restrictions	Local Government Act 1993	Directions	A council may impose restrictions on the use of water where it considers that the available stored water or capacity of supply is insufficient to allow unrestricted consumption of water for purposes other than domestic purposes.
Water and sewerage	Water supply management	Water Management Act 2000	Levies and Charges	Where a council is a water supply authority, it may charge a fee for applicants to discharge anything into a water supply authority's sewerage system.
Water and sewerage	Water supply management	Water Management Act 2000	Penalty notices/fines	A council that is a water supply authority may issue penalty notices in relation to certain offences against the Act.
Water and sewerage	Water supply management	Water Management Act 2000	Court proceedings	A council that is a water supply authority may take court proceedings in relation to an offence against this Act.
Water and sewerage	Water supply management	Water Management Act 2000	Notifications	A council that is a water supply authority must be notified by an occupier of land or owner of land of intention to discontinue the use of a meter provided by the water supply authority.
Water and sewerage	Water supply management	Water Management Act 2000	Inspections	A council that is a water supply authority may enter and occupy land to exercise its functions including determining whether trade waste is present or is being discharged to a work of the authority, and to undertake a range of inspections relating to use and management of water.

Sub-topic	Function	Act	Role Title	Role Description
Water and sewerage	Water supply management	Water Management Act 2000	Works	A council that is a water supply authority may enter and occupy land to exercise its functions including the carrying out of work. A council that is a water supply authority may also undertake alterations to conduits where an alteration is not made as required by a notice. A council that is water supply authority may also make a connection to the water supply authority's water main or sewer main at the expense of a landholder.
Water and sewerage	Water supply management	Water Management Act 2000	Rule-making	A council that is a water supply authority may apply to the Minister for approval of a policy concerning the discharge of substances into its sewerage system.
Water and sewerage	Water supply management	Water Management Act 2000	Approvals	Approval is required from a council that is a water supply authority to discharge anything into a water supply authority's sewerage system. A certificate of compliance from the water supply authority is also required after the completion of plumbing work.
Water and sewerage	Water supply management	Water Management Act 2000	Directions	A council that is a water supply authority may issue directions including establishing restrictions on use of water during periods of shortage, and directions for rectification of defective plumbing work.
Water and sewerage	Water supply management	Water Management Act 2000	Other	A council that is a water supply authority may compulsorily acquire land in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

5.1.8 Other

Sub-topic	Function	Act	Role Title	Role Description
	Commercial filming	<i>Local Government Act 1993</i>	Approvals	A person intending to carry out a filming project may lodge with the council a filming proposal, making an application for multiple approvals that are necessary in order to enable the filming project to be carried out.

5.1.9 Multiple

Sub-topic	Function	Act	Role Title	Role Description
	General enforcement/ancillary functions	Local Government Act 1993	Directions	A council may order a person to comply with a council approval where the approval is not being complied with.
	General enforcement/ancillary functions	Local Government Act 1993	Inspections	A council has a general power of entry for the purpose of exercising its functions. A council also has general powers relating to inspection and investigations.
	General enforcement/ancillary functions	Local Government Act 1993	Investigate/search	A council may apply for a search warrant to enter premises and search premises for evidence of a breach of the Act or regulations, or a term of an approval or order.
	General enforcement/ancillary functions	Local Government Act 1993	Court proceedings	A council may bring proceedings in the Land and Environment Court or other specified court to obtain an order to remedy or restrain a breach of the Act.
	General enforcement/ancillary functions	Local Government Act 1993	Penalty notices/fines	A council may issue penalty notices for offences against the Act.
	General enforcement/ancillary functions	Local Government Act 1993	Works	If a person fails to comply with an order, the council may do all things which are necessary or convenient to give effect to the terms of the order, including by carrying out works required under the



Sub-topic	Function	Act	Role Title	Role Description
				order.
	General enforcement/ancillary functions	Local Government Act 1993	Levies and Charges	An application to a council for approval under the Act, including applications for filming approval, must be acquired by the approved fee.
	Regulating approvals	Local Government Act 1993	Rule-making	A council may prepare a draft local approvals policy, specifying when a person is exempt from the need to obtain an approval from the council, the criteria to be considered by the council when granting or refusing an approval and specifying other matters relating to approvals.
	Regulating orders	Local Government Act 1993	Rule-making	A council may prepare a draft local orders policy, specifying the criteria to be taken into account by the council when deciding whether to give an order under s 124 (except order No. 22A).

5.2 Legislative basis for regulatory functions by department/ministry

5.2.1 Department of Attorney General and Justice

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Department of Attorney General and Justice	Brothels	Court proceedings	Restricted Premises Act 1943	s 17		
Department of Attorney General and Justice	Child welfare	Rule-making	Children (Protection and Parental Responsibility) Act 1997	s 14		
Department of Attorney General and Justice	Graffiti Control	Penalty notices/fines	Graffiti Control Act 2008	s 16, ss 7-8	Graffiti Control Regulations 2009	reg 11
Department of Attorney General and Justice	Graffiti Control	Court proceedings	Graffiti Control Act 2008	s 20	Graffiti Control Regulations 2009	
Department of Attorney General and Justice	Tree dispute resolution	Works	Trees (Dispute Between Neighbours) Act 2006	s 17	N/A	N/A
Department of Attorney General and Justice	Tree dispute resolution	Inspections	Trees (Dispute Between Neighbours) Act 2006	s 17	N/A	N/A
Department of Attorney General and Justice	Tree dispute resolution	Court proceedings	Trees (Dispute Between Neighbours) Act 2006	s 17	N/A	N/A
Local Government Division	Graffiti Control	Works	Graffiti Control Act 2008	s 12	Graffiti Control Regulations 2009	N/A
Ministry for Police and Emergency Services	Firearms controls	Approvals	Firearms Act 1996		Firearms Regulation 2006	regs 57, 86

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Ministry for Police and Emergency Services	Security industry	Penalty notices/fines	Security Industry Act 1997	s 45A	N/A	N/A
Ministry for Police and Emergency Services	Security industry	Court proceedings	Security Industry Act 1997	s 45	N/A	N/A
Fire & Rescue NSW	Fire safety	Inspections	Environmental Planning and Assessment Act 1979	s 118M	Environmental Planning and Assessment Regulation 2000	regs 168, 170-182
Fire & Rescue NSW	Fire safety	Notifications	Environmental Planning and Assessment Act 1979	s 157	Environmental Planning and Assessment Regulation 2000	reg 177
NSW Rural Fire Service	Bush fires	Approvals	Rural Fires Act (1997)	s 100F	N/A	N/A
NSW Rural Fire Service	Bush fires	Court proceedings	Rural Fires Act (1997)	s 100H	N/A	N/A

5.2.2 Department of Education and Communities

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Sport and Recreation	Motor vehicle sports	Approvals	Motor Vehicle Sports (Public Safety) Act 1985		Motor Vehicle Sports (Public Safety) Regulation 2010	cl 9 of schedule 9

5.2.3 Department of Finance and Services

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Department of Finance and Services	Conveyancing	Notifications	Conveyancing Act 1919	s 89		
Department of Finance and Services	Conveyancing	Other	Conveyancing Act 1919	s 88D	Conveyancing (General) Regulation 2008	reg 54
Department of Finance and Services	Conveyancing	Other	Conveyancing Act 1919	s 88E	Conveyancing (General) Regulation 2008	reg 55
Department of Finance and Services	Fireworks regulation	Notifications	Explosives Act 2003		Explosives Regulation 2005	regs 48-49
Department of Finance and Services	National works	Court proceedings	Public Works Act 1912	s 157	N/A	N/A
Department of Finance and Services	Water infrastructure	Notifications	Water Industry Competition Act 2006	s 58	N/A	N/A
Department of Finance and Services	Water infrastructure	Directions	Water Industry Competition Act 2006	s 59	N/A	N/A
Department of Finance and Services	Water infrastructure	Works	Water Industry Competition Act 2006	s 59	N/A	N/A
NSW Fair Trading	Community development	Approvals	Community Land Development Act 1989	s26		
NSW Fair Trading	Community development	Approvals	Community Land Development Act 1989	cl 1 of schedule 3		

Agency	Function	Role Title	Act	Reference	Regulations	Reference
NSW Fair Trading	Community development	Approvals	Community Land Development Act 1989	cl 1 of schedule 6; cl 1 of schedule 7; cl 1 of schedule 8		
NSW Fair Trading	Community development	Notifications	Community Land Development Act 1989	s 62		
NSW Fair Trading	Community development	Approvals	Community Land Management Act 1989	ss 3, 16, 107	N/A	N/A
NSW Fair Trading	Community development	Notifications	Community Land Management Act 1989	ss 3, 16, 107	N/A	N/A
NSW Fair Trading	Strata titles	Court proceedings	Strata Schemes Management Act 1996	ss 161, 183	N/A	N/A
NSW Fair Trading	Strata titles	Court proceedings	Strata Schemes Management Act 1996	s 225		
NSW Fair Trading	Plumbing and drainage	Notifications	Plumbing and Drainage Act 2011	ss 12, 16, 21		
NSW Fair Trading	Plumbing and drainage	Inspections	Plumbing and Drainage Act 2011	s 22, 26-27, 34		
NSW Fair Trading	Plumbing and drainage	Investigate/search	Plumbing and Drainage Act 2011	s 23, ss 34-35		
NSW Fair Trading	Plumbing and drainage	Penalty notices/fines	Plumbing and Drainage Act 2011	ss 23, 41		
NSW Fair Trading	Plumbing and drainage	Court proceedings	Plumbing and Drainage Act 2011	ss 23, 42		
NSW Fair Trading	Plumbing and drainage	Penalty notices/fines	Plumbing and Drainage Act 2011	s 12	Plumbing and Drainage Regulation 2012	reg 13

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Land and Property Information	Strata titles	Inspections	Strata Schemes (Freehold Development) Act 1973		Strata Schemes (Freehold Development) Regulation 2007	reg 29A
Land and Property Information	Strata titles	Approvals	Strata Schemes (Freehold Development) Act 1973	s 37	Strata Schemes (Freehold Development) Regulation 2007	N/A
Land and Property Information	Strata titles	Notifications	Strata Schemes (Freehold Development) Act 1973	s 37 (2), s 37C	Strata Schemes (Freehold Development) Regulation 2007	reg 29 (2)
Land and Property Information	Strata titles	Court proceedings	Strata Schemes (Freehold Development) Act 1973	s 157	Strata Schemes (Freehold Development) Regulation 2007	N/A
Land and Property Information	Strata titles	Approvals	Strata Schemes (Leasehold Development) Act 1986	s 66	Strata Schemes (Leasehold Development) Regulation 2007	N/A
Land and Property Information	Strata titles	Inspections	Strata Schemes (Leasehold Development) Act 1986	s 66AA	Strata Schemes (Leasehold Development) Regulation 2007	reg 30A
Land and Property Information	Strata titles	Notifications	Strata Schemes (Leasehold Development) Act 1986	s 66C (b)	Strata Schemes (Leasehold Development) Regulation 2007	reg 30 (2)
Land and Property Information	Strata titles	Court proceedings	Strata Schemes (Leasehold Development) Act 1986	s 195	Strata Schemes (Leasehold Development) Regulation 2007	N/A
WorkCover Authority	Work health and safety	Directions	Work Health and Safety Act 2011	ss 156, 160	N/A	N/A

