

# LOCAL APPROVALS POLICY

**Responsible Department:** Planning, Strategy and People  
**Responsible Section:** Development  
**Responsible Officer:** Manager Development

## Objective

The objective of this policy is to:

- provide guidance for those participating in the local approvals process in the Narrabri Shire Council local government area;
- specify the criteria which Council will take into consideration in determining applications for approval under the Local Government Act 1993; and
- specify any other matters relating to the approvals process under the Local Government Act 1993.

## Introduction

This Policy is prepared and adopted under Chapter 7, Part 3 of the Local Government Act 1993. The Policy is designed to outline those activities described in the Table to Section 68 of the Act, which under certain circumstances, may be carried out without approval of Council. This does not, however, prevent any person applying for approval to carry out an activity granted an exemption under the Policy.

<b>SECTION 68 ACTIVITIES</b>	
<b>Part A – Structures or Places of Public Entertainment</b>	
1.	Install a manufactured home, moveable dwelling or associated structure on land.
2.	(Repealed)
3.	(Repealed)
<b>Part B – Water Supply, Sewerage and Stormwater Drainage Work</b>	
1.	Carry out a water supply work.
2.	Draw water from a council water supply or a standpipe or sell water so drawn.
3.	Install, alter, disconnect or remove a meter connected to a service pipe.
4.	Carry out sewerage work.
5.	Carry out stormwater drainage work.
6.	Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain which connects with such a public drain or sewer.
<b>Part C – Management of Waste</b>	
1.	For fee or reward, transport waste over or under a public place.
2.	Place waste in a public place.
3.	Place a waste storage container in a public place.

4. Dispose of waste into a sewer of the council.
5. Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.
6. Operate a system of sewerage management (within the meaning of Section 68A)
<b>Part D – Community Land</b>
1. Engage in a trade or business
2. Direct or procure a theatrical, musical or other entertainment for the public.
3. Construct a temporary enclosure for the purpose of entertainment.
4. For fee or reward, play a musical instrument or sing.
5. Set up, operate or use a loudspeaker or sound amplifying device.
6. Deliver a public address or hold a religious service or public meeting.
<b>Part E – Public Roads</b>
1. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.
2. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.
3. (Repealed)
<b>Part F – Other Activities</b>
1. Operate a public car park.
2. Operate a caravan park or camping ground.
3. Operate a manufactured home estate.
4. Install a domestic oil or solid fuel heating appliance, other than a portable appliance.
5. Install or operate amusement devices.
6. (Repealed)
7. Use a standing vehicle or any article for the purpose of selling any article in a public place.
8. (Repealed)
9. (Repealed)
10. Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.

## Policy

### 1. Definitions

- 1.1. For the purpose of this policy, expressions used in this policy which are defined in the dictionary at the end of the Local Government Act 1993 have the meanings set out in the dictionary.

### 2. The Approval Process

- 2.1. Section 68 of the Local Government Act 1993 lists those activities, which require approval under the Local Government Act 1993. The Narrabri Local Environmental Plan 2012 (LEP) outlines those activities which require approval under the Environmental Planning and Assessment Act 1979.
- 2.2. Development activity often requires approval under both the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979. To improve approval procedures and increase efficiency, the opportunity exists for those who wish to do so, to obtain all required approvals relating to a development activity under both Acts in one simplified process.
- 2.3. Where an activity requires approval under the Local Government Act and the Environmental Planning and Assessment Act it may be applied for as part of the Development Application.

### 3. Part 1: Exemptions from the necessity to obtain an approval (Section 158 (3) of the Local Government Act 1993)

- 3.1. This part specifies those activities that may be undertaken without obtaining the separate approval of Council under Section 68 of the Local Government Act 1993. The exemptions apply to those activities which are of a minor or common nature and which have comparatively minimal impact. The activities must be conducted in accordance with the provisions outlined in this Policy. If exemptions are not provided by either the Regulations or by this Policy or if exemption criteria cannot be met, approval from Council is required. Further exemptions may be provided under Council's Local Environmental Plan 2012 (LEP) or under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 in respect of the need for approval under the Environmental Planning and Assessment Act 1979.

<b>SECTION 68 ACTIVITIES</b>	<b>Exemptions are provided under the Regulations</b>	<b>Exemptions are provided under this Policy</b>
<b>Part A – Structures or Places of Public Entertainment</b>		
1. Install a manufactured home, moveable dwelling or associated structure on land.	Yes	No
2. (Repealed)	-	-
3. (Repealed)	-	-
<b>Part B – Water Supply, Sewerage and Stormwater Drainage Work</b>		
1. Carry out a water supply work.	No	Yes
2. Draw water from a council water supply or a standpipe or sell water so drawn.	Yes	Yes
3. Install, alter, disconnect or remove a meter connected to a service pipe.	No	No
4. Carry out sewerage work.	No	Yes
5. Carry out stormwater drainage work.	No	Yes
6. Connect a private drain or sewer with a public drain or sewer under the control of a council or with a	No	Yes

drain which connects with such a public drain or sewer.		
<b>Part C – Management of Waste</b>		
1. For fee or reward, transport waste over or under a public place.	Yes	No
2. Place waste in a public place.	Yes	Yes
3. Place a waste storage container in a public place.	No	Yes
4. Dispose of waste into a sewer of the council.	Yes	No
5. Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.	Yes	No
6. Operate a system of sewerage management (within the meaning of Section 68A)	Yes	No
<b>Part D – Community Land</b>		
1. Engage in a trade or business	No	Yes
2. Direct or procure a theatrical, musical or other entertainment for the public.	No	No
3. Construct a temporary enclosure for the purpose of entertainment.	No	No
4. For fee or reward, play a musical instrument or sing.	No	No
5. Set up, operate or use a loudspeaker or sound amplifying device.	Yes	Yes
6. Deliver a public address or hold a religious service or public meeting.	No	Yes
<b>Part E – Public Roads</b>		
1. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.	No	No
2. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.	No	Yes
3. (Repealed)	-	-
<b>Part F – Other Activities</b>		
1. Operate a public car park.	Yes	No
2. Operate a caravan park or camping ground.	No	No
3. Operate a manufactured home estate.	No	No
4. Install a domestic oil or solid fuel heating appliance, other than a portable appliance.	Yes	Yes
5. Install or operate amusement devices.	Yes	No
6. (Repealed)	-	-
7. Use a standing vehicle or any article for the purpose of selling any article in a public place.	No	Yes

8. (Repealed)	-	-
9. (Repealed)	-	-
10. Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.	No	No

<b>SECTION 68 ACTIVITIES</b>		<b>Regulation / Policy conditions</b>
<b>Part A – Structures or Places of Public Entertainment</b>		
<b>Install a manufactured home, moveable dwelling or associated structure on land</b>		
<b>Exemptions provided under the Regulations</b>		
Installation of moveable dwellings and associated structures in caravan parks and camping grounds, provided the structure is designed, constructed and installed in accordance with the relevant provisions of the Regulations, the site is not liable to flooding and the installation occurs with the consent of the holder of the approval to operate the caravan park or camping ground concerned.	Clause 74 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005	
Installation of not more than 2 caravans, campervans or tents on any land, so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months.	Clause 77(a) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005	
Installation of not more than one caravan or campervan on land occupied by the owner of the caravan or campervan in connection with that owner's dwelling house, so long as it is used for habitation only by the owner or by members of the owner's household and is maintained in a safe and healthy condition.	Clause 77(b) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005	
Installation of a caravan or campervan on pastoral or agricultural land, so long as it is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land.	Clause 77(c) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005	
Installation of a caravan, campervan or tent on Crown reserves or on land that is reserved or dedicated under the Forestry Act 1916.	Clause 78 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005	
<b>Exemptions provided under the Policy</b>		
Nil.	-	
<b>Part B – Water Supply, Sewerage and Stormwater Drainage Work</b>		
<b>Carry out water supply work</b>		
<b>Exemptions provided under the Regulations</b>		
Nil.	-	
<b>Exemptions provided under the Policy</b>		

Carry out water supply work	<p>All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the National Construction Code (Plumbing Code of Australia).</p> <p>Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" under the Plumbing and Drainage Act 2011. Upon completion of works the responsible plumbing contractor is to submit to Council a copy of the Certificate of Compliance issued for the works.</p> <p>Upon completion of works the responsible plumbing contractor is to submit to Council a copy of the Sewer Service Diagram for the works. The Sewer Service Diagram is to be in accordance with the requirements of NSW Fair Trading.</p>
<b>Draw water from a council water supply or a standpipe or sell water so drawn.</b>	
<b>Exemptions provided under the Regulations</b>	
An employee of council acting in the course of his or her employment may draw water from a water supply system or standpipe without the prior approval of the council.	Clause 24 of the Local Government (General) Regulation 2005
<b>Exemptions provided under the Policy</b>	
Nil.	-
<b>Install, alter, disconnect or remove a meter connected to a service pipe.</b>	
<b>Exemptions provided under the Regulations</b>	
Nil.	-
<b>Exemptions provided under the Policy</b>	
Nil.	-
<b>Carry out sewerage work.</b>	
<b>Exemptions provided under the Regulations</b>	
Nil.	-
<b>Exemptions provided under the Policy</b>	
Carry out sewerage work.	<p>All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the National Construction Code (Plumbing Code of Australia).</p> <p>Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" under the Plumbing and Drainage Act 2011.</p>

