

Module	Local Government
Jurisdictions	New South Wales
Legal Expert	

Module Summary

The NSW LOCAL GOVERNMENT module provides a comprehensive overview of the legislative, governance and operational responsibilities of local councils in New South Wales.

It comprises the following nine submodules, each addressing a core area of council responsibility drawn from the broader legislative framework applying to local government in New South Wales.

1. **Governance, Administration and Integrity:** covers elections, councillor conduct, delegations, policy development, local laws, and integrity frameworks.
2. **Finance:** addresses budgeting, revenue, procurement, investment, financial reporting, and internal audit and risk management.
3. **Roads and Infrastructure:** outlines council obligations for road planning, construction, safety, and asset management, including environmental and heritage considerations.
4. **Land Use, Planning and Development:** sets out responsibilities for strategic planning, development assessment, building compliance, and developer contributions.
5. **Public Lands and Property:** details the management of community and Crown land, land acquisition and disposal, and associated environmental and heritage requirements.
6. **Public Health and Other Community Services:** covers public and environmental health, emergency management, child protection, and animal control.
7. **Waste, Water and Environment:** addresses waste operations, water management, pollution control, biodiversity, and coastal and environmental protection.
8. **Business and Economic Development:** covers councils' roles in fostering local economic growth through strategic planning, business facilitation, infrastructure investment, and regional collaboration.
9. **Events and Recreation:** addresses council responsibilities for the lawful planning, authorisation, and delivery of public events and recreational activities, ensuring compliance, risk management, and community engagement.

Together, these submodules form a comprehensive compliance framework for councils to ensure lawful, transparent, and accountable local government operations across all functional areas.

Module Scope

Scope Area	Key Questions
Governance, Administration and Integrity	<p>Does the council exercise its powers and functions in accordance with the Local Government Act 1993 (NSW), the Local Government (General) Regulation 2021 (NSW), and relevant ministerial directions?</p> <p>Are governance structures, delegations, meeting procedures, and councillor conduct frameworks compliant with statutory and ethical standards?</p>
Finance	<p>Does the council maintain sound financial management practices, prepare and monitor budgets, and produce audited financial statements in compliance with legislative requirements?</p> <p>Are tendering, procurement, investment and borrowing activities undertaken with appropriate transparency, probity, and risk oversight?</p>
Roads and Infrastructure	<p>Does the council plan, construct, and maintain public roads and infrastructure in accordance with the Roads Act 1993 (NSW), the Local Government Act 1993 (NSW), and associated standards?</p> <p>Are work health and safety, heritage, and environmental obligations met across council infrastructure projects?</p>
Land Use, Planning and Development	<p>Does the council lawfully assess, determine, and enforce development applications under the Environmental Planning and Assessment Act 1979 (NSW)?</p> <p>Are planning instruments, building compliance, and developer contributions administered transparently and in accordance with community and environmental objectives?</p>
Public Lands and Property	<p>Does the council manage community and Crown land consistently with statutory requirements and adopted plans of management?</p> <p>Are leasing, licensing, acquisition, and disposal activities undertaken in a manner that protects public interest and environmental values?</p>
Public Health and Other Community Services	<p>Does the council protect public health through appropriate inspection, enforcement, and emergency management systems?</p> <p>Are food safety, child protection, and animal control responsibilities discharged in accordance with public health and safety legislation?</p>
Waste, Water and Environment	<p>Does the council manage waste, water, and environmental protection functions in compliance with the Protection of the Environment Operations Act 1997 (NSW), the Water Management Act 2000 (NSW), and related regulations?</p> <p>Are pollution control, biodiversity conservation, and coastal management obligations effectively monitored and enforced?</p>
Business and Economic Development	<p>Does the council promote economic growth through lawful planning, business support, and facilitation of local enterprise?</p> <p>Are development approvals, business licensing, and economic partnerships administered transparently and in accordance with strategic and community objectives?</p>
Events and Recreation	<p>Does the council plan, authorise, and deliver community and commercial events in compliance with statutory requirements and public safety standards?</p> <p>Are risk management and stakeholder engagement processes properly implemented and documented?</p>

Module Application

The NSW LOCAL GOVERNMENT module is designed to help councils, county councils, administrators, and senior officers:

- › **Understand the statutory framework** that underpins the local government sector, including obligations under the *Local Government Act 1993 (NSW)*, *Environmental Planning and Assessment Act 1979 (NSW)*, *Protection of the Environment Operations Act 1997 (NSW)*, *Roads Act 1993 (NSW)*, *Public Health Act 2010 (NSW)*, and related instruments.
- › **Implement robust governance and integrity systems**, including meeting procedures, delegations, and councillor and staff conduct requirements aligned with the Model Code of Conduct and ICAC guidelines.
- › **Manage financial accountability** through compliant budgeting, reporting, and audit processes, supported by strong internal controls, risk management, and oversight mechanisms.
- › **Plan and deliver infrastructure and services** in accordance with legislative standards for road management, land use, environmental protection, and community safety.
- › **Facilitate local business and economic development** through transparent approvals, licensing, and partnerships that promote regional growth and sustainable enterprise.
- › **Manage events and recreational activities** in compliance with legal, health, safety, and environmental requirements, ensuring effective community participation and risk control.
- › **Ensure compliance with regulatory and enforcement obligations**, including development assessment, waste management, public health inspection, and emergency response functions.
- › **Protect public and environmental interests**, through proper management of community and Crown land, biodiversity conservation, and pollution prevention measures.
- › **Promote transparency and accountability**, through lawful decision-making, effective record-keeping, community engagement, and public access to information.

This module is particularly suited for:

- › Local councils and county councils
- › Mayors, councillors, and general managers
- › Senior governance, finance, planning, and environmental officers
- › Economic development, events, and community engagement officers
- › Compliance and risk managers responsible for council service delivery and regulatory functions

Aim of the Module

The aim of this module is to equip NSW local government entities with the knowledge and tools to ensure effective governance, sound financial management, and compliance with the wide range of statutory duties imposed on councils.

Specifically, it seeks to:

- › Provide clarity and accessibility around complex legislative obligations spanning governance, finance, infrastructure, land use, environmental management, and the delivery of business development, events, recreation, and community services.
- › Support councils in developing internal compliance systems and risk frameworks that promote transparency, integrity, and public trust.
- › Encourage a culture of accountability and continuous improvement, enabling councils to respond effectively to oversight by bodies such as the Office of Local Government (OLG), the NSW Auditor-General, the Independent Commission Against Corruption (ICAC), and the NSW Ombudsman.
- › Highlight key risks of non-compliance, including ministerial intervention, civil and criminal penalties, reputational harm, and loss of public confidence.
- › Foster sustainable local economies and vibrant communities through lawful, strategically managed business, event, and recreational initiatives that support council planning and community objectives.

By adopting this module, councils can ensure their governance, service delivery, and operational practices are consistent, defensible, and aligned with the legal framework governing local government in New South Wales.

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