Agency	Function	Role Title	Act	Reference	Regulations	Reference
WorkCover Authority	Work health and safety	Investigate/search	Work Health and Safety Act 2011	ss 156, 160	N/A	N/A
WorkCover Authority	Work health and safety	Court proceedings	Work Health and Safety Act 2011	ss 156, 160	N/A	N/A
WorkCover Authority	Major hazard facilities	Other	Work Health and Safety Act 2011	sch 3	Work Health and Safety Regulation 2011	reg 557
WorkCover Authority	Major hazard facilities	Notifications	Work Health and Safety Act 2011	sch 3	Work Health and Safety Regulation 2011	reg 572
WorkCover Authority	Major hazard facilities	Notifications	Work Health and Safety Act 2011	sch 3	Work Health and Safety Regulation 2011	reg 573

5.2.4 Department of Premier and Cabinet

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Barangaroo Delivery Authority	Management of Barangaroo	Other	Barangaroo Delivery Authority Act 2009	s 12		
Building Professionals Board	Building Compliance Accreditation	Inspections	Building Professionals Act 2005	ss 5, 5A	Building Professionals Regulation 2007	reg 7, r 7A
Department of Planning and Infrastructure	Building Compliance Certification (1)	Approvals	Environmental Planning and Assessment Act 1979	ss 109C-109E	Environmental Planning and Assessment Regulation 2000	regs 138-142; 149-151; 157-160A
Department of Planning and Infrastructure	Building Compliance Certification (2)	Approvals	Environmental Planning and Assessment Act 1979	ss 149A-149F	Environmental Planning and Assessment Regulation 2000	N/A

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Department of Planning and Infrastructure	Building, development and planning compliance	Penalty notices/fines	Environmental Planning and Assessment Act 1979	ss126, 127A	Environmental Planning and Assessment Regulation 2000	reg 183 - 186, 284, sch 5
Department of Planning and Infrastructure	Building, development and planning compliance	Court proceedings	Environmental Planning and Assessment Act 1979	s 127	Environmental Planning and Assessment Regulation 2000	N/A
Department of Planning and Infrastructure	Development compliance	Inspections	Environmental Planning and Assessment Act 1979	ss 118A-118K	Environmental Planning and Assessment Regulation 2000	N/A
Department of Planning and Infrastructure	Development compliance	Directions	Environmental Planning and Assessment Act 1979	ss 121B, 121CA	Environmental Planning and Assessment Regulation 2000	N/A
Department of Planning and Infrastructure	Development compliance certification	Approvals	Environmental Planning and Assessment Act 1979	ss 84A-87	Environmental Planning and Assessment Regulation 2000	regs125-128, 130-134
Department of Planning and Infrastructure	Development compliance certification	Inspections	Environmental Planning and Assessment Act 1979	ss 118A - 118N	NA	NA
Department of Planning and Infrastructure	Development compliance certification	Levies and Charges	Environmental Planning and Assessment Act 1979	s 118G	NA	NA
Department of Planning and Infrastructure	Development Control	Approvals	Environmental Planning and Assessment Act 1979	s 4, ss77-78A, 80	Environmental Planning and Assessment Regulation 2000	regs 41-57
Department of Planning and Infrastructure	Development compliance certification	Levies and Charges	Environmental Planning and Assessment Act 1979	ss 84A, 105, 109Q, 149-149B	Environmental Planning and Assessment Regulation 2000	

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Department of Planning and Infrastructure	Development Contributions	Levies and Charges	Environmental Planning and Assessment Act 1979	ss 93F, 94-94A, 94ED-94EF, 94F-94G	Environmental Planning and Assessment Regulation 2000	regs 25B-25C, 26-27; 31,
Department of Planning and Infrastructure	Development Orders	Directions	Environmental Planning and Assessment Act 1979	ss 121A - 121ZS	NA	NA
Department of Planning and Infrastructure	Development Orders	Notifications	Environmental Planning and Assessment Act 1979	s 121H	NA	NA
Department of Planning and Infrastructure	Development Orders	Works	Environmental Planning and Assessment Act 1979	ss 121ZJ	NA	NA
Department of Planning and Infrastructure	Development Orders	Levies and Charges	Environmental Planning and Assessment Act 1979	ss 121CA	NA	NA
Department of Planning and Infrastructure	Planning instruments	Rule-making	Environmental Planning and Assessment Act 1979	ss 74B-74F	Environmental Planning and Assessment Regulation 2000	regs 16-23
Department of Planning and Infrastructure	Planning instruments	Rule-making	Environmental Planning and Assessment Act 1979	ss 53-59	Environmental Planning and Assessment Regulation 2000	N/A
Department of Premier and Cabinet	Major events	Directions	Major Events Act 2009	ss 5-6, 37	N/A	N/A
Department of Premier and Cabinet	Major events	Investigate/search	Major Events Act 2009	ss 5-6, 45	N/A	N/A
Department of Premier and Cabinet	Major events	Eviction	Major Events Act 2009	ss 5-6, 45	N/A	N/A

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Department of Premier and Cabinet	Major events	Penalty notices/fines	Major Events Act 2009	ss 5-6, 73	N/A	N/A
Environment Protection Authority	Contaminated land	Works	Contaminated Land Management Act 1997	s 30	N/A	N/A
Environment Protection Authority	Contaminated land	Levies and Charges	Contaminated Land Management Act 1997	s 35	N/A	N/A
Environment Protection Authority	Contaminated land	Levies and Charges	Contaminated Land Management Act 1997	ss 39 - 40	N/A	N/A
Environment Protection Authority	Controlling pesticides	Works	Pesticides Act 1999	s 20, 35	N/A	N/A
Environment Protection Authority	Controlling pesticides	Levies and Charges	Pesticides Act 1999	s 28	N/A	N/A
Environment Protection Authority	Controlling pesticides	Levies and Charges	Pesticides Act 1999	ss30-31	N/A	N/A
Environment Protection Authority	Environmental Protection	Other	Protection of the Environment Administration Act 1991	s 21	N/A	N/A
Environment Protection Authority	Environmental Protection	Penalty notices/fines	Protection of the Environment Operations Act 1997	ss 224-226	Protection of the Environment Operations (General) Regulation 2009	reg 81, Schedule 6
Environment Protection Authority	Environmental Protection	Investigate/search	Protection of the Environment Operations Act 1997	s 6, 199, ss 203-207	N/A	N/A

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Environment Protection Authority	Environmental Protection	Levies and Charges	Protection of the Environment Operations Act 1997	ss 6, 94, 100, 104, 267B	Protection of the Environment Operations (General) Regulation 2009	reg 81; schedule 6
Environment Protection Authority	Environmental Protection	Notifications	Protection of the Environment Operations Act 1997	s 6, 148	N/A	N/A
Environment Protection Authority	Environmental Protection	Approvals	Protection of the Environment Administration Act 1991	s 6,	Protection of the Environment Operations (Clean Air) Regulation 2010	reg 13
Environment Protection Authority	Environmental Protection	Notifications	Protection of the Environment Administration Act 1991	s 6,	Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008	reg 13
Environment Protection Authority	Environmental Protection	Directions	Protection of the Environment Operations Act 1997	ss 6, 91, 96, s 135B	N/A	N/A
Environment Protection Authority	Environmental Protection	Court proceedings	Protection of the Environment Operations Act 1997	s 6, 217, 218	N/A	N/A
Environment Protection Authority	Environmental Protection	Approvals	Protection of the Environment Operations Act 1997	s 6, 43, 44	N/A	N/A
Environment Protection Authority	Environmental Protection	Levies and Charges	Protection of the Environment Operations Act 1997	s 57	N/A	N/A

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Environment Protection Authority	Environmental Protection	Inspections	Protection of the Environment Operations Act 1997	ss 6, 196-198, 111, 206-209	N/A	N/A
Environment Protection Authority	Environmental Protection	Reporting	Protection of the Environment Operations Act 1997	s 6, 192	N/A	N/A
Environment Protection Authority	Vehicle emissions	Directions	Protection of the Environment Operations Act 1997	s 161	Protection of the Environment Operations (Noise Control) Regulation 2008	reg 26
Environment Protection Authority	Vehicle emissions	Inspections	Protection of the Environment Operations Act 1997	ss 206-208	N/A	N/A
Heritage Council of NSW	Heritage conservation	Directions	Heritage Act 1977	ss 25, 57	N/A	N/A
Heritage Council of NSW	Heritage conservation	Approvals	Heritage Act 1977	ss 57-65	N/A	N/A
Heritage Council of NSW	Heritage conservation	Referral to State Agency	Heritage Act 1977	s 166	N/A	N/A
Heritage Council of NSW	Heritage conservation	Levies and Charges	Heritage Act 1977	s 60	Heritage Regulation 2012	reg 4
Local Government Division	Commercial filming	Approvals	Local Government Act 1993	ss 114-117	N/A	N/A
Local Government Division	Community land	Approvals	Local Government Act 1993	s 68: Table, Part D, items 1, 2, 3, 4, 5, 6	Local Government (General) Regulation 2005	reg 49
Local Government Division	Environmental upgrade agreements	Levies and Charges	Local Government Act 1993	ss 54C-54O	N/A	N/A