	<p>Upon completion of works the responsible plumbing contractor is to submit to Council a copy of the Certificate of Compliance issued for the works.</p> <p>Upon completion of works the responsible plumbing contractor is to submit to Council a copy of the Sewer Service Diagram for the works. The Sewer Service Diagram is to be in accordance with the requirements of NSW Fair Trading.</p>
<b>Carry out stormwater drainage work.</b>	
<b>Exemptions provided under the Regulations</b>	
Nil	-
<b>Exemptions provided under the Policy</b>	
Carry out stormwater drainage work.	All plumbing and drainage work shall be carried out to the requirements of AS/NZS 3500 and the National Construction Code (Plumbing Code of Australia).
<b>Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain which connects with such a public drain or sewer.</b>	
<b>Exemptions provided under the Regulations</b>	
Nil	-
<b>Exemptions provided under the Policy</b>	
Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain which connects with such a public drain or sewer.	<p>All work is to be carried out under the supervision of a Council officer and all of the relevant fees, charges and security deposits listed in the list of fees and charges incorporated in Council's Revenue Policy shall be paid.</p> <p>All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the National Construction Code (Plumbing Code of Australia). Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" under the Plumbing and Drainage Act 2011.</p> <p>Upon completion of works the responsible plumbing contractor is to submit to Council a copy of the Certificate of Compliance issued for the works.</p>

	Upon completion of works the responsible plumbing contractor is to submit to Council a copy of the Sewer Service Diagram for the works. The Sewer Service Diagram is to be in accordance with the requirements of NSW Fair Trading.
<b>Part C – Management of Waste</b>	
<b>For fee or reward, transport waste over or under a public place.</b>	
<b>Exemptions provided under the Regulations</b>	
The transporting of waste over or under a public place for fee or reward if: <ul style="list-style-type: none"> <li>(i) the activity is licensed under the Protection of the Environment Operations Act 1997, or</li> <li>(ii) the activity is being carried out in the Sydney metropolitan area as defined in Part 3 (Interpretative provisions) of Schedule 1 to that Act, or</li> <li>(iii) the waste is being transported through the area of the council and is not being collected or deposited in that area.</li> </ul>	Clause 48(a) of the Local Government (General) Regulation 2005
<b>Exemptions provided under the Policy</b>	
Nil	-
<b>Place waste in a public place.</b>	
<b>Exemptions provided under the Regulations</b>	
The placing of waste in a public place, if is done in accordance with arrangements instituted by the Council.	Clause 48(b) of the Local Government (General) Regulation 2005
<b>Exemptions provided under the Policy</b>	
Place waste in a public place	The placing of waste or recyclable materials in a public place may be carried out by: <ul style="list-style-type: none"> <li>a) residents placing mobile garbage bins or recycling bins on the footpath for collection by Council's solid waste and recycling collection service; and</li> <li>b) Council providing street litter bins into which the public may deposit litter.</li> </ul>
<b>Place a waste storage container in a public place.</b>	
<b>Exemptions provided under the Regulations</b>	
Nil.	-
<b>Exemptions provided under the Policy</b>	
Place a waste storage container in a public place.	The placing of waste or recyclable materials in a public place may be carried out by: <ul style="list-style-type: none"> <li>a) residents placing mobile garbage bins or recycling bins on the footpath for collection by</li> </ul>



	<p>Council's solid waste and recycling collection service; and</p> <p>b) Council providing street litter bins into which the public may deposit litter.</p>
<b>Dispose of waste into a sewer of the council.</b>	
<b>Exemptions provided under the Regulations</b>	
The discharge of sewage of a domestic nature into a sewer of the council, if it is done in accordance with arrangements instituted by the council.	Clause 48(c) of the Local Government (General) Regulation 2005
The disposal of septic tank effluent into a sewer of the council, if the premises are within a Common Effluent Drainage District declared by the council.	Clause 48(d) of the Local Government (General) Regulation 2005
<b>Exemptions provided under the Policy</b>	
Nil	-
<b>Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.</b>	
<b>Exemptions provided under the Regulations</b>	
The installation, construction or alteration of a waste treatment device, if that installation, construction or alteration is done: <ul style="list-style-type: none"> <li>(i) under the authority of a licence in force under the Protection of the Environment Operations Act 1997, or</li> <li>(ii) in a vessel used for navigation, or</li> <li>(iii) in a motor vehicle registered under the Road Transport (Vehicle Registration) Act 1997 that is used primarily for road transport.</li> </ul>	Clause 48(e) of the Local Government (General) Regulation 2005
<b>Exemptions provided under the Policy</b>	
Nil	-
<b>Operate a system of sewerage management (within the meaning of Section 68A)</b>	
<b>Exemptions provided under the Regulations</b>	
So much of the operation of a system of sewerage management as is limited to an action carried out: <ul style="list-style-type: none"> <li>(i) under the authority of a licence in force under the Protection of the Environment Operations Act 1997, or</li> <li>(ii) in a vessel used for navigation, or</li> <li>(iii) in a motor vehicle registered under the Road Transport (Vehicle Registration) Act 1997 that is used primarily for road transport.</li> </ul>	Clause 48(f) of the Local Government (General) Regulation 2005
Despite the other provisions of this Regulation, a person who purchases (or otherwise acquires) land on which any sewerage management facilities are installed or constructed may operate a system of sewerage management without the approval required under	Clause 47 of the Local Government (General) Regulation 2005

<p>section 68 of the Act for the period of 3 months after the date on which the land is transferred or otherwise conveyed to the person (whether or not an approval is in force, as at that date, in relation to the operation of a system of sewage management on that land).</p> <p>Further, if the person duly applies, within the period of 2 months after the date on which the land is transferred or otherwise conveyed to the person, for approval to operate the system of sewage management concerned, the person may continue to operate that system of sewage management without approval until the application is finally determined.</p>	
<b>Exemptions provided under the Policy</b>	
Nil	-
<b>Part D – Community Land</b>	
<b>Engage in a trade or business</b>	
<b>Exemptions provided under the Regulations</b>	
Nil	-
<b>Exemptions provided under the Policy</b>	
Sporting event spectator fees	Sports clubs with prior approval from council for the use of the associated sporting facility may charge a spectator fee to cover its commitments to a sporting association.
Street stalls for political purposes	<p>The prior approval of council is not required for street stalls for political purposes that complies with the following conditions:</p> <ol style="list-style-type: none"> <li>1) Not within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.</li> <li>2) Only one table 2 metres x 1 metre to be used.</li> <li>3) No more than three representatives to be in attendance at any one time.</li> <li>4) No fund raising activities are to be carried out.</li> <li>5) If located outside any shop must have the permission of the shop owner.</li> <li>6) Not to include a public address system or the like nor cause offensive noise.</li> <li>7) The organisation conducting the stall must display a sign on the stall, not on the footpath, indicating its name. No other signage will be permitted.</li> <li>8) The stall must not obstruct or inconvenience pedestrian or vehicular traffic by maintaining a</li> </ol>

	minimum accessible path of travel of 2.5 metres.
<b>Direct or procure a theatrical, musical or other entertainment for the public.</b>	
<b>Exemptions provided under the Regulations</b>	
Nil	-
<b>Exemptions provided under the Policy</b>	
Busking and street theatre	<p>The prior approval of council is not required busking or street theatre that complies with the following conditions:</p> <ol style="list-style-type: none"> <li>1) Performers must not be within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.</li> <li>2) Must not occur in any area adjacent to an educational establishment or place of public worship</li> <li>3) Must be located 2 metres from building facade, adjacent shops or buildings</li> <li>4) Must be located no closer than 600mm to the back of kerb.</li> <li>5) The activity must not obstruct or hinder the passage of pedestrians or vehicles nor create any nuisance or offensive noise.</li> <li>6) The performance must not involve the use of dangerous materials and implements nor include drawing or marking the footpath or affixing any matter or structure to the footpath paving.</li> <li>7) If located outside any shop must have the permission of the shop owner and adjacent shop owners.</li> <li>8) Must not use a public address, sound system or amplified equipment.</li> <li>9) Performers may receive voluntary donations from the audience but may not solicit funds.</li> <li>10) Performers may only perform in one location for a maximum of 2 hours. Performers may subsequently relocate to another location that is at least 50 metres away.</li> <li>11) Performers are not permitted when special events are in progress (unless approval given as part of the event).</li> <li>12) Performers must not advertise goods for sale or associate themselves with such advertising in conjunction with their performance, other than</li> </ol>