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Local Government Division	Control of companion animals	Approvals	Companion Animals Act 1998	ss 8-10, 70-72	Companion Animals Regulation 2008	regs 13-14, 24-25
Local Government Division	Control of companion animals	Seizure/Impounding	Companion Animals Act 1998	ss 22(6), 32(4), 52, 57, 58G	N/A	N/A
Local Government Division	Control of companion animals	Directions	Companion Animals Act 1998	ss 10B, 21-21A, 31-31A, 34, 58A	N/A	N/A
Local Government Division	Control of companion animals	Investigate/search	Companion Animals Act 1998	69G	N/A	N/A
Local Government Division	Control of companion animals	Inspections	Companion Animals Act 1998	ss 69A-69C	N/A	N/A
Local Government Division	Control of companion animals	Penalty notices/fines	Companion Animals Act 1998	s 92	Companion Animals Regulation 2008	regs 34-35, Schedule 1
Local Government Division	Control of companion animals	Levies and Charges	Companion Animals Act 1998	ss 58H, 71	Companion Animals Regulation 2008	regs 14, 17, 25
Local Government Division	Control of animals	Directions	Local Government Act 1993	s 124: Table item 18	Local Government (General) Regulation 2005	Reg 91
Local Government Division	Food safety (2)	Directions	Local Government Act 1993	s 124, Table item 20	Local Government (General) Regulation 2005	Reg 93
Local Government Division	Amusement devices	Approvals	Local Government Act 1993	s 68: Table, Part F, item 5	Local Government (General) Regulation 2005	Regs 71-75
Local Government Division	Impounding	Seizure/Impounding	Impounding Act 1993	ss 5, 9, 10, 15	Impounding Regulation 2008	N/A

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Local Government Division	Land Acquisition	Other	Local Government Act 1993	ss 186-190	N/A	N/A
Local Government Division	Buildings in catchment districts	Directions	Local Government Act 1993	s 124: Table items 1, 3	Local Government (General) Regulation 2005	Part 3, Division 1
Local Government Division	Drainage works	Directions	Local Government Act 1993	s 124: Table items 11, 12	Local Government (General) Regulation 2005	Reg 89
Local Government Division	General enforcement/ancillary functions	Directions	Local Government Act 1993	s 124, Table item 30	N/A	N/A
Local Government Division	General enforcement/ancillary functions	Inspections	Local Government Act 1993	ss 191-192	N/A	N/A
Local Government Division	General enforcement/ancillary functions	Investigate/search	Local Government Act 1993	s 201	N/A	N/A
Local Government Division	General enforcement/ancillary functions	Court proceedings	Local Government Act 1993	ss 672-674	N/A	N/A
Local Government Division	General enforcement/ancillary functions	Penalty notices/fines	Local Government Act 1993	s 679	Local Government (General) Regulation 2005	regs 398-399; schedule 12
Local Government Division	General enforcement/ancillary functions	Works	Local Government Act 1993	s 678	N/A	N/A
Local Government Division	General enforcement/ancillary functions	Levies and Charges	Local Government Act 1993	ss 80, 116	N/A	N/A

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Local Government Division	Installation of moveable dwellings	Approvals	Local Government Act 1993	s 68: Table, Part A, item 1	Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005	Part 2, subdivision 2
Local Government Division	Policing community land	Eviction	Local Government Act 1993	s 681	N/A	N/A
Local Government Division	Tennis courts	Directions	Local Government Act 1993	s 124, Table item 19	N/A	N/A
Local Government Division	Threats to public safety	Directions	Local Government Act 1993	s 124 Table items 15, 16, 17	Local Government (General) Regulation 2005	Regs 90,
Local Government Division	Policing public places	Investigate/search	Local Government Act 1993	s 680	N/A	N/A
Local Government Division	Protection of public places	Directions	Local Government Act 1993	s 124, Table items 27, 28, 29	N/A	N/A
Local Government Division	Public drinking of alcohol	Rule-making	Local Government Act 1993	s 632A (4); ss 644-644B	N/A	N/A
Local Government Division	Public drinking of alcohol	Seizure/Impounding	Local Government Act 1993	s 632A	N/A	N/A
Local Government Division	Heating appliances	Approvals	Local Government Act 1993	s 68: Table, Part F, item 4	Local Government (General) Regulation 2005	Regs 67-70
Local Government Division	Public trading	Approvals	Local Government Act 1993	s 68: Table, Part F, item 7	N/A	N/A

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Local Government Division	Recreational equipment	Seizure/Impounding	Local Government Act 1993	s 681A	Local Government (General) Regulation 2005	N/A
Local Government Division	Caravan parks	Approvals	Local Government Act 1993	s 68: Table, Part F, items 2, 3	Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005	Part 3, Division 2
Local Government Division	Property identification	Directions	Local Government Act 1993	s 124: Table item 8	N/A	N/A
Local Government Division	Car parks	Approvals	Local Government Act 1993	s 68: Table, Part F, item 1	Local Government (General) Regulation 2005	Regs 52-66
Local Government Division	Public nuisances	Directions	Local Government Act 1993	s 125	N/A	N/A
Local Government Division	Public roads	Approvals	Local Government Act 1993	s 68: Table, Part E, items 1, 2	Local Government (General) Regulation 2005	Reg 50-51
Local Government Division	Public roads	Other	Roads Act 1993	s 177	N/A	N/A
Local Government Division	Public roads	Other	Roads Act 1993	ss 203	N/A	N/A
Local Government Division	Fencing land	Directions	Local Government Act 1993	s 124: Table items 7, 9	N/A	N/A
Local Government Division	Regulating approvals	Rule-making	Local Government Act 1993	s 158	Local Government (General) Regulation 2005	Regs 77-78

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Local Government Division	Regulating orders	Rule-making	Local Government Act 1993	s 159	Local Government (General) Regulation 2005	Reg 81
Local Government Division	Premises compliance	Directions	Local Government Act 1993	s 124: Table item 5	Local Government (General) Regulation 2005	Regs 82-88
Local Government Division	Premises controls	Directions	Local Government Act 1993	s 124, Table item 21	N/A	N/A
Local Government Division	Greywater diversion	Approvals	Local Government Act 1993	s 68: Table, Part F, item 10	Local Government (General) Regulation 2005	reg 75A
Local Government Division	Swimming pool compliance	Directions	Swimming Pools Act 1992	ss 5, 23	Swimming Pools Regulation 2008	Part 5, ss 15-18
Local Government Division	Swimming pool compliance	Approvals	Swimming Pools Act 1992	ss 5, 24	Swimming Pools Regulation 2008	Part 5, ss 15-18
Local Government Division	Swimming pool compliance	Approvals	Swimming Pools Act 1992	s 22	Swimming Pools Regulation 2008	Part 4, ss 12-15
Local Government Division	Unightly conditions	Directions	Local Government Act 1993	s 124: Table item 10	N/A	N/A
Local Government Division	Public drains and sewers	Approvals	Local Government Act 1993	s 68: Table, Part B, item 6	Local Government (General) Regulation 2005	Reg 18-19, 28
Local Government Division	Waste Management (1)	Directions	Local Government Act 1993	s 124, Table items 22, 22A, 25	Local Government (General) Regulation 2005	Reg 90, 94
Local Government Division	Waste Management (2)	Approvals	Local Government Act 1993	s 68: Table, Part C, items 1, 2, 3, 4	Local Government (General) Regulation 2005	Reg 25, 27, 28, 31-32, 48

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Local Government Division	Public water	Approvals	Local Government Act 1993	s 68: Table, Part B, item 2	Local Government (General) Regulation 2005	Reg 13
Local Government Division	Sewage management	Approvals	Local Government Act 1993	s 68: Table, Part C, items 5, 6	Local Government (General) Regulation 2005	Reg 26, 29-31, 34, 48
Local Government Division	Water and sewerage (1)	Directions	Local Government Act 1993	s 124, Table items 23, 24	Local Government (General) Regulation 2005	Regs 90, 95, 96
Local Government Division	Water and sewerage (2)	Approvals	Local Government Act 1993	s 68: Table, Part B, items 1, 3, 4, 5	Local Government (General) Regulation 2005	Regs 14-17, 151
Local Government Division	Water and sewerage (3)	Approvals	Local Government Act 1993	s 68: Table, Part B, items 1, 3, 4, 5	Local Government (General) Regulation 2005	Reg 21
Local Government Division	Water and sewerage (4)	Inspections	Local Government Act 1993	s 191A	N/A	N/A
Local Government Division	Water restrictions	Directions	Local Government Act 1993	s 748	Local Government (General) Regulation 2005	reg 137, 144
Local Government Division	Swimming pool compliance	Penalty notices/fines	Swimming Pools Act 1992	s 35	Swimming Pools Regulation 2008	N/A
Local Government Division	Swimming pool compliance	Court proceedings	Swimming Pools Act 1992	s 36	Swimming Pools Regulation 2008	N/A
Local Government Division	Swimming pool compliance	Levies and Charges	Swimming Pools Act 1992	s 38	Swimming Pools Regulation 2008	regs 13, 17
National Parks and Wildlife Service	Regional parks	Rule-making	National Parks and Wildlife Act 1974	ss 72 (1B), 47O	N/A	N/A

Agency	Function	Role Title	Act	Reference	Regulations	Reference
National Parks and Wildlife Service	Regional parks	Other	National Parks and Wildlife Act 1974	s 81 (3A)	N/A	N/A
National Parks and Wildlife Service	Regional parks	Rule-making	National Parks and Wildlife Act 1974	ss 72 (1B), 47O, 81 (3A)	National Parks and Wildlife Regulation 2009	regs 4-5
National Parks and Wildlife Service	Regional parks	Approvals	National Parks and Wildlife Act 1974	ss 72 (1B), 47O, 81 (3A)	National Parks and Wildlife Regulation 2009	reg 4
National Parks and Wildlife Service	Regional parks	Eviction	National Parks and Wildlife Act 1974	ss 72 (1B), 47O, 81 (3A)	National Parks and Wildlife Regulation 2009	reg 8
National Parks and Wildlife Service	Regional parks	Court proceedings	National Parks and Wildlife Act 1974	s 189	N/A	N/A
National Parks and Wildlife Service	Regional parks	Approvals	National Parks and Wildlife Act 1974	ss 72 (1B), 47O, s 155	National Parks and Wildlife Regulation 2009	reg 4
Office of Environment and Heritage	Coastal zone management	Rule-making	Coastal Protection Act 1979	s 55B	Coastal Protection Regulation 2011	regs 14, 18
Office of Environment and Heritage	Coastal zone management	Court proceedings	Coastal Protection Act 1979	ss 55K, 55L	N/A	N/A
Office of Environment and Heritage	Coastal zone management	Approvals	Coastal Protection Act 1979	ss 55T, 55V	Coastal Protection Regulation 2011	reg 7
Office of Environment and Heritage	Coastal zone management	Notifications	Coastal Protection Act 1979	s 55X	Coastal Protection Regulation 2011	reg 7
Office of Environment and Heritage	Coastal zone management	Directions	Coastal Protection Act 1979	ss 55ZA, 55ZB, 55ZC	Coastal Protection Regulation 2011	reg 10

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Office of Environment and Heritage	Coastal zone management	Levies and Charges	Coastal Protection Act 1979	ss 55T,	Coastal Protection Regulation 2011	
Office of Environment and Heritage	Coastal zone management	Penalty notices/fines	Coastal Protection Act 1979	ss 6, 58, 59B	Coastal Protection Regulation 2011	reg 17, schedule 1
Office of Environment and Heritage	Coastal zone management	Works	Coastal Protection Act 1979	55Y	Coastal Protection Regulation 2011	Part 3 c9
Office of Environment and Heritage	Native vegetation	Approvals	Native Vegetation Act 2003	ss 27, 48	N/A	N/A
Western Sydney Parklands Trust	Parkland management	Other	Western Sydney Parklands Act 2006	s 10	N/A	N/A

5.2.5 Department of Trade and Investment, Regional Infrastructure & Services

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Department of Primary Industries	Management of Crown Land	Inspections	Crown Lands Act 1989	s 168B	Crown Lands Regulation 2006	N/A
Department of Primary Industries	Fisheries Management	Other	Fisheries Management Act 1994	s 220ZT	N/A	N/A
Department of Primary Industries	Noxious weeds control	Directions	Noxious Weeds Act 1993	ss 36, 36A	N/A	N/A
Department of Primary Industries	Noxious weeds control	Directions	Noxious Weeds Act 1993	ss 36, 36A, 40, 18	N/A	N/A
Department of Primary Industries	Noxious weeds control	Inspections	Noxious Weeds Act 1993	s 39	N/A	N/A
Department of Primary Industries	Noxious weeds control	Notifications	Noxious Weeds Act 1993	s 15, s 16A	N/A	N/A

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Department of Primary Industries	Noxious weeds control	Works	Noxious Weeds Act 1993	s 20	N/A	N/A
Department of Primary Industries	Noxious weeds control	Penalty notices/fines	Noxious Weeds Act 1993	s 63	Noxious Weeds Regulations 2008	Schedule 3
Department of Primary Industries	Noxious weeds control	Court proceedings	Noxious Weeds Act 1993	s 61	N/A	N/A
Department of Primary Industries	Travelling stock	Approvals	Rural Lands Protection Act 1998	s 101	N/A	N/A
Department of Primary Industries	Stock watering places	Other	Rural Lands Protection Act 1998	s 131	N/A	N/A
Department of Trade and Investment, Regional Infrastructure & Services	Commons management ^a	Eviction	Commons Management Act 1989	ss 7, 56	N/A	N/A
Department of Trade and Investment, Regional Infrastructure & Services	Commons management ^a	Penalty notices/fines	Commons Management Act 1989	s 57	Commons Management Regulation 2006	N/A
Department of Trade and Investment, Regional Infrastructure & Services	Commons management ^a	Court proceedings	Commons Management Act 1989	s60	Commons Management Regulation 2006	N/A
Department of Trade and Investment, Regional Infrastructure & Services	Commons management ^a	Approvals	Commons Management Act 1989	ss 7, 56	Commons Management Regulation 2006	reg 4

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Department of Trade and Investment, Regional Infrastructure & Services	Pipelines	Notifications	Pipelines Act 1967	ss 13-13B, s 18	N/A	N/A
Department of Trade and Investment, Regional Infrastructure & Services	Catchment management ^b	Levies and Charges	Catchment Management Authorities Act 2003	s 9		
Department of Trade and Investment, Regional Infrastructure & Services	Emergency water measures	Other	Water Act 1912	s 22A	Water (Part 2—General) Regulation 1997	reg 27
Forests NSW	Management of State Forests	Approvals	Forestry Act 1916	s 30I	Forestry Regulation 2009	reg 68
Independent Liquor and Gaming Authority	Gaming regulation	Notifications	Gaming Machines Act 2001		Gaming Machines Regulation 2010	reg 37, 41
Independent Liquor and Gaming Authority	Liquor control	Notifications	Liquor Act 2007	s 36 (5)	Liquor Regulation 2008	regs 8, 20, 23
Independent Liquor and Gaming Authority	Liquor control	Referral to State Agency	Liquor Act 2007	ss 79 (3), 139 (1)	Liquor Regulation 2008	reg 73
Independent Liquor and Gaming Authority	Registered clubs	Referral to State Agency	Registered Clubs Act 1976	s 57F	Registered Clubs Regulation 2009	reg 27

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Independent Liquor and Gaming Authority	Regulation of 'Two-up'	Other	Gambling (Two-up) Act 1998	ss 9, 10, 26	N/A	N/A
NSW Food Authority	Food safety (1)	Directions	Food Act 2003	s 111; ss 57-61	N/A	N/A
NSW Food Authority	Food safety (1)	Inspections	Food Act 2003	s 111, s 37	N/A	N/A
NSW Food Authority	Food safety (1)	Investigate/search	Food Act 2003	ss 39, 40, 42	N/A	N/A
NSW Food Authority	Food safety (1)	Seizure/Impounding	Food Act 2003	s 38	N/A	N/A
NSW Food Authority	Food safety (1)	Penalty notices/fines	Food Act 2003	s 120	N/A	N/A
NSW Food Authority	Food safety (1)	Notifications	Food Act 2003	s 100	Food Regulation 2010	reg 18
NSW Food Authority	Food safety (1)	Levies and Charges	Food Act 2003	ss 37, 66AA, 139	Food Regulation 2010	regs 6, 18
NSW Office of Water	Water supply management	Levies and Charges	Water Management Act 2000	ss 285, 318	Water Management (General) Regulation 2011	regs 144, 147
NSW Office of Water	Water supply management	Penalty notices/fines	Water Management Act 2000	s 365	Water Management (General) Regulation 2011	regs 109-110
NSW Office of Water	Water supply management	Court proceedings	Water Management Act 2000	s 364	Water Management (General) Regulation 2011	regs 109-110

Agency	Function	Role Title	Act	Reference	Regulations	Reference
NSW Office of Water	Water supply management	Notifications	Water Management Act 2000	ss 285, 318,	Water Management (General) Regulation 2011	regs 109-110, 129
NSW Office of Water	Water supply management	Inspections	Water Management Act 2000	ss 285, 318, ss 296-7	Water Management (General) Regulation 2011	regs 109-110
NSW Office of Water	Water supply management	Works	Water Management Act 2000	ss 285, 318; s 296, s 309	Water Management (General) Regulation 2011	regs 109-110
NSW Office of Water	Water supply management	Rule-making	Water Management Act 2000	ss 285,318	Water Management (General) Regulation 2011	regs 109-110; reg 142
NSW Office of Water	Water supply management	Approvals	Water Management Act 2000	ss 285, 318	Water Management (General) Regulation 2011	regs 109-110; regs 143-148
NSW Office of Water	Water supply management	Directions	Water Management Act 2000	ss 285, 318, 292-293	Water Management (General) Regulation 2011	regs 109-110; 136, 154-155
NSW Office of Water	Water supply management	Other	Water Management Act 2000	ss 285, 318, 292-293	Water Management (General) Regulation 2011	regs 109-110
Resources and Energy Division	Gas supply	Notifications	Gas Supply Act 1996	s 47		
Resources and Energy Division	Petroleum production	Referral to State Agency	Petroleum (Onshore) Act 1991	s 56		

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Resources and Energy Division	Mining controls	Notifications	Mining Act 1992	ss 174; cl 18 of schedule 1 (Part 1)	N/A	N/A
Resources and Energy Division	Electricity works	Notifications	Electricity Supply Act 1995	s 45		
Resources and Energy Division	Electricity works	Directions	Electricity Supply Act 1995	s 46	Electricity Supply (General) Regulation 2001	regs 103-104

Notes:

- a) Although the Department of Trade and Investment, Regional Infrastructure & Services is the Department responsible for this Act, councils must interact with the trust responsible for the particular commons.
- b) Although the Department of Trade and Investment, Regional Infrastructure & Services is the Department responsible for this Act, councils must interact with the catchment management authority responsible for the particular area.

5.2.6 Ministry of Health

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Ministry of Health	Controls on smoking	Investigate/search	Smoke Free Environment Act 2007	s 14	N/A	N/A
Ministry of Health	Controls on smoking	Directions	Smoke Free Environment Act 2007	ss 14, 17	N/A	N/A
Ministry of Health	Controls on smoking	Penalty notices/fines	Smoke Free Environment Act 2007	20A	N/A	N/A
Ministry of Health	Controls on smoking	Court proceedings	Smoke Free Environment Act 2007	ss 14, 17, 18, 20	N/A	N/A
Ministry of Health	Tobacco control	Seizure/Impounding	Public Health (Tobacco) Act 2008	s 4; s 40	N/A	N/A
Ministry of Health	Tobacco control	Penalty notices/fines	Public Health (Tobacco) Act 2008	s 4; s 50	N/A	N/A

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Ministry of Health	Tobacco control	Investigate/search	Public Health (Tobacco) Act 2008	s 4; s 48	N/A	N/A
Ministry of Health	Tobacco control	Inspections	Public Health (Tobacco) Act 2008	s 4; s 44	N/A	N/A
Ministry of Health	Tobacco control	Directions	Public Health (Tobacco) Act 2008	s 4; s 49	N/A	N/A
Ministry of Health	Tobacco control	Court proceedings	Public Health (Tobacco) Act 2008	s 54	N/A	N/A
Ministry of Health	Disposal of bodies	Other	Public Health Act 2010	s 134	Public Health Regulation 2012	reg 72
Ministry of Health	Disposal of bodies	Inspections	Public Health Act 2010	s 134	Public Health Regulation 2012	reg 91
Ministry of Health	Disposal of bodies	Court proceedings	Public Health Act 2010	s 117	Public Health Regulation 2012	regs 21-30
Ministry of Health	Legionella control	Penalty notices/fines	Public Health Act 2010	s 31, 118	N/A	N/A
Ministry of Health	Legionella control	Notifications	Public Health Act 2010	s 31	Public Health Regulation 2012	reg 11
Ministry of Health	Legionella control	Investigate/search	Public Health Act 2010	ss 33 (1), 108-112	Public Health Regulation 2012	regs 4-11
Ministry of Health	Legionella control	Directions	Public Health Act 2010	ss 33 (2), 45, 41	Public Health Regulation 2012	regs 4-11
Ministry of Health	Legionella control	Inspections	Public Health Act 2010	s 46	Public Health Regulation 2012	regs 4-11
Ministry of Health	Legionella control	Court proceedings	Public Health Act 2010	s 117	N/A	N/A
Ministry of Health	Public swimming pools	Penalty notices/fines	Public Health Act 2010	s 118	N/A	N/A
Ministry of Health	Public swimming pools	Inspections	Public Health Act 2010	s 46	Public Health Regulation 2012	reg 15