	<p>recordings consisting of the performers own work.</p> <p>13) Performers may only operate between the hours of 8am and 8pm</p> <p>14) The activity shall incorporate appropriate risk management practices so as to avoid injury or loss.</p> <p>15) No more than 1 performer within 50m of another performer</p> <p>16) Circle Acts and acts involving the use of dangerous materials or implements (as defined in section 8) are not to be included in exemptions</p> <p><b>Note</b> - Council and Police have the right to remove people if they are causing a nuisance to the public (including shop owners). This includes excessively repetitive performances.</p>
<b>Construct a temporary enclosure for the purpose of entertainment.</b>	
<b>Exemptions provided under the Regulations</b>	
Nil	-
<b>Exemptions provided under the Policy</b>	
Nil	-
<b>For fee or reward, play a musical instrument or sing.</b>	
<b>Exemptions provided under the Regulations</b>	
Nil	-
<b>Exemptions provided under the Policy</b>	
Busking and street theatre	<p>See "Busking and street theatre"above.</p> <p><b>Note</b> - Council and Police have the right to remove people if they are causing a nuisance to the public (including shop owners). This includes excessively repetitive performances.</p>
<b>Set up, operate or use a loudspeaker or sound amplifying device.</b>	
<b>Exemptions provided under the Regulations</b>	
A loudspeaker or sound amplifying device may be set up, operated or used on community land without the prior approval of the council if it is done in accordance with a notice erected on the land by the council or if it is done in the circumstances specified, in relation to the setting up, operation or use (as the case may be), in Part 1 of the local approvals policy applying to the land. See exemptions provided under this policy below.	Clause 49 of the Local Government (General) Regulation 2005
<b>Exemptions provided under the Policy</b>	
Set up, operate or use a loudspeaker or sound amplifying device	The loudspeaker or sound amplifying device is set up, operated or used on community land if it is in

	accordance with a Notice on that land permitting the activity.
<b>Deliver a public address or hold a religious service or public meeting.</b>	
<b>Exemptions provided under the Regulations</b>	
Nil	-
<b>Exemptions provided under the Policy</b>	
Preaching and religious services	<p>The prior approval of council is not required for preaching and religious services that complies with the following conditions:</p> <ol style="list-style-type: none"> <li>1) Not within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.</li> <li>2) Must not occur in any park or reserve, tourist location or any area adjacent to residential premise.</li> <li>3) Must not occur in any area adjacent to an educational establishment or place of public worship (unless permission given from the occupant).</li> <li>4) Must retain a minimum of 2.5 metres of footpath for public movement.</li> <li>5) The activity must not cause nuisance, offense or obstruction.</li> <li>6) If located outside any shop must have the permission of the shop owner.</li> <li>7) Not to include a public address system or the like nor cause offensive noise.</li> </ol>
<b>Part E – Public Roads</b>	
<b>Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.</b>	
<b>Exemptions provided under the Regulations</b>	
Nil	-
<b>Exemptions provided under the Policy</b>	
Nil	-
<b>Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.</b>	
<b>Exemptions provided under the Regulations</b>	
Nil	-
<b>Exemptions provided under the Policy</b>	
Under awning advertising sign	<ol style="list-style-type: none"> <li>1) The sign is attached below the awning of a building within Business or Industrial zones under the LEP.</li> </ol>

	<ol style="list-style-type: none"> <li>2) The sign is to be erected approximately horizontal to the ground and at no point less than 3.0 metres from the ground/footpath level.</li> <li>3) The sign shall not project beyond the edge of the awning.</li> <li>4) The awning to which the sign is attached is structurally adequate to maintain the additional load placed upon it.</li> </ol>
Display of potted plants	<ol style="list-style-type: none"> <li>1) Only in Town Centres.</li> <li>2) Must not impede access to under / above ground utilities services.</li> <li>3) Plants are to be displayed for decorative purposes and not for sale.</li> <li>4) Maximum of 2 pots per premise.</li> <li>5) Must be located immediately adjacent to and extending no further than 700mm from the front of the shop or business.</li> <li>6) Pots must be at least 450mm x 450mm and securely fixed to prevent vandalism and expected wind forces.</li> <li>7) A minimum of 2.5 metres of unobstructed footpath is to be maintained between the pots and any other articles, dining area or display otherwise permitted.</li> <li>8) Pots are to be removed from the footpath when the premises are closed.</li> <li>9) The proprietor of the related business must hold appropriate public liability insurance specifically indemnifying and listing the Council on the policy as an interested party.</li> </ol>
Information display stands	<ol style="list-style-type: none"> <li>1) Only in Town Centres.</li> <li>2) Limited to 'A3' size and only for information (eg.,booklets or menu stands).</li> <li>3) Must be located immediately adjacent to and extending no further than 700mm from the front of the shop or business.</li> <li>4) Must be securely fixed to prevent vandalism and expected wind forces.</li> <li>5) A minimum of 2.5 metres of unobstructed footpath is to be maintained between the information display stand and any other articles, dining area or display otherwise permitted.</li> <li>6) Displays must be removed from the footpath when the premises are closed.</li> </ol>

	<p>7) The proprietor of the related business must hold appropriate public liability insurance specifically indemnifying and listing the Council on the policy as an interested party.</p>
<p>A-framed / sandwich board signs</p>	<ol style="list-style-type: none"> <li>1) Applies to commercial premises, refreshment rooms, shops or take away food outlets, bed and breakfast establishments defined under LEP</li> <li>2) Must be A-frame or self-standing single or double sided sign.</li> <li>3) Maximum 1 sign per business positioned no nearer than 3 metres from a similar sign.</li> <li>4) The sign must be located immediately adjacent to the premise.</li> <li>5) Must relate to an existing approved and lawful use.</li> <li>6) Must not contravene any development consent applying to the property.</li> <li>7) Not permitted within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.</li> <li>8) Must not display offensive, violent, obscene or include discriminatory text or graphics.</li> <li>9) Text of sign must relate to the business conducted on the premises or goods/services sold at the premises.</li> <li>10) Signs must not be illuminated or incorporate any moving components.</li> <li>11) The sign is to have a maximum height of 1 metre with each advertising panel being maximum 900mm high by 600mm wide.</li> <li>12) A minimum of unobstructed footpath width of 2.5 metres is to be maintained between the A-frame sign and any other articles, dining area or display otherwise permitted.</li> <li>13) Must be safely constructed and secured to prevent a public hazard.</li> <li>14) Signs must be removed during inclement or windy weather or when the related business is not open for trading.</li> <li>15) The sign/s are not to obstruct or pose a risk to pedestrian or vehicular traffic.</li> <li>16) The proprietor of the related business must hold appropriate public liability insurance specifically indemnifying and listing the Council on the policy as an interested party.</li> </ol>

<b>Part F – Other Activities</b>	
<b>Operate a public car park.</b>	
<b>Exemptions provided under the Regulations</b>	
A public car park may be operated without the prior approval of the council if approval for its erection or operation has already been given by the council in connection with another approval or development consent and the car park complies with any applicable conditions of that approval or development consent.	Clause 66 of the Local Government (General) Regulation 2005
<b>Exemptions provided under the Policy</b>	
Nil.	-
<b>Operate a caravan park or camping ground.</b>	
<b>Exemptions provided under the Regulations</b>	
Nil	-
<b>Exemptions provided under the Policy</b>	
Nil	-
<b>Operate a manufactured home estate.</b>	
<b>Exemptions provided under the Regulations</b>	
Nil	-
<b>Exemptions provided under the Policy</b>	
Nil	-
<b>Install a domestic oil or solid fuel heating appliance, other than a portable appliance.</b>	
<b>Exemptions provided under the Regulations</b>	
A domestic oil or solid fuel heating appliance (other than a portable appliance) may be installed without the prior approval of the council if details of the appliance are included in plans and specifications for the relevant building approved under Part 4A of the Environmental Planning and Assessment Act 1979.	Clause 70 of the Local Government (General) Regulation 2005
<b>Exemptions provided under the Policy</b>	
Install a domestic oil or solid fuel heating appliance, other than a portable appliance	<ul style="list-style-type: none"> <li>a) The flue/chimney height is to be 1 metre above any other building within a 15 metre radius. The flue height is to be at least 4.6 metres above floor level.</li> <li>b) Installation is to be in accordance with: <ul style="list-style-type: none"> <li>• The National Construction Code (Building Code of Australia).</li> <li>• AS 2918: Domestic Solid Fuel Burning Appliances and Installation.</li> <li>• NSW Department of Environment and Conservation’s publication Environmental Guidelines for Selecting, Installing and Operating Domestic Solid Fuel Heaters.</li> </ul> </li> <li>c) The heater must comply with the emission controls stated in AS 4013: Domestic Solid Fuel</li> </ul>