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Ministry of Health	Public swimming pools	Investigate/search	Public Health Act 2010	ss 108-112	Public Health Regulation 2012	reg 15
Ministry of Health	Public swimming pools	Directions	Public Health Act 2010	ss 41, 45		
Ministry of Health	Public swimming pools	Court proceedings	Public Health Act 2010	s 117	N/A	N/A
Ministry of Health	Public swimming pools	Notifications	Public Health Act 2010	s 35	Public Health Regulation 2012	reg 19
Ministry of Health	Skin penetration	Penalty notices/fines	Public Health Act 2010	s 35	N/A	N/A
Ministry of Health	Skin penetration	Notifications	Public Health Act 2010	s 38	Public Health Regulation 2012	reg 31
Ministry of Health	Skin penetration	Directions	Public Health Act 2010	ss 41, 45	Public Health Regulation 2012	regs 21-30
Ministry of Health	Skin penetration	Inspections	Public Health Act 2010	s 46	Public Health Regulation 2012	regs 21-30
Ministry of Health	Skin penetration	Investigate/search	Public Health Act 2010	ss 108-112	Public Health Regulation 2012	regs 21-30
Ministry of Health	Skin penetration	Court proceedings	Public Health Act 2010	s 117	Public Health Regulation 2012	regs 21-30

5.2.7 The Treasury

Agency	Function	Role Title	Act	Reference	Regulations	Reference
NSW Industrial Relations	Trading hours	Inspections	Retail Trading Act 2008	s 15	N/A	N/A
NSW Industrial Relations	Trading hours	Court proceedings	Retail Trading Act 2008	s 15 - 16	N/A	N/A

5.2.8 Department of Transport

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Roads and Maritime Services	Rail infrastructure	Notifications	Transport Administration Act 1988	s 99B	N/A	N/A
Roads and Maritime Services	Driver licensing	Other	Road Transport (Driver Licensing) Act 1998	s 19	Road Transport (Driver Licensing) Regulation 2008	reg 110
Roads and Maritime Services	Parking	Approvals	Road Transport (Safety and Traffic Management) Act 1999	s 71	Road Transport (Safety and Traffic Management) Regulation 1999	Reg 124
Roads and Maritime Services	Parking	Other	Road Transport (Safety and Traffic Management) Act 1999	s 71	Road Transport (Safety and Traffic Management) Regulation 1999	ss 97-122
Roads and Maritime Services	Parking	Levies and Charges	Road Transport (Safety and Traffic Management) Act 1999	s 71	Road Transport (Safety and Traffic Management) Regulation 1999	ss 97-122
Roads and Maritime Services	Public footpaths	Approvals	Roads Act 1993	ss 125-126	N/A	N/A
Roads and Maritime Services	Public roads	Levies and Charges	Roads Act 1993	s 102	N/A	N/A

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Roads and Maritime Services	Public roads	Directions	Roads Act 1993	s 103	N/A	N/A
Roads and Maritime Services	Public roads	Directions	Roads Act 1993	s 107	N/A	N/A
Roads and Maritime Services	Public roads	Approvals	Roads Act 1993	s 128	N/A	N/A
Roads and Maritime Services	Public roads	Rule-making	Roads Act 1993	ss 18-21	N/A	N/A
Roads and Maritime Services	Public roads	Levies and Charges	Roads Act 1993	s 128	N/A	N/A
Roads and Maritime Services	Public roads	Approvals	Roads Act 1993	s 133	N/A	N/A
Roads and Maritime Services	Public roads	Approvals	Roads Act 1993	s 144	N/A	N/A
Roads and Maritime Services	Public roads	Levies and Charges	Roads Act 1993	ss 217 - 219	N/A	N/A
Roads and Maritime Services	Public roads	Levies and Charges	Roads Act 1993	s 238	N/A	N/A
Roads and Maritime Services	Public roads	Penalty notices/fines	Roads Act 1993	ss 239 - 241, 243	N/A	N/A
Roads and Maritime Services	Public roads	Rule-making	Roads Act 1993	ss 22-28	N/A	N/A
Roads and Maritime Services	Public roads	Directions	Roads Act 1993	ss 29-32A	N/A	N/A
Roads and Maritime Services	Public roads	Directions	Roads Act 1993	s 39	N/A	N/A
Roads and Maritime Services	Public roads	Directions	Roads Act 1993	ss 78 - 84	N/A	N/A
Roads and Maritime Services	Public roads	Works	Roads Act 1993	s 92	N/A	N/A

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Roads and Maritime Services	Public roads	Directions	Roads Act 1993	s 93	N/A	N/A
Roads and Maritime Services	Public roads	Directions	Roads Act 1993	s 95	N/A	N/A
Roads and Maritime Services	Public roads	Directions	Roads Act 1993	s 96	N/A	N/A
Roads and Maritime Services	Public roads	Directions	Roads Act 1993	s 97	N/A	N/A
Roads and Maritime Services	Public roads	Directions	Roads Act 1993	s 98	N/A	N/A
Roads and Maritime Services	Public roads	Directions	Roads Act 1993	s 99	N/A	N/A
Roads and Maritime Services	Public roads	Directions	Roads Act 1993	s 100	N/A	N/A
Roads and Maritime Services	Public roads	Directions	Roads Act 1993	s 101	N/A	N/A
Roads and Maritime Services	Road safety (1)	Penalty notices/fines	Road Transport (General) Act 2005)	s 28, s 121	Road Transport (General) Regulation 2005	reg 169 (3)
Roads and Maritime Services	Road safety (1)	Directions	Road Transport (General) Act 2005)	s 28	N/A	N/A
Roads and Maritime Services	Road safety (1)	Court proceedings	Road Transport (General) Act 2005)	s 180	N/A	N/A
Roads and Maritime Services	Road safety (2)	Penalty notices/fines	Road Transport (Safety and Traffic Management) Act 1999	s 76	N/A	N/A
Roads and Maritime Services	Road safety (2)	Seizure/Impounding	Road Transport (Safety and Traffic Management) Act 1999	s 71	Road Transport (Safety and Traffic Management) Regulation 1999	s 149
Roads and Maritime Services	Road safety (2)	Seizure/Impounding	Road Transport (Safety and Traffic Management) Act 1999	s 76	N/A	N/A

Agency	Function	Role Title	Act	Reference	Regulations	Reference
Roads and Maritime Services	Vehicle registration	Other	Road Transport (Vehicle Registration) Act 1997	s 12	Road Transport (Vehicle Registration) Regulation 2007	reg 92
Roads and Maritime Services	Vehicle registration enforcement	Seizure/Impounding	Recreation Vehicles Act 1983	ss 6, 22, 28, 33		
Roads and Maritime Services	Vehicle registration enforcement	Inspections	Recreation Vehicles Act 1983	ss 6, 33		
Roads and Maritime Services	Vehicle registration enforcement	Directions	Recreation Vehicles Act 1983	ss 6,33		
Roads and Maritime Services	Vehicle registration enforcement	Investigate/search	Recreation Vehicles Act 1983	ss 6,33		
Roads and Maritime Services	Vehicle registration enforcement	Court proceedings	Recreation Vehicles Act 1983	s 42		
Roads and Maritime Services	Private roads	Directions	Roads Act 1993	s 86	N/A	N/A
Department of Transport	Marine Pollution	Works	Marine Pollution Act 2012	ss 194, 214	N/A	N/A
Department of Transport	Marine Pollution	Penalty notices/fines	Marine Pollution Act 2012	ss 194, 205	N/A	N/A
Department of Transport	Marine Pollution	Court proceedings	Marine Pollution Act 2012	s 234		

5.3 Other Characteristics of Regulatory Functions and Roles by Topic

5.3.1 Building and construction

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Fire safety	Fire safety	Inspections	Mandatory	LG/State	All councils
Fire safety	Fire safety	Notifications	Mandatory	LG	All councils
General	Building Compliance Accreditation	Inspections	Discretionary	LG/Private	All councils
General	Building Compliance Certification (1)	Approvals	Mandatory	LG/Private	All councils
General	Building Compliance Certification (2)	Approvals	Mandatory	LG	All councils
General	Building, development and planning compliance	Penalty notices/fines	Discretionary	LG/State	All councils
General	Building, development and planning compliance	Court proceedings	Discretionary	LG/State	All councils
General	Development compliance	Inspections	Discretionary	LG	All councils
General	Development compliance	Directions	Discretionary	LG/State	All councils
General	Development compliance certification	Approvals	Mandatory	LG/State/Private	All councils
General	Development compliance certification	Inspections	Discretionary	LG	All councils

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
General	Development compliance certification	Levies and Charges	Discretionary	LG	All councils
General	Development compliance certification	Levies and Charges	Discretionary	LG/State/Private	All councils
General	Development Contributions	Levies and Charges	Discretionary	LG	All councils
General	Development Orders	Directions	Discretionary	LG	All councils
General	Development Orders	Notifications	Discretionary	LG	All councils
General	Development Orders	Works	Discretionary	LG	All councils
General	Development Orders	Levies and Charges	Discretionary	LG	All councils

5.3.2 Community order

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
General	Brothels	Court proceedings	Discretionary	LG	All councils
General	Security industry	Penalty notices/fines	Discretionary	LG/State	All councils
General	Security industry	Court proceedings	Discretionary	LG/State	All councils

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
General	Trading hours	Inspections	Discretionary	LG/State	All councils
General	Trading hours	Court proceedings	Discretionary	LG/State	All councils
Liquor and gaming	Gaming regulation	Notifications	Mandatory	LG/State	All councils
Liquor and gaming	Liquor control	Notifications	Mandatory	LG	All councils
Liquor and gaming	Liquor control	Referral to State Agency	Discretionary	LG/State	All councils
Liquor and gaming	Registered clubs	Referral to State Agency	Discretionary	LG/State	All councils
Liquor and gaming	Regulation of 'Two-up'	Other	Discretionary	LG/State	Applies to Council of the City of Broken Hill only.
Nuisances	Graffiti Control	Penalty notices/fines	Discretionary	LG/State	All councils
Nuisances	Graffiti Control	Court proceedings	Discretionary	LG/State	All councils
Nuisances	Tree dispute resolution	Works	Discretionary	LG	All councils
Nuisances	Tree dispute resolution	Inspections	Discretionary	LG	All councils
Nuisances	Tree dispute resolution	Court proceedings	Discretionary	LG	All councils
Nuisances	Graffiti Control	Works	Discretionary	LG/State	All councils
Nuisances	Property identification	Directions	Discretionary	LG	All councils
Nuisances	Public nuisances	Directions	Discretionary	LG	All councils
Nuisances	Unightly conditions	Directions	Discretionary	LG	All councils



5.3.3 Environment

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Coastal management	Coastal zone management	Rule-making	Mandatory	LG/State	Applies to councils/county councils which manage land within a coastal zone or control an area in which emergency coastal protection works or coastal protection works have been undertaken or are being undertaken.
Coastal management	Coastal zone management	Court proceedings	Discretionary	LG/State	Applies to councils/county councils which manage land within a coastal zone or control an area in which emergency coastal protection works or coastal protection works have been undertaken or are being undertaken.
Coastal management	Coastal zone management	Approvals	Mandatory	LG/State	Applies to councils/county councils which manage land within a coastal zone or control an area in which emergency coastal protection works or coastal protection works have been undertaken or are being undertaken.

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Coastal management	Coastal zone management	Notifications	Mandatory	LG/State	Applies to councils/county councils which manage land within a coastal zone or control an area in which emergency coastal protection works or coastal protection works have been undertaken or are being undertaken.
Coastal management	Coastal zone management	Directions	Discretionary	LG/State	Applies to councils/county councils which manage land within a coastal zone or control an area in which emergency coastal protection works or coastal protection works have been undertaken or are being undertaken.
Coastal management	Coastal zone management	Levies and Charges	Mandatory	LG/State	Applies to councils/county councils which manage land within a coastal zone or control an area in which emergency coastal protection works or coastal protection works have been undertaken or are being undertaken.

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Coastal management	Coastal zone management	Penalty notices/fines	Discretionary	LG/State	Applies to councils/county councils which manage land within a coastal zone or control an area in which emergency coastal protection works or coastal protection works have been undertaken or are being undertaken.
Coastal management	Coastal zone management	Works	Discretionary	LG/State	Applies to councils/county councils which manage land within a coastal zone or control an area in which emergency coastal protection works or coastal protection works have been undertaken or are being undertaken.
Contaminated land	Contaminated land	Works	Mandatory	LG/State	All councils
Contaminated land	Contaminated land	Levies and Charges	Discretionary	LG/State	All councils
Contaminated land	Contaminated land	Levies and Charges	Discretionary	LG/State	All councils
General	Fisheries Management	Other	Unclear	LG/State	All councils
General	Environmental upgrade agreements	Levies and Charges	Discretionary	LG/State/Private	All councils
Noxious weeds	Noxious weeds control	Directions	Discretionary	LG/State	All councils/county councils

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Noxious weeds	Noxious weeds control	Directions	Discretionary	LG/State	All councils/county councils
Noxious weeds	Noxious weeds control	Inspections	Discretionary	LG/State	All councils/county councils
Noxious weeds	Noxious weeds control	Notifications	Mandatory	LG	All councils/county councils
Noxious weeds	Noxious weeds control	Works	Discretionary	LG	All councils/county councils
Noxious weeds	Noxious weeds control	Penalty notices/fines	Discretionary	LG/State	All councils/county councils
Noxious weeds	Noxious weeds control	Court proceedings	Discretionary	LG/State	All councils/county councils
Pollution (noise, air, water, pesticides)	Controlling pesticides	Works	Discretionary	LG/State	All councils
Pollution (noise, air, water, pesticides)	Controlling pesticides	Levies and Charges	Discretionary	LG/State	All councils
Pollution (noise, air, water, pesticides)	Controlling pesticides	Levies and Charges	Discretionary	LG/State	All councils
Pollution (noise, air, water, pesticides)	Environmental Protection	Other	Unclear	LG/State	All councils
Pollution (noise, air, water, pesticides)	Environmental Protection	Penalty notices/fines	Discretionary	LG/State	All councils

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Pollution (noise, air, water, pesticides)	Environmental Protection	Investigate/search	Discretionary	LG/State	All councils
Pollution (noise, air, water, pesticides)	Environmental Protection	Levies and Charges	Discretionary	LG/State	All councils
Pollution (noise, air, water, pesticides)	Environmental Protection	Notifications	Mandatory	LG/State	All councils
Pollution (noise, air, water, pesticides)	Environmental Protection	Approvals	Discretionary	LG	All councils
Pollution (noise, air, water, pesticides)	Environmental Protection	Notifications	Mandatory	LG	All councils
Pollution (noise, air, water, pesticides)	Environmental Protection	Directions	Discretionary	LG/State	All councils
Pollution (noise, air, water, pesticides)	Environmental Protection	Court proceedings	Discretionary	LG/State	All councils
Pollution (noise, air, water, pesticides)	Environmental Protection	Approvals	Discretionary	LG/State	All councils
Pollution (noise, air, water, pesticides)	Environmental Protection	Levies and Charges	Mandatory	LG/State	All councils
Pollution (noise, air, water, pesticides)	Environmental Protection	Inspections	Discretionary	LG/State	All councils

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Pollution (noise, air, water, pesticides)	Environmental Protection	Reporting	Discretionary	LG/State	All councils
Pollution (noise, air, water, pesticides)	Vehicle emissions	Directions	Discretionary	LG/State	All councils
Pollution (noise, air, water, pesticides)	Vehicle emissions	Inspections	Discretionary	LG/State	All councils
Pollution (noise, air, water, pesticides)	Buildings in catchment districts	Directions	Discretionary	LG	All councils
Pollution (noise, air, water, pesticides)	Drainage works	Directions	Discretionary	LG	All councils
Pollution (noise, air, water, pesticides)	Heating appliances	Approvals	Mandatory	LG	All councils
Pollution (noise, air, water, pesticides)	Marine Pollution	Works	Mandatory	LG/State	All councils
Pollution (noise, air, water, pesticides)	Marine Pollution	Penalty notices/fines	Discretionary	LG/State	All councils
Pollution (noise, air, water, pesticides)	Marine Pollution	Court proceedings	Discretionary	LG/State	All councils
Vegetation	Native vegetation	Approvals	Unclear	LG/State	All councils
Waste	Waste Management (1)	Directions	Discretionary	LG	All councils

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Waste	Waste Management (2)	Approvals	Mandatory	LG/State	All councils

5.3.4 Keeping of animals

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Companion Animals	Control of companion animals	Approvals	Mandatory	LG/State	All councils
Companion Animals	Control of companion animals	Seizure/Impounding	Discretionary	LG/State	All councils
Companion Animals	Control of companion animals	Directions	Discretionary	LG/State	All councils
Companion Animals	Control of companion animals	Investigate/search	Discretionary	LG/State	All councils
Companion Animals	Control of companion animals	Inspections	Discretionary	LG/State	All councils
Companion Animals	Control of companion animals	Penalty notices/fines	Discretionary	LG/State	All councils
Companion Animals	Control of companion animals	Levies and Charges	Discretionary	LG/State	All councils
Other	Control of animals	Directions	Discretionary	LG	All councils

5.3.5 Land-use planning

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
General	Conveyancing	Notifications	Mandatory	LG	All councils
General	Conveyancing	Other	Discretionary	LG/State/Private	All councils/county councils
General	Conveyancing	Other	Discretionary	LG/State/Private	All councils/county councils
General	Community development	Approvals	Mandatory	LG	All councils
General	Development Control	Approvals	Mandatory	LG/State	All councils
General	Community development	Approvals	Mandatory	LG	All councils
General	Community development	Approvals	Mandatory	LG	All councils
General	Community development	Notifications	Mandatory	LG	All councils
General	Community development	Approvals	Mandatory	LG	All councils
General	Planning instruments	Rule-making	Discretionary	LG	All councils
General	Planning instruments	Rule-making	Mandatory	LG/State	All councils
General	Community development	Notifications	Mandatory	LG	All councils
General	Strata titles	Court proceedings	Discretionary	LG/State/Private	All councils
General	Strata titles	Court proceedings	Discretionary	LG/State/Private	All councils
General	Installation of moveable dwellings	Approvals	Mandatory	LG	All councils

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
General	Strata titles	Inspections	Mandatory	LG/Private	All councils/county councils
General	Strata titles	Approvals	Mandatory	LG/Private	All councils/county councils
General	Strata titles	Notifications	Mandatory	LG	All councils/county councils
General	Strata titles	Court proceedings	Mandatory	LG	All councils/county councils
General	Strata titles	Approvals	Mandatory	LG	All councils/county councils
General	Strata titles	Inspections	Mandatory	LG	All councils/county councils
General	Strata titles	Notifications	Mandatory	LG	All councils/county councils
General	Strata titles	Court proceedings	Discretionary	LG	All councils
General	Mining controls	Notifications	Mandatory	LG	All councils
Heritage	Heritage conservation	Directions	Discretionary	LG/State	All councils
Heritage	Heritage conservation	Approvals	Mandatory	LG	All councils
Heritage	Heritage conservation	Referral to State Agency	Discretionary	LG	All councils
Heritage	Heritage conservation	Levies and Charges	Mandatory	LG	All councils

5.3.6 Public health and safety

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Food safety	Food safety (2)	Directions	Discretionary	LG	All councils
Food safety	Food safety (1)	Directions	Discretionary	LG/State	All councils
Food safety	Food safety (1)	Inspections	Discretionary	LG/State	All councils
Food safety	Food safety (1)	Investigate/search	Discretionary	LG/State	All councils
Food safety	Food safety (1)	Seizure/Impounding	Discretionary	LG/State	All councils
Food safety	Food safety (1)	Penalty notices/fines	Discretionary	LG/State	All councils
Food safety	Food safety (1)	Notifications	Mandatory	LG/State	All councils
Food safety	Food safety (1)	Levies and Charges	Discretionary	LG/State	All councils
General	Major events	Seizure/Impounding	Discretionary	LG/State	All councils
General	Major events	Directions	Discretionary	LG/State	All councils
General	Major events	Investigate/search	Discretionary	LG/State	All councils
General	Major events	Eviction	Discretionary	LG/State	All councils
General	Major events	Penalty notices/fines	Discretionary	LG/State	All councils
General	Fireworks regulation	Notifications	Mandatory	LG	All councils
General	Controls on smoking	Investigate/search	Discretionary	LG/State	All councils
General	Controls on smoking	Directions	Discretionary	LG/State	All councils
General	Controls on smoking	Penalty notices/fines	Discretionary	LG/State	All councils