	<p>Burning Appliances - Methods for determination of flue gas emission.</p> <p>d) Must not cause a smoke or odour nuisance to adjoining or nearby properties.</p>
<b>Install or operate amusement devices.</b>	
<b>Exemptions provided under the Regulations</b>	
Amusement devices not required to be registered under the Occupational Health and Safety Regulation 2001* may be installed or operated without the prior approval of the council.	Clause 71 of the Local Government (General) Regulation 2005
<p>A small amusement device may be installed or operated without the prior approval of the council if:</p> <ul style="list-style-type: none"> <li>a) the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason, and</li> <li>b) the device is registered under the Occupational Health and Safety Regulation 2001*, and</li> <li>c) the device: <ul style="list-style-type: none"> <li>(i) is to be or has been erected, and</li> <li>(ii) it to be or is being operated, in accordance with all conditions (if any) relating to its erection or operation set out in the current certificate of registration issued for the device under that Regulation, and</li> </ul> </li> <li>d) there exists for the device a current log book within the meaning of Chapter 5 of that Regulation, and</li> <li>e) in the case of a device that is to be or is installed in a building, fire egress is not obstructed, and</li> <li>f) there is in force a contract of insurance or indemnity that indemnifies to an unlimited extent (or up to an amount of not less than \$10,000,000 in respect of each accident) each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability</li> </ul>	Clause 75 of the Local Government (General) Regulation 2005

<p><b>*NOTE:</b> The Occupational Health and Safety Regulation 2001 was repealed by Section 276C of the Work Health and Safety Act 2011 (effective 1 January 2012). The Regulation has subsequently been replaced by the Work Health and Safety Regulation 2011.</p>	
<p><b>Exemptions provided under the Policy</b></p>	
<p><b>Use a standing vehicle or any article for the purpose of selling any article in a public place.</b></p>	
<p><b>Exemptions provided under the Regulations</b></p>	
Nil	-
<p><b>Exemptions provided under the Policy</b></p>	
Street collections & information distribution	<ol style="list-style-type: none"> <li>1) Only within Village Town Centres.</li> <li>2) Must not occur within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.</li> <li>3) Must not occur in any area adjacent to an educational establishment or place of public worship or in any park or reserve.</li> <li>4) Must retain a minimum of 2.5 metres of footpath for public movement.</li> <li>5) The activity must not cause nuisance, offence or obstruction.</li> <li>6) If located for any period of time outside any shop must have the permission of the shop owner; otherwise must be roaming.</li> <li>7) Must not include a public address system or the like.</li> <li>8) In the case of street collections must be for a registered charity where monies are channelled direct to the charity.</li> </ol>
<p><b>Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.</b></p>	
<p><b>Exemptions provided under the Regulations</b></p>	
Nil	-
<p><b>Exemptions provided under the Policy</b></p>	
Nil	-

#### 4. Part 2: The criteria the council must take into consideration in determining an approval (Section 158 (4) of the Local Government Act 1993)

<b>Part A – Structures or Places of Public Entertainment</b>
<b>Install a manufactured home, moveable dwelling or associated structure on land</b>
<b>Matters for consideration under the Regulations</b>

**Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Movable Dwellings) Regulation 2005**

**Clause 75 -**

- 1) In deciding whether or not to approve the installation of a relocatable home, rigid annexe or associated structure on flood liable land in a caravan park or camping ground, the council must have regard to the principles contained in the Floodplain Development Manual.
- 2) Any approval to install a relocatable home or associated structure on flood liable land will require that the relocatable home and associated structure is designed, constructed and installed in accordance with the relevant requirements of Division 4.
- 3) Any approval to install a rigid annexe on flood liable land will require the rigid annexe to be designed, constructed and installed in accordance with the relevant requirements of Division 5.

**Clause 76 -**

- 4) In deciding whether to approve the installation in a caravan park or camping ground of a relocatable home, rigid annexe or associated structure having more than one storey, the council is to have regard to the likely impact on the amenity of the occupiers of any adjoining relocatable home and the amenity of the occupiers of land adjoining that caravan park or camping ground.

**Matters for consideration under the Policy**

When determining an application to install a manufactured home, moveable dwelling or associated structure Council will take into consideration:

- a) Whether all of the information required to enable Council to properly consider and determine the application has been submitted;
- b) Whether all of the relevant fees, charges and security deposits listed in the list of fees and charges incorporated in Council's Revenue Policy have been paid;
- c) The provisions of the Local Government Act 1993 as amended, and in particular, those matters prescribed in Section 89 of that Act;
- d) The provisions of any other relevant Statute or Regulation;
- e) Any applicable standards that are specified in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005;
- f) Whether adequate provision has been made to ensure the health, safety and convenience of the occupants of any moveable dwelling or associated structure;
- g) Whether Development Consent pursuant to the provisions of the Environmental Planning and Assessment Act 1979, as amended, is required prior to an approval being granted pursuant to Chapter 7 of the Local Government Act 1993, as amended, and if so, whether such Development Consent has been granted; and
- h) Any other matter that Council considers relevant in the particular case.

**Part B – Water Supply, Sewerage and Stormwater Drainage Work**

**Carry out water supply work**

**Carry out sewerage work.**

**Carry out stormwater drainage work.**

**Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain which connects with such a public drain or sewer.**

**Matters for consideration under the Regulations**

**Local Government (General) Regulation 2005**

**Clause 15 -**

In determining an application for the purposes of section 68 of the Act for an approval to do any of the activities to which this clause applies, the council must have regard to the following considerations:

- a) the protection and promotion of public health,
- b) the protection of the environment,
- c) the safety of its employees,
- d) the safeguarding of its assets,
- e) any other matter that it considers to be relevant in the circumstances.

Part 2 of Schedule 1 of the Local Government (General) Regulation 2005 specifies mandatory standards for storm water drainage work, including that such works must comply with the New South Wales Code of Practice – Plumbing and Drainage.

**Matters for consideration under the Policy**

In accordance with Regulations.

**Part C – Management of Waste**

**Place waste in a public place**

**Matters for consideration under the Regulations**

Nil.

**Matters for consideration under the Policy**

When determining an application to place waste in a public place Council will take into consideration:

- a) Whether all of the information required to enable Council to properly consider and determine the application has been submitted to Council;
- b) Whether all of the relevant fees, charges and security deposits listed in the list of fees and charges incorporated in Council's Revenue Policy have been paid;
- c) The provisions of the Local Government Act 1993, as amended, and in particular Section 89 of that Act;
- d) The provisions of the Local Government (General) Regulation 2005, and in particular Division 4 of Part 2 of that Regulation;
- e) The provisions of the Roads Act 1993 and the Regulations made thereunder;
- f) The provisions of any relevant Statute or Regulation;
- g) The safety of the public and the protection of property; and
- h) Any other matter that Council considers relevant in the particular case.

**Place a waste storage container in a public place.**

**Matters for consideration under the Regulations**

**Local Government (General) Regulation 2005**

**Clause 27 -**

In determining an application for approval to place on a road a building waste storage container, the council is to take into consideration any requirements or guidelines relating to the location, size and visibility of building waste storage containers that are notified to the council from time to time by Roads and Maritime Services

**Matters for consideration under the Policy**

When determining an application to place waste in a public place Council will take into consideration:

- a) Whether all of the information required to enable Council to properly consider and determine the application has been submitted to Council;

- b) Whether all of the relevant fees, charges and security deposits listed in the list of fees and charges incorporated in Council's Revenue Policy have been paid;
- c) The provisions of the Local Government Act 1993, as amended, and in particular Section 89 of that Act;
- d) The provisions of the Local Government (General) Regulation 2005, and in particular Division 4 of Part 2 of that Regulation;
- e) The provisions of the Roads Act 1993 and the Regulations made thereunder;
- f) The provisions of any relevant Statute or Regulation;
- g) The safety of the public and the protection of property; and
- h) Any other matter that Council considers relevant in the particular case.

**Dispose of waste into a sewer of the council.**

**Matters for consideration under the Regulations**

Nil.

**Matters for consideration under the Policy**

When determining an application to dispose of waste into a sewer of the Council, Council will take into consideration:

- a) The provisions of Council's Trade Waste Policy;
- b) The provisions of the Local Government Act 1993, as amended, and in particular Section 89 of that Act;
- c) The provisions of the Local Government (General) Regulation 2005, and in particular Division 4 of Part 2 of that Regulation;
- d) The Requirements of the NSW Office of Environment & Heritage and/or NSW Office of Water;
- e) Whether the relevant fees, charges and security deposits required to be paid by Council's Revenue Policy have been paid; and
- f) Whether all the information required by Council to enable it to properly consider the application has been submitted to Council.

**Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.**

**Matters for consideration under the Regulations**

**Local Government (General) Regulation 2005**

**Clause 29 -**

- 1) In determining an application for approval to install, construct or alter a sewage management facility, the council must take into consideration the matters specified in clause 29.
- 2) Environment and health protection matters The council must consider whether the proposed sewage management facility (or the proposed sewage management facility as altered) and any related effluent application area will make appropriate provision for the following:
  - a) preventing the spread of disease by micro-organisms,
  - b) preventing the spread of foul odours,
  - c) preventing contamination of water,
  - d) preventing degradation of soil and vegetation,
  - e) discouraging insects and vermin,
  - f) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,
  - g) the re-use of resources (including nutrients, organic matter and water),
  - h) the minimisation of any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land.

- 3) Guidelines and directions The council must consider any matter specified in guidelines or directions issued by the Director-General in relation to the matters referred to in subclause (2). Council will also consider the availability of any reticulated sewage infrastructure when considering applications for on-site wastewater devices. Generally, applications for on-site wastewater devices will not be approved in areas where connection to an existing sewage network is available.

**Matters for consideration under the Policy**

When determining an application to install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to such device or facility, Council will take into consideration:

- a) The provisions of the Local Government Act 1993, as amended, and in particular the provisions of Section 89 of that Act;
- b) The provisions of the Local Government (General) Regulation 2005;
- c) The provisions of AS/NZS 3500 Parts 1 to 4 published by the Standards Association of Australia;
- d) The provisions of the National Construction Code (Plumbing Code of Australia);
- e) Whether approval to erect a building pursuant to Section 68 of the Local Government Act 1993 as amended is required prior to the waste treatment device or human waste storage facility being installed, constructed or altered, and if so whether such approval has been issued by Council;
- f) Whether the land is suitable for the installation of a device for the treatment of human waste, or for a human waste storage facility, and whether any effluent from such devices can be disposed of in a satisfactory manner;
- g) The protection and promotion of public health;
- h) The protection of the environment;
- i) Whether all of the information required to enable Council to properly consider the application has been submitted to Council;
- j) Whether all the fees, charges and security deposits required to be paid by Council's Revenue Policy have been paid; and
- k) Any other matter Council considers relevant in the particular case.

**Information to accompany Applications**

Applications to install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility shall:

- (a) Be made by the owner, or by a person authorised in writing by the owner;
- (b) Be made on the appropriate application form, or by a letter which contains all of the information deemed necessary by Council to enable Council to properly determine the application;
- (c) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Revenue Policy;
- (d) Be accompanied by two sets of plans and specifications of the proposed installation or alteration which clearly indicate:
  - The fittings or appliances proposed to be connected to the Waste Treatment Device or Human Waste Storage Facility;
  - The size and type of the various components of the Waste Treatment Device or Human Waste Storage Facility, including septic tanks, collection or storage tanks, effluent disposal areas, pipes, fittings, pits, valves and other components, and the materials from which the aforementioned components will be constructed or made;
  - The proposed location of the Waste Treatment Device or Human Waste Storage Facility, the effluent disposal area, and all pipes, fittings, pits, valves and components; and

<ul style="list-style-type: none"> <li>• Any other matter which the Council, in the particular case, deems necessary to enable Council to properly consider the application; and</li> <li>(e) Be accompanied by a Certificate of Accreditation from the NSW Department of Health;</li> <li>(f) Be accompanied by a geo-technical study prepared by an experienced Geo-technical Engineering Consultant certifying that any proposed effluent disposal area is located in position and is of sufficient design and capacity to ensure that all effluent arising from the buildings on the land can be disposed of on the site without causing nuisances and/or pollution, both in the short and long term.</li> </ul>
<b>Operate a system of sewerage management (within the meaning of Section 68A)</b>
<b>Matters for consideration under the Regulations</b>
<b>Local Government (General) Regulation 2005</b>
<b>Clause 43 -</b>
In determining an application for approval to operate a system of sewage management, the council must consider any matter specified in guidelines or directions issued by the Director-General in relation to the environment and health protection matters referred to in clause 29 (2).
<b>Clause 44 -</b>
<ol style="list-style-type: none"> <li>1) Any approval to operate a system of sewage management will require the operation to achieve the following performance standards: <ul style="list-style-type: none"> <li>a) the prevention of the spread of disease by micro-organisms,</li> <li>b) the prevention of the spread of foul odours,</li> <li>c) the prevention of contamination of water,</li> <li>d) the prevention of degradation of soil and vegetation,</li> <li>e) the discouragement of insects and vermin,</li> <li>f) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,</li> <li>g) the minimisation of any adverse impacts on the amenity of the premises and surrounding lands,</li> <li>h) if appropriate, provision for the re-use of resources (including nutrients, organic matter and water).</li> </ul> </li> <li>2) Failure to comply with subclause (1) is not a breach of that performance standard if the failure was due to circumstances beyond the control of the person operating the system of sewage management (such as a fire, flood, storm, earthquake, explosion, accident, epidemic or warlike action).</li> <li>3) A system of sewage management will also be required to be operated: <ul style="list-style-type: none"> <li>a) in accordance with the relevant operating specifications and procedures (if any) for the sewage management facilities used for the purpose, and</li> <li>b) so as to allow the removal of any treated sewage (and any by-product of any sewage) in a safe and sanitary manner.</li> </ul> </li> </ol>
<b>Matters for consideration under the Policy</b>
In accordance with Regulations.
<b>Part D – Community Land</b>
<b>Engage in a trade or business</b>
<b>Matters for consideration under the Regulations</b>
Nil
<b>Matters for consideration under the Policy</b>
<b>Generally</b>

When determining an application to engage in a trade or business on community land Council will take into consideration the following criteria:

- a) The provisions of the Local Government Act 1993 as amended, and in particular Section 89 of that Act;
- b) The provisions of the Local Government (General) Regulation 2005;
- c) Whether all of the information necessary for Council to properly determine the application has been submitted to Council;
- d) Whether all the relevant fees, charges and security deposits incorporated in Council's Revenue Policy have been paid;
- e) Whether, if the trade or business involves selling food to the public, the provisions of the NSW Food Authority– Guidelines for Mobile Food Vending Vehicles and the NSW Food Authority – Guidelines for Food Businesses at Temporary Events, will be complied with;
- f) The effect that the proposed trade or business will have on the enjoyment of the community land by members of the public;
- g) The safety of the public and the protection of property;
- h) Any Management Plan that Council has adopted in respect to the management of Community Land;
- i) Whether any public liability insurance taken out in respect to the proposed trade or business is adequate to protect Council against claims for injuries to persons and damage to property; and
- j) Any other matter that Council considers relevant in the particular case.

#### **Fundraising on Public Land or Public Roads**

In determining applications for fundraising, Council shall take into account the following considerations:

- 1) Fundraising may only be conducted by organisations which have been authorised by the Office of Liquor, Gaming & Racing
- 2) Council reserves the right to refuse bookings for fundraising where multiple applications exist for a similar area and time  
The intended location, extent and duration of any fundraising activities will be assessed to minimize adverse public and commercial impacts

#### **Street Stalls on Public Land or Public Roads**

In determining applications for street stalls, Council shall take into account the following considerations:

- a) Council will assess street stall and stationary vehicle applications with reference to the Local Government Act 1993, Roads Act 1993 and associated regulations.
- b) Council will ensure that commercial businesses are not disadvantaged by the occupation of street stalls or stationary vehicle vendors.
- c) Council will ensure equitable allocation of available sites between requesting organisations.
- d) Council will ensure the safety and preservation of the amenity for all users of malls, roadways and commercial areas used for street stalls and will provide reasonable access in these areas to maintain public safety and an aesthetic appearance.
- e) Street stalls and mall occupation is limited to temporary use at designated sites and attracting pedestrian traffic only.
- f) This Policy will not deal with requests for permanent street stalls or larger scale markets that attract vehicle traffic and have a greater public safety risk



- g) Street stalls in malls or on footpaths, except as permitted within Council’s designated mall areas, may only be conducted by community based or not for profit organisations.
- h) No site is booked exclusively by any particular group where there are other requests.
- i) Stalls that intend to operate in vehicle rest areas require concurrent approval from Roads and Maritime Services (RMS). Evidence of approval from RMS needs to be presented before Council can determine any applications of this nature. Please consult the RMS Corporate Policy for Mobile Vending in Rest Areas for more information.
- j) For stalls that intend to distribute food and / or beverages, the food-vending stall must have had a satisfactory food safety inspection carried out by the relevant council within the current financial year. The relevant council refers to the local government area in which the food vending business is based.

**Hiring of community land (park bookings)**

Council will assess applications for park bookings in accordance with:

- 1) The nature and scale of the activity or function being undertaken
- 2) Whether any amusement devices or marquees will be erected as part of the activity

**Direct or procure a theatrical, musical or other entertainment for the public.**

**Matters for consideration under the Regulations**

Nil

**Matters for consideration under the Policy**

When determining an application for approval to direct or procure a theatrical, musical or other entertainment for the public on community land, Council will take into consideration the following criteria:

- a) Whether development consent under the Environmental Planning and Assessment Act 1979 as amended, is required prior to an approval being granted pursuant to Section 68 of the Local Government Act 1993 as amended, to a person to direct or provide a theatrical, musical or other entertainment for the public on community land, and if so, whether such consent has been issued by Council;
- b) Whether all of the information required to enable Council to properly consider and determine the application has been submitted to Council;
- c) Whether all of the relevant fees, charges and security deposits incorporated in Council's Revenue Policy has been paid;
- d) The provisions of the Local Government Act 1993 as amended, and in particular Section 89 of that Act;
- e) The provisions of the Local Government (General) Regulation 2005;
- f) The provisions of the Protection of the Environment Operations Act 1997 (POEO Act) as amended, and the Regulations made thereunder;
- g) The safety of the public and the protection of property;
- h) The adequacy of the available public liability insurance with regard to the protection of the Council and the applicant against claims for injuries to persons and damage to property;
- i) Any management plan adopted by Council in respect to the management of Community Land;
- j) Whether alcohol will be available on the site, and if so, whether a liquor licence has been issued and any conditions attached thereto;
- k) Whether adequate toilet facilities will be available on the site; and
- l) Any other matter that Council considers relevant in the particular case.

**Construct a temporary enclosure for the purpose of entertainment.**

**Matters for consideration under the Regulations**

Nil
<b>Matters for consideration under the Policy</b>
When determining an application to construct temporary enclosures on community land for the purpose of entertainment, Council will take the following criteria into consideration: <ul style="list-style-type: none"> <li>a) Whether all of the information required to enable Council to properly determine the application has been submitted to Council;</li> <li>b) Whether all of the relevant fees, charged and security deposits incorporated on Council's Revenue Policy have been paid;</li> <li>c) The provisions of the Local Government Act 1993 as amended, and particularly Section 89 of that Act;</li> <li>d) The provisions of the Local Government (General) Regulation 2005;</li> <li>e) The effect that the enclosure will have on the enjoyment of the community land by members of the public;</li> <li>f) The provisions of any relevant Statute or Regulation, and any relevant standards and policies of public authorities applying to the use of the road;</li> <li>g) The safety of the public and the protection of property;</li> <li>h) The period during which it is proposed to enclose the section of community land;</li> <li>i) Whether any public liability insurances taken out in respect to the enclosure of the community land is adequate to protect Council against claims for injury to persons and damage to property;</li> <li>j) Any management plan which Council has adopted in respect to the management of Community Land;</li> <li>k) Whether development consent pursuant to the provisions of the Environmental Planning and Assessment Act, 1979 as amended is required for the activity, and if so, whether such consent has been issued;</li> <li>l) Whether adequate toilet facilities will be available on the site;</li> <li>m) Whether alcohol will be available on the site, and if so, whether a liquor licence has been issued and any conditions attached thereto; and</li> <li>n) Any other matter that Council considers relevant in the particular case.</li> </ul>
<b>For fee or reward, play a musical instrument or sing.</b>
<b>Matters for consideration under the Regulations</b>
Nil
<b>Matters for consideration under the Policy</b>
When determining an application for approval to play a musical instrument or sing for a fee or reward on community land, Council will take the following criteria into consideration: <ul style="list-style-type: none"> <li>a) Whether all of the information required to enable Council to properly determine the application has been submitted to Council;</li> <li>b) Whether all of the relevant fees, charges and security deposits incorporated in Council's Revenue Policy have been paid;</li> <li>c) The provisions of the Local Government Act 1993 as amended, and in particular Section 89 of that Act;</li> <li>d) The provisions of the Local Government (General) Regulation 2005;</li> <li>e) The safety of the public and the protection of property;</li> <li>f) The provisions of Code No 1 - Busking; and</li> <li>g) Any other matter that Council considers relevant in the particular case.</li> </ul>
<b>Deliver a public address or hold a religious service or public meeting.</b>
<b>Matters for consideration under the Regulations</b>
Nil
<b>Matters for consideration under the Policy</b>

When determining an application for approval to deliver a public address or hold a religious service or public meeting on community land Council will take into consideration the following criteria:

- a) Whether development consent under the Environmental Planning and Assessment Act 1979 as amended is required prior to an approval being granted pursuant to Section 68 of the Local Government Act 1993 as amended, for the proposed activity and if so, whether such consent has been issued by Council;
- b) Whether all the information required to enable Council to properly consider and determine the application has been submitted to Council;
- c) Whether all of the relevant fees, charges and security deposits incorporated in Council's Revenue Policy have been paid;
- d) The provisions of the Local Government Act 1993 as amended, and in particular Section 89 of that Act;
- e) The provisions of the Local Government (General) Regulation 2005;
- f) The provisions of the Protection of the Environment Operations Act 1997 (POEO Act) as amended and the Regulations made under that Act;
- g) The safety of the public and the protection of property;
- h) The adequacy of the available public risk insurance with regard to the protection of Council and the public; and
- i) Any other matter that Council considers relevant in the particular case.

#### **Part E – Public Roads**

**Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.**

#### **Matters for consideration under the Regulations**

##### **Local Government (General) Regulation 2005**

##### **Clause 50 -**

In determining an application for an approval under Part E of the Table to section 68 of the Act the council must take into account:

- a) the provisions of the Roads Act 1993, and
- b) any relevant standards and policies of public authorities applying to the use of the road

#### **Matters for consideration under the Policy**

When determining an application for approval to swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway, Council will take into consideration:

- a) Whether all of the information required to enable Council to properly consider and determine the application has been submitted to Council;
- b) Whether all of the relevant fees, charges and security deposits listed in the list of fees and charges incorporated in Council's Revenue Policy have been paid;
- c) The provisions of the Local Government Act 1993, as amended, and in particular Section 89 of that Act;
- d) The provisions of the Local Government (General) Regulation 2005;
- e) The provisions of the Roads Act 1993 and the Regulations made thereunder;
- f) The effect that the enclosure of the portion of the road over which the goods will be lifted will have on pedestrian movements in the vicinity of the proposed enclosure, and whether adequate provision has been made for pedestrian access to nearby premises;
- g) The safety of the public and the protection of property;

- h) The effect that the enclosure of the portion of the road over which the goods will be lifted will have on vehicular parking in the vicinity of the proposed enclosure;
- i) The period during which it is proposed to keep the public place enclosed; and
- j) Any other matter or thing Council considers relevant in the particular case.

**Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.**

**Matters for consideration under the Regulations**

**Local Government (General) Regulation 2005**

**Clause 50 –**

In determining an application for an approval under Part E of the Table to section 68 of the Act the council must take into account:

- a) the provisions of the Roads Act 1993, and
- b) any relevant standards and policies of public authorities applying to the use of the road

**Matters for consideration under the Policy**

When determining an application to erect an advertising structure over a public road, or expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of a road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road, Council will take into consideration:

- a) The provisions of the Local Government Act 1993 as amended and in particular, Section 89 of that Act;
- b) The provisions of the Local Government (General) Regulation 2005 and in particular, Division 5 of Part 2 of that Regulation;
- c) The provisions of the National Construction Code (Building Code of Australia);
- d) The provisions of the Roads Act 1993 as amended and the Regulations made thereunder;
- e) The provisions of any relevant Statute or Regulation, and any relevant standards and policies of public authorities applying to the use of the road;
- f) Whether development consent under the Environmental Planning and Assessment Act 1979 as amended is required prior to an approval for the proposed activity being issued under the Local Government Act 1993 as amended, and if so, whether such development consent has been issued by Council;
- g) The safety of the public and the protection of property;
- h) Whether adequate access to utility services will be maintained, and
- i) Any other matter that Council considers relevant in the particular case.

**Part F – Other Activities**

**Operate a public car park.**

**Matters for consideration under the Regulations**

**Local Government (General) Regulation 2005**

**Clause 53 –**

In determining an application for approval to operate a public car park the council is to take the following matters into consideration:

- a) the Roads and Traffic Authority's views about the application,
- b) the effect of the car park on the movement of vehicular traffic and pedestrian traffic,
- c) whether the number of vehicles proposed to be accommodated is appropriate having regard to the size of the car park and the need to provide off-street parking facilities within the car park for the temporary accommodation of vehicles,
- d) whether the means of ingress and egress and means of movement provided or to be provided within the car park are satisfactory,
- e) whether there will be adequate provision for pedestrian safety and access for people with disabilities,
- f) whether the internal design of parking facilities and system of traffic management are satisfactory,
- g) whether, in the case of a car park that is a building, adequate ventilation is provided or to be provided,
- h) the Occupational Health and Safety Act 2000\*, and the regulations made under that Act, as regards the safety of persons who will be employed at the proposed car park or of persons who will go there,
- i) whether there will be adequate provision for the management of stormwater and the minimisation of stormwater pollution.