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
General	Controls on smoking	Court proceedings	Discretionary	LG/State	All councils
General	Amusement devices	Approvals	Mandatory	LG	All councils
General	Motor vehicle sports	Approvals	Mandatory	LG	All councils
General	Tobacco control	Seizure/Impounding	Discretionary	LG/State	All councils
General	Tobacco control	Penalty notices/fines	Discretionary	LG/State	All councils
General	Tobacco control	Investigate/search	Discretionary	LG/State	All councils
General	Tobacco control	Inspections	Discretionary	LG/State	All councils
General	Tobacco control	Directions	Discretionary	LG/State	All councils
General	Tobacco control	Court proceedings	Discretionary	LG/State	All councils
General	Firearms controls	Approvals	Mandatory	LG/State	All councils
General	Tennis courts	Directions	Discretionary	LG	All councils
General	Threats to public safety	Directions	Discretionary	LG	All councils
General	Work health and safety	Directions	Discretionary	LG/State	All councils/county councils
General	Work health and safety	Investigate/search	Discretionary	LG/State	All councils/county councils
General	Work health and safety	Court proceedings	Discretionary	LG/State	All councils/county councils
General	Major hazard facilities	Other	Mandatory	LG/State	All councils
General	Major hazard facilities	Notifications	Mandatory	LG/State	All councils

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
General	Major hazard facilities	Notifications	Mandatory	LG/State	All councils
Hazard reduction	Bush fires	Approvals	Mandatory	LG/State	All councils
Hazard reduction	Bush fires	Court proceedings	Discretionary	LG/State/Private	All councils
Premises and infrastructure safety	Caravan parks	Approvals	Mandatory	LG	All councils
Premises and infrastructure safety	Fencing land	Directions	Discretionary	LG	All councils
Premises and infrastructure safety	Premises compliance	Directions	Discretionary	LG	All councils
Premises and infrastructure safety	Premises controls	Directions	Discretionary	LG	All councils
Premises and infrastructure safety	Disposal of bodies	Other	Mandatory	LG/State	All councils
Premises and infrastructure safety	Disposal of bodies	Inspections	Discretionary	LG/State	All councils
Premises and infrastructure safety	Swimming pool compliance	Directions	Discretionary	LG	All councils
Premises and infrastructure safety	Swimming pool compliance	Approvals	Mandatory	LG	All councils



Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Premises and infrastructure safety	Swimming pool compliance	Approvals	Discretionary	LG	All councils
Premises and infrastructure safety	Disposal of bodies	Court proceedings	Discretionary	LG/State	All councils
Premises and infrastructure safety	Legionella control	Penalty notices/fines	Discretionary	LG/State	All councils
Premises and infrastructure safety	Legionella control	Notifications	Mandatory	LG/State	All councils
Premises and infrastructure safety	Legionella control	Investigate/search	Discretionary	LG/State	All councils
Premises and infrastructure safety	Legionella control	Directions	Discretionary	LG/State	All councils
Premises and infrastructure safety	Private roads	Directions	Discretionary	LG	All councils
Premises and infrastructure safety	Legionella control	Inspections	Mandatory	LG/State	All councils
Premises and infrastructure safety	Legionella control	Court proceedings	Discretionary	LG/State	All councils
Premises and infrastructure safety	Public swimming pools	Penalty notices/fines	Discretionary	LG/State	All councils



Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Premises and infrastructure safety	Swimming pool compliance	Penalty notices/fines	Discretionary	LG	All councils
Premises and infrastructure safety	Public swimming pools	Inspections	Mandatory	LG/State	All councils
Premises and infrastructure safety	Public swimming pools	Investigate/search	Discretionary	LG/State	All councils
Premises and infrastructure safety	Public swimming pools	Directions	Discretionary	LG/State	All councils
Premises and infrastructure safety	Public swimming pools	Court proceedings	Discretionary	LG/State	All councils
Premises and infrastructure safety	Public swimming pools	Notifications	Mandatory	LG/State	All councils
Premises and infrastructure safety	Skin penetration	Penalty notices/fines	Discretionary	LG/State	All councils
Premises and infrastructure safety	Skin penetration	Notifications	Mandatory	LG	All councils
Premises and infrastructure safety	Skin penetration	Directions	Discretionary	LG/State	All councils
Premises and infrastructure safety	Skin penetration	Inspections	Mandatory	LG/State	All councils



Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Premises and infrastructure safety	Skin penetration	Investigate/search	Discretionary	LG/State	All councils
Premises and infrastructure safety	Skin penetration	Court proceedings	Discretionary	LG/State	All councils
Premises and infrastructure safety	Swimming pool compliance	Court proceedings	Discretionary	LG	All councils
Premises and infrastructure safety	Swimming pool compliance	Levies and Charges	Discretionary	LG	All councils

5.3.7 Public Land and Infrastructure

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Crown land and state forests	Management of Crown Land	Inspections	Discretionary	LG/State/Private	All councils
Crown land and state forests	Management of State Forests	Approvals	Discretionary	LG/State	All councils
General	Child welfare	Rule-making	Discretionary	LG/State	All councils
General	Management of Barangaroo	Other	Discretionary	LG/State	All relevant councils.
General	National works	Court proceedings	Unclear	LG/State	All councils
General	Water infrastructure	Notifications	Mandatory	LG	All councils

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
General	Commons management	Eviction	Discretionary	LG/State	All councils
General	Commons management	Penalty notices/fines	Discretionary	LG/State	All councils
General	Commons management	Court proceedings	Discretionary	LG/State	All councils
General	Commons management	Approvals	Mandatory	LG/State	All councils
General	Pipelines	Notifications	Mandatory	LG/State	All councils/county councils
General	Water infrastructure	Directions	Discretionary	LG	All councils
General	Water infrastructure	Works	Discretionary	LG	All councils
General	Community land	Approvals	Mandatory	LG	All councils
General	Impounding	Seizure/Impounding	Discretionary	LG/State	All councils
General	Land Acquisition	Other	Discretionary	LG/State	All councils
General	Policing community land	Eviction	Discretionary	LG/State	All councils
General	Policing public places	Investigate/search	Discretionary	LG/State	All councils
General	Protection of public places	Directions	Discretionary	LG	All councils
General	Public drinking of alcohol	Rule-making	Discretionary	LG	All councils
General	Public drinking of alcohol	Seizure/Impounding	Discretionary	LG/State	All councils
General	Public trading	Approvals	Mandatory	LG	All councils



Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
General	Recreational equipment	Seizure/Impounding	Discretionary	LG/State/Private	All councils
General	Rail infrastructure	Notifications	Mandatory	LG/State	All councils
General	Gas supply	Notifications	Mandatory	LG	All councils
General	Petroleum production	Referral to State Agency	Discretionary	LG/State	All councils
Parks and Gardens	Regional parks	Rule-making	Mandatory	LG/State	All councils
Parks and Gardens	Regional parks	Other	Mandatory	LG/State	All councils
Parks and Gardens	Regional parks	Rule-making	Discretionary	LG/State	All councils
Parks and Gardens	Regional parks	Approvals	Discretionary	LG/State	All councils
Parks and Gardens	Regional parks	Eviction	Discretionary	LG/State	All councils
Parks and Gardens	Regional parks	Court proceedings	Discretionary	LG/State	All councils
Parks and Gardens	Regional parks	Approvals	Discretionary	LG/State	All councils
Parks and Gardens	Parkland management	Other	Unclear	LG/State	All councils/county councils
Roads and parking	Travelling stock	Approvals	Mandatory	LG	All councils
Roads and parking	Driver licensing	Other	Unclear	LG/State	All councils



Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Roads and parking	Parking	Approvals	Discretionary	LG/State	All councils
Roads and parking	Parking	Other	Discretionary	LG/State	All councils
Roads and parking	Car parks	Approvals	Mandatory	LG	All councils
Roads and parking	Public roads	Approvals	Mandatory	LG	All councils
Roads and parking	Public roads	Other	Discretionary	LG/State	All councils
Roads and parking	Public roads	Other	Discretionary	LG/State	All councils
Roads and parking	Parking	Levies and Charges	Discretionary	LG/State	All councils
Roads and parking	Public footpaths	Approvals	Mandatory	LG	All councils
Roads and parking	Public roads	Levies and Charges	Discretionary	LG/State	All councils
Roads and parking	Public roads	Directions	Discretionary	LG/State	All councils
Roads and parking	Public roads	Directions	Discretionary	LG/State	All councils
Roads and parking	Public roads	Approvals	Mandatory	LG/State	All councils
Roads and parking	Public roads	Rule-making	Discretionary	LG/State	All councils
Roads and parking	Public roads	Levies and Charges	Discretionary	LG/State	All councils

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Roads and parking	Public roads	Approvals	Mandatory	LG/State	All councils
Roads and parking	Public roads	Approvals	Mandatory	LG/State	All councils
Roads and parking	Public roads	Levies and Charges	Discretionary	LG/State	All councils
Roads and parking	Public roads	Levies and Charges	Discretionary	LG/State	All councils
Roads and parking	Public roads	Penalty notices/fines	Discretionary	LG	All councils
Roads and parking	Public roads	Rule-making	Discretionary	LG/State	All councils
Roads and parking	Public roads	Directions	Discretionary	LG/State	All councils
Roads and parking	Public roads	Directions	Discretionary	LG/State	All councils
Roads and parking	Public roads	Directions	Discretionary	LG/State	All councils
Roads and parking	Public roads	Works	Discretionary	LG/State	All councils
Roads and parking	Public roads	Directions	Discretionary	LG/State	All councils
Roads and parking	Public roads	Directions	Discretionary	LG/State	All councils
Roads and parking	Public roads	Directions	Discretionary	LG/State	All councils
Roads and parking	Public roads	Directions	Discretionary	LG/State	All councils



Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Roads and parking	Public roads	Directions	Discretionary	LG/State	All councils
Roads and parking	Public roads	Directions	Discretionary	LG/State	All councils
Roads and parking	Public roads	Directions	Discretionary	LG/State	All councils
Roads and parking	Public roads	Directions	Discretionary	LG/State	All councils
Roads and parking	Road safety (1)	Penalty notices/fines	Discretionary	LG	All councils
Roads and parking	Road safety (1)	Directions	Discretionary	LG	All councils
Roads and parking	Road safety (1)	Court proceedings	Discretionary	LG	All councils
Roads and parking	Road safety (2)	Penalty notices/fines	Discretionary	LG/State	All councils
Roads and parking	Road safety (2)	Seizure/Impounding	Discretionary	LG	Applies to City of South Sydney only (Kings Cross area)
Roads and parking	Road safety (2)	Seizure/Impounding	Discretionary	LG/State	All councils
Roads and parking	Vehicle registration	Other	Unclear	LG/State	All councils
Roads and parking	Vehicle registration enforcement	Seizure/Impounding	Discretionary	LG/State	All councils
Roads and parking	Vehicle registration enforcement	Inspections	Discretionary	LG/State	All councils



Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Roads and parking	Vehicle registration enforcement	Directions	Discretionary	LG/State	All councils
Roads and parking	Vehicle registration enforcement	Investigate/search	Discretionary	LG/State	All councils
Roads and parking	Vehicle registration enforcement	Court proceedings	Discretionary	LG/State	All councils
Roads and parking	Electricity works	Notifications	Mandatory	LG	All councils
Roads and parking	Electricity works	Directions	Discretionary	LG	All councils
Water and sewerage	Stock watering places	Other	Unclear	LG/State	All councils
Water and sewerage	Catchment management	Levies and Charges	Mandatory	LG/State	All councils
Water and sewerage	Emergency water measures	Other	Mandatory	LG/State	All councils/county councils
Water and sewerage	Plumbing and drainage	Notifications	Mandatory	LG/State	All councils/county councils
Water and sewerage	Plumbing and drainage	Inspections	Discretionary	LG/State	All councils/county councils
Water and sewerage	Plumbing and drainage	Investigate/search	Discretionary	LG/State	All councils/county councils
Water and sewerage	Plumbing and drainage	Penalty notices/fines	Discretionary	LG/State	All councils/county councils
Water and sewerage	Plumbing and drainage	Court proceedings	Discretionary	LG/State	All councils/county councils
Water and sewerage	Plumbing and drainage	Penalty notices/fines	Discretionary	LG/State	All councils/county councils

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Water and sewerage	Greywater diversion	Approvals	Mandatory	LG	All councils
Water and sewerage	Public drains and sewers	Approvals	Mandatory	LG	All councils
Water and sewerage	Water supply management	Levies and Charges	Discretionary	LG/State/Private	Gosford City Council and Wyong Shire Council only. Gosford City Council and Wyong Shire Councils exercise the functions of a water supply authority under the Act.
Water and sewerage	Public water	Approvals	Mandatory	LG	All councils
Water and sewerage	Water supply management	Penalty notices/fines	Discretionary	LG/State/Private	Gosford City Council and Wyong Shire Council only. Gosford City Council and Wyong Shire Councils exercise the functions of a water supply authority under the Act.
Water and sewerage	Water supply management	Court proceedings	Discretionary	LG/State/Private	Gosford City Council and Wyong Shire Council only. Gosford City Council and Wyong Shire Councils exercise the functions of a water supply authority under the Act.

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Water and sewerage	Water supply management	Notifications	Mandatory	LG/State/Private	Gosford City Council and Wyong Shire Council only. Gosford City Council and Wyong Shire Councils exercise the functions of a water supply authority under the Act.
Water and sewerage	Sewage management	Approvals	Mandatory	LG/State	All councils
Water and sewerage	Water and sewerage (1)	Directions	Discretionary	LG	All councils
Water and sewerage	Water and sewerage (2)	Approvals	Mandatory	LG	All councils
Water and sewerage	Water and sewerage (3)	Approvals	Mandatory	LG/State/Private	All councils
Water and sewerage	Water and sewerage (4)	Inspections	Discretionary	LG	All councils
Water and sewerage	Water restrictions	Directions	Discretionary	LG	All councils
Water and sewerage	Water supply management	Inspections	Discretionary	LG/State/Private	Gosford City Council and Wyong Shire Council only. Gosford City Council and Wyong Shire Councils exercise the functions of a water supply authority under the Act.

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Water and sewerage	Water supply management	Works	Discretionary	LG/State/Private	Gosford City Council and Wyong Shire Council only. Gosford City Council and Wyong Shire Councils exercise the functions of a water supply authority under the Act.
Water and sewerage	Water supply management	Rule-making	Discretionary	LG/State/Private	Gosford City Council and Wyong Shire Council only. Gosford City Council and Wyong Shire Councils exercise the functions of a water supply authority under the Act.
Water and sewerage	Water supply management	Approvals	Mandatory	LG/State/Private	Gosford City Council and Wyong Shire Council only. Gosford City Council and Wyong Shire Councils exercise the functions of a water supply authority under the Act.
Water and sewerage	Water supply management	Directions	Discretionary	LG/State/Private	Gosford City Council and Wyong Shire Council only. Gosford City Council and Wyong Shire Councils exercise the functions of a water supply authority under the Act.

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
Water and sewerage	Water supply management	Other	Discretionary	LG/State/Private	Gosford City Council and Wyong Shire Council only. Gosford City Council and Wyong Shire Councils exercise the functions of a water supply authority under the Act.

5.3.8 Other

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
	Commercial filming	Approvals	Mandatory	LG	All councils

5.3.9 Multiple

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
	General enforcement/ancillary functions	Directions	Discretionary	LG	All councils
	General enforcement/ancillary functions	Inspections	Discretionary	LG	All councils

Sub-topic	Function	Role Title	Is the Role Discretionary or Mandatory?	Is the Role Exclusive to Local Government?	Scope
	General enforcement/ancillary functions	Investigate/search	Discretionary	LG	All councils
	General enforcement/ancillary functions	Court proceedings	Discretionary	LG/State/Private	All councils
	General enforcement/ancillary functions	Penalty notices/fines	Discretionary	LG	All councils
	General enforcement/ancillary functions	Works	Discretionary	LG	All councils
	General enforcement/ancillary functions	Levies and Charges	Mandatory	LG	All councils
	Regulating approvals	Rule-making	Discretionary	LG	All councils
	Regulating orders	Rule-making	Discretionary	LG	All councils

Attachment A – Register Structure

Definitions

The following definition of regulatory function was used in compiling the Register:

A local government regulatory function is any function under an Act, regulation or other statutory instrument which empowers local government to create, impose, enforce or administer rules that controls the actions of others.

Local government regulatory functions include:

- Rule-making functions – making delegated regulatory instruments such as plans or policies that guide regulatory decision-making (eg, development control policies, local environmental plans)
- Approvals functions – the issuing of permits, approvals or registrations to enable an activity to lawfully take place, often subject to conditions (eg, development approvals, parking permits, cat or dog registrations)
- Notification functions – receiving notification of activities (eg, notification of food handling operations, notification of emergency coastal protection works)
- Compliance functions – undertaking inspections, searches or investigations, requiring monitoring or other reporting (eg, food safety inspections)
- Enforcement functions – comprising: the issuing of orders, directions or notices to control activities (eg, noise abatement orders), penalty notices or and undertaking other enforcement action for breaches (eg, parking fines, court proceedings, impounding or seizures)
- Referral functions – referring matters providing recommendation or advice to State agencies for action (eg, fire safety inspection reports to the Commissioner of Fire Brigades).

The Register does not include:

- Local government service or infrastructure provision, procurement or community advocacy functions.
 - However it does include regulatory functions associated with these functions, for example powers to protect council infrastructure.
- Regulatory requirements imposed on local government, for example a requirement to be audited by or report information to a State agency.
- Any regulatory functions delegated to local government under a general power of delegation of a Minister or Department/agency.
 - The discovery of regulatory functions delegated to Local Government in this manner was outside the scope of the development of the initial Register.

Structure of the Register

The Register includes the following data fields:

Column A - Number

Each separate regulatory function is consecutively numbered. A five digit number has been used, eg 00100. The first 3 digits are the regulatory function number; the last two digits are

the role title number. For example, 08312 means regulatory function number 83, role number 12.

Classification

Column B - Topic

Each regulatory function has been assigned to a topic that describes the broad nature of the activity that is being controlled by the regulatory function. Assigning a regulatory function to multiple topics has been avoided.

Column C – Sub-topics

A regulatory topic may also be assigned to a sub topic. For example, the topic 'public land and infrastructure management' includes the sub topics 'roads and parking', 'water and sewerage' and 'parks and gardens'.

A full list of topics can be found on the Topics tab

Regulatory function

Column D – Function

This is a high level description of the regulatory function, eg fire safety, building compliance, or companion animals. Each separate regulatory function is numbered.

Role of local government

Column E - Role title

This field designates the broad nature of the role exercised by local government. Where multiple roles are assigned, a new row has been created for each role. The following list of local government roles was used:

- Rule-making – this covers all delegated instruments that councils make such as DCPs and LEPs under planning legislation. Please note that councils do not have the power to make local laws or by laws;
- Approvals – this covers all permits, approvals, registrations, consents or licences;
- Notifications – this covers all notifications to council;
- Inspections – this covers all inspection powers;
- Reporting – this covers all monitoring or reporting requirements imposed by councils on others – i.e., where a business has to report certain information to council (this does not include situations where a council must report to a state agency);
- Directions – this covers all order, direction or notice powers to control activities;
- Penalty notices/fines – this covers the power to issues penalty notices or fines;
- Court proceedings – this covers the power to take court proceedings to enforce an Act or regulations, or to seek a court order connected to the exercise of a regulatory function. It does not include the power to take action to claim a debt owed to the council;
- Seizure/Impounding - this covers the power to seize documents or goods or impound goods or animals;
- Referral to state agency – this covers referrals of regulatory matters to state agencies;

- Works – this covers the power to undertake works without the consent of the owner or occupier of a premises/property;
- Eviction - this covers the power to remove or evict persons from land or premises;
- Levies and charges - this covers the power to require the payment of levies or charges. It does not include a charge for the performance of another regulatory role such as a charge for issuing an approval;
- Other – for any function which does not come within the above roles.

Column F – Role description

This is a more detailed description of the precise role exercised by local government.

Column G - Is the role discretionary or mandatory?

This field indicates whether the role was mandatory (ie, the legislation indicates that councils must undertake the role) or discretionary (ie, councils may undertake the role).

Column H - Is the role exclusive to local government?

This field indicates whether the function is one that local government carries out exclusively, or whether a state agency or the private sector has a role. This identification was based on a review of the relevant legislative provisions only. It does not indicate if the sharing of a role is reflected in practice.

Legislation

Column I - Act

The name of the individual piece of legislation that establishes the regulatory function.

Column J - Reference

A reference to the specific provision or provisions in the relevant Act, establishing the regulatory function, for example, section 118M (*Environmental Planning and Assessment Act 1979*).

Regulations

Column K - Regulation

The title of any regulations relevant to the regulatory function. This includes only regulations which are made under the Act which establishes the regulatory function. There may be more than one set of regulations that are relevant.

Column L - Reference

A reference to the specific provision or provisions in the relevant regulations.

Administration and Scope

Column M - Responsible department

This is the department responsible for administering the Act which establishes the regulatory function.

Column N - Agency

If the Act specifies a specific statutory body or agency responsible for overseeing the regulatory function this has been included.

Column O - Scope

This field indicates whether the function is one which applies to all councils, or whether the function is restricted to a particular council or councils. This information has only been included to the extent that it is readily discoverable through legislative research.

Column P - Associated licences

A list of permits/approvals which are associated with the regulatory function. For example the regulatory function 'building compliance' may have the associated permit 'building certificate'.