**\*NOTE:** The Occupational Health and Safety Act 2000 was repealed by Section 276C of the Work Health and Safety Act 2011 (effective 1 January 2012). The Regulation has subsequently been replaced by the Work Health and Safety Act 2011.

**Matters for consideration under the Policy**

Nil.

**Operate a caravan park or camping ground.**

**Matters for consideration under the Regulations**

**Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005**

**Clause 71 –**

- 1) The council must not grant an approval to operate a caravan park or camping ground unless it is satisfied that it will be designed, constructed, maintained and operated:
  - a) in accordance with the relevant requirements of Subdivisions 1–8 of Division 3, or
  - b) in the case of a primitive camping ground, in accordance with the relevant requirements of Subdivision 9 of Division 3 of the Regulation.
- 2) In deciding whether or not the approval for a caravan park or camping ground should allow the installation of a relocatable home, rigid annexe or associated structure on flood liable land, the council must have regard to the principles contained in the Floodplain Development Manual

**Clause 73-**

- 1) Any approval to operate a caravan park or camping ground will be subject to the following conditions:
  - a) the caravan park or camping ground must be designed, constructed, maintained and operated:
    - (i) in accordance with the relevant requirements of Subdivisions 1–8 of Division 3, or
    - (ii) in the case of a primitive camping ground, in accordance with the relevant requirements of Subdivision 9 of Division 3,
  - (b) a person must not be permitted to stay in a moveable dwelling that occupies a short-term site or camp site for a total of more than 150 days in any 12 month period, unless the moveable vehicle is a holiday van and the person is the owner of that holiday van,
  - (c) the owner of a holiday van that occupies a short-term site or camp site must not be permitted to stay in the holiday van for a total of more than 180 days in any 12 month period,

- (d) a person must not be permitted to stay in a moveable dwelling in a primitive camping ground for a total of more than 50 days in any 12 month period.
- 2) For the purposes of this clause, only overnight stays are to be counted in calculating the number of days a person spends in a moveable dwelling.
- 3) This clause does not apply to the operation of a caravan park or camping ground for a period of not more than 6 weeks if the caravan park or camping ground is being operated solely in connection with the use of the land for a sporting, recreational or cultural event.  
Subclauses (1) (b), (c) and (d) and (2) do not apply to a resident owner, manager, operator or caretaker of the caravan park or camping ground.

**Matters for consideration under the Policy**

When determining an application to operate a caravan park and/or camping ground Council will take into consideration:

- a) Whether all of the information required to enable Council to properly consider and determine the application has been submitted;
- b) Whether all of the relevant fees and charges listed in the list of fees and charges incorporated in Council's Revenue Policy have been paid;
- c) The provisions of the Local Government Act 1993 as amended, and in particular, those matters prescribed in Section 89 of that Act;
- d) The provisions of the Local Government (General) Regulation 2005.
- e) Any applicable standards that are specified in the Local Government (Manufactured Home Estates caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005;
- f) The provisions of any other relevant Statute or Regulation;
- g) Whether adequate provision has been made to ensure the health, safety and convenience of the occupants of any moveable dwelling or associated structure or campsite;
- h) Whether Development Consent is required pursuant to the provisions of the Environmental Planning and Assessment Act 1979 as amended, prior to an approval being granted pursuant to Chapter 7 of the Local Government Act 1993, and if so, whether such Development Consent has been granted; and
- i) Any other matter Council considers relevant in the particular case.

**Operate a manufactured home estate.**

**Matters for consideration under the Regulations**

**Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005**

**Clause 6-**

- 1) The council must not grant an approval to operate a manufactured home estate unless it is satisfied that the manufactured home estate will be designed, constructed, maintained and operated in accordance with the relevant requirements of Division 3.
- 2) In deciding whether or not the approval for the manufactured home estate should allow the installation of a manufactured home on flood liable land, the council must have regard to the principles contained in the Floodplain Development Manual.

**Matters for consideration under the Policy**

When determining an application to operate a manufactured home estate Council will take into consideration:

- a) Whether all of the information required to enable Council to properly consider and determine the application has been submitted;
- b) Whether all of the relevant fees, charges and security deposits incorporated in Council's Revenue Policy have been paid;
- c) The provisions of the Local Government Act 1993, as amended, and in particular, those matters prescribed in Section 89 of that Act.
- d) The provisions of the Local Government (General) Regulation 2005;
- e) Any applicable standards that are specified in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005;
- f) The provisions of any other relevant Statute or Regulation;
- g) Whether adequate provision has been made to ensure the health, safety and convenience of the occupants of any moveable dwelling or associated structure or campsite;
- h) Whether Development Consent is required pursuant to the provisions of the Environmental Planning and Assessment Act 1979, as amended, prior to an approval being granted pursuant to Chapter 7 of the Local Government Act 1993, and if so, whether such Development Consent has been granted; and
- i) Any other matter Council considers relevant in the particular case.

**Install a domestic oil or solid fuel heating appliance, other than a portable appliance.**

**Matters for consideration under the Regulations**

Compliance with the Regulations

**Matters for consideration under the Policy**

Compliance with the Regulations

**Install or operate amusement devices.**

**Matters for consideration under the Regulations**

**Local Government (General) Regulation 2005**

**Clause 72 –**

The council must not grant an application for an approval to install or operate an amusement device unless it is satisfied:

- a) that the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason, and
- b) that the device is registered under the Occupational Health and Safety Regulation 2001 , and
- c) that the device is to be or has been erected in accordance with all conditions (if any) relating to its erection set out in the current certificate of registration issued for the device under that Regulation, and
- d) that there exists for the device a current log book within the meaning of Chapter 5 of that Regulation, and
- e) that there is in force a contract of insurance or indemnity for the device that complies with clause 74.

**Matters for consideration under the Policy**

In its assessment and determination of an application to install or operate amusement devices (within the meaning of the Work Health and Safety Regulation 2011), Council will take the following criteria into consideration:

- a) The provisions of the Local Government Act 1993 as amended, and in particular the provisions of Section 89 of that Act;
- b) The provisions of the Local Government (General) Regulation 2005, and in particular Subdivision 5 of Division 5 of Part 2 of that Regulation;

- c) The provisions of the Work Health and Safety Act 2011 as amended;
- d) The provisions of the Work Health and Safety Regulation 2011 as amended;
- e) Whether all of the information deemed necessary by Council to enable the application to be properly considered has been submitted to Council;
- f) Whether all of the fees, charges and security deposits required to be paid by Council's Revenue Policy have been paid; and
- g) Any other matter or thing Council considers relevant in the particular case.

**Use a standing vehicle or any article for the purpose of selling any article in a public place.**

**Matters for consideration under the Regulations**

**Footway Dining**

**Roads Act 1993**

**Section 125 –**

- 1) A council may grant an approval that allows a person who conducts a restaurant adjacent to a footway of a public road (being a public road that is vested in fee simple in the council) to use part of the footway for the purposes of the restaurant.
- 2) An approval may be granted on such conditions (including conditions as to payments in the nature of rent) as the council determines.
- 3) An approval may not be granted in respect of a footway of a classified road except with the concurrence of Roads and Maritime Services.
- 4) The term of an approval is to be such period (not exceeding 7 years) as is specified in the approval.
- 5) An approval lapses at the end of its term or, if the part of the footway the subject of the approval ceases to be used for the purposes of a restaurant, when that use ceases.

**Section 126 –**

- 1) A council:
  - a) may authorise the holder of an approval to erect and maintain structures in, on or over any part of the footway the subject of the approval, or
  - b) may, at the request and cost of the holder of the approval, erect and maintain any such structure.
- 2) The council may erect and maintain structures in, on or over any part of the footway the subject of an approval for the protection of public health and safety.

**Section 127 –**

While an approval is in force:

- a) the use of the footway for the purposes of a restaurant, and
- b) the erection and maintenance of structures on the footway in accordance with an authorisation given in respect of the approval, are taken not to constitute a public nuisance and do not give rise to an offence against this or any other Act.

**Matters for consideration under the Policy**

In its assessment and determination of an application to use a standing vehicle or any article for the purpose of selling any article in a public place, Council will take the following criteria into consideration:



- a) The provisions of the Local Government Act 1993 as amended, and particularly Section 89 of that Act;
- b) The provisions of the Local Government (General) Regulation 2005;
- c) Whether if the trade or business involves selling food to the public, the provisions of the NSW Food Authority – Guidelines for Mobile Food Vending Vehicles and the NSW Food Authority – Guidelines for Food Businesses at Temporary Events will be complied with;
- d) The provisions of the Roads Act 1993 as amended and the Regulations made thereunder;
- e) The safety of the public and the protection of property;
- f) The effect that the standing vehicle or article used for the purpose of selling articles will have on pedestrian movements in the vicinity of the vehicle or article, and whether adequate provision has been made for pedestrian access to nearby premises;
- g) The effect that the standing vehicle or articles used for the purpose of selling articles will have on vehicular movements and vehicular parking;
- h) Whether the applicant has made provision for public liability insurance to a level considered adequate by Council; and
- i) Any other matter that Council considers relevant in the particular case.

**Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.**

**Matters for consideration under the Regulations**

Nil.

**Matters for consideration under the Policy**

When determining an application to carry out an activity prescribed by the regulations or an activity of a clause or description prescribed by the regulations, Council will take the following criteria into consideration:

- a) The provisions of the Local Government Act 1993 as amended, and particularly Section 89 of that Act;
- b) The provisions of the Local Government (General) Regulation 2005;
- c) Whether all of the information required to enable Council to properly consider the application has been submitted;
- d) The provision of any relevant Statute or Regulation;
- e) Whether development consent under the Environmental Planning and Assessment Act 1979 as amended is required prior to an approval for the proposed activity being issued under the Local Government Act 1993 as amended, and if so, whether such development consent has been issued by Council; and
- f) Any other matter that Council considers relevant in the particular case.

## 5. Part 3: Other matters relating to approvals (Section 158 (5) of the Local Government Act 1993)

**Part A – Structures or Places of Public Entertainment**

**Install a manufactured home, moveable dwelling or associated structure on land**

**Information to accompany Applications**

Applications to install a manufactured home, moveable dwelling or associated structure shall:

- a) Be made on the appropriate application form, or by a letter or other document containing all of the information required by the Local Government Act 1993, as

amended, the Regulations made thereunder and the Narrabri Shire Council Local Approvals Policy 2013 to enable Council to properly consider and determine the application;

**NOTE:** This approval may be obtained as part of the Development Application required under the Environmental Planning and Assessment Act 1979.

- b) Be accompanied by the relevant fees, charges and security deposits listed in the list of fees and charges incorporated in Council's Revenue Policy;
- c) Be made by the owner or a person authorised by the owner in writing;
- d) Be accompanied by a plan showing the proposed location of the manufactured home, moveable dwelling or associated structure and its relationship to:
  - i) The boundaries of the property;
  - ii) Any roads or footways on the land;
  - iii) Other manufactured homes, moveable dwellings or associated structures on the land; and
  - iv) Any permanent or temporary structure on the land.
- e) Be accompanied by Plans and Specifications showing:
  - i) Floor plan of the manufactured home, moveable dwelling or associated structure showing dimensions;
  - ii) Details of amenities such as water supply, gas supply, electricity supply, waste disposal, laundry facilities, toilet facilities, shower facilities and cooking facilities.
- f) Be accompanied by details of how the manufactured home, moveable dwelling or associated structure is to be secured on the proposed site; and
- g) Any additional information required to be submitted with the Development Application under the Environmental Planning and Assessment Act 1979.

Submit a Practising Structural Engineers Certificate stating the:

- a) The design is structurally sound;
- b) The relocatable home, rigid annexe and/or associated structures comply with and standards, codes and specifications required by the Regulation or by Ministerial specifications;
- c) Specifications as to the manner in which the relocatable home, rigid annexe and/or associated structure must be transported/installed and as to the nature of the footings (if any) on which it must be installed;
- d) Any specifications with respect to footings or tie-down systems must have regard to the design gust wind speed, soil type and other design considerations applicable to the various locations in which the annexe may be installed;
- e) The relocatable home, rigid annexe and/or associated structure is designed and constructed in accordance with Parts 1 and 2 of AS1170, (except that the design gust wind speed referred to in Clause 3.2 of Part 2 of that standard is not to be taken to be less than 41 metres per second);
- f) The materials being used to build the structure are flood compatible;
- g) That the building or structure can withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate or that permanent fail safe measures are incorporated in the development, to ensure the timely, orderly and safe removal of the structure; and
- h) That the development will not increase the flood hazard or flood damage to other properties or adversely affect flood behaviour.

#### **Conditions of Approval**

- 1) Site to be serviced in accordance with Part 3 of Regulation. This includes fire hose reels and fire
- 2) hydrants.
- 3) Must have an adequate sewage disposal system and a separate application will be required.
- 4) Must be designed accordingly for the possible flood depths and velocities of the site. This
- 5) information must be based on an acceptable flood study.
- 6) Must be constructed off site and brought in to the park in Major Sections.
- 7) Not to be occupied prior to a final inspection Council.
- 8) (6) A compliance plate must be attached to an accessible part of a relocatable home.

### **Part B – Water Supply, Sewerage and Stormwater Drainage Work**

#### **Carry out water supply work**

#### **Carry out sewerage work.**

#### **Carry out stormwater drainage work.**

#### **Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain which connects with such a public drain or sewer.**

#### **Information to accompany Applications**

- a) Completed application form – Carry Out Stormwater Drainage Work
- b) Written permission from the landowner of the subject site on which work is to be undertaken
- c) A site plan showing the proposed development and point of connection, easement pipe size (available from Council) and proposed connection pipe size.
- d) In circumstances where access is required from adjoining land, please provide evidence of an established easement – either a copy of the relevant 88B instrument or the Title for the subject land.

#### **Conditions of Approval**

- 1) The connection hole is to be a neatly drilled or saw cut into the existing pipe.
- 2) The pipe connection is to finish flush with the inside of the existing pipe, NO intrusion.
- 3) Cement or epoxy resin to be used to seat the new pipe to existing pipe.
- 4) The new connection is to be made above the spring line of the existing pipe, ie. top half of the pipe.
- 5) The new pipe is to be installed so that flows run with the downstream flow of the existing pipe and at an angle no greater than 60 degrees.
- 6) A pit or junction chamber is to be constructed if the connecting pipe is greater than 1/3 the diameter of the existing pipe.
- 7) A final inspection from Council's Asset Management Drainage section will be required on completion of works. Please call Council's Customer Service Centre on 49210333 to book in an inspection.
- 8) **Note** – For applications that require the establishment of private easements, independent legal advice
- 9) should be obtained by the applicant prior to lodging their application.

### **Part C – Management of Waste**

#### **Place waste in a public place**

#### **Information to accompany Applications**

Applications to place waste in a public place shall:

- a) Be made on the appropriate application form, or by a letter or other document containing all of the information required to enable Council to properly consider and determine the application;
- b) Be accompanied by the relevant fees, charges and security deposits listed in the list of fees and charges incorporated in Council's Revenue Policy;

- c) Be accompanied by a site plan, drawn to scale, showing the location where it is proposed to place waste in a public place;
  - d) Be accompanied by Plans and Specifications, reports, standards and such other documents as Council deems necessary in the particular case to enable Council to give appropriate consideration to the application; and
  - e) Be accompanied by any other information considered necessary by Council in the particular case.
- Evidence of approval from the providers of affected services, e.g. Telstra, gas (if applicable)
- f) Certificate of Currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage.

**Place a waste storage container in a public place.**

**Information to accompany Applications**

The Application to place a waste storage container in a public place shall:

- a) Be made on the appropriate application form, or by a letter or other document containing all of the information required to enable Council to properly consider and determine the application;
- b) Be accompanied by the relevant fees, charges and security deposits listed in the list of fees and charges incorporated in Council's Revenue Policy;
- c) Be accompanied by a site plan, drawn to scale, showing the proposed location of the waste storage container;
- d) Be accompanied by Plans and Specifications showing the design, type and location of any structure or structures to be used to prevent public access to the waste storage container and the type, design and location of any proposed signs, warning lights or other safety equipment;
- e) Be accompanied by a statement providing details of:
  - (i) The days on which it is proposed to have the waste storage container in the public place; and
  - (ii) Any public risk insurance policy available to indemnify Council and the applicant against claims; and
- f) Be accompanied by any other information deemed necessary by Council in the particular case.

**Dispose of waste into a sewer of the council.**

**Information to accompany Applications**

- a) Waste delivered by tanker to sewerage treatment works  
Applications to dispose of waste into a sewer of the Council by delivering the waste to Council's Sewerage Treatment Works shall:
  - (i) Be made on the appropriate application form or by letter which provides details of:
    - 1) The quantity of waste to be disposed of into the sewer;
    - 2) The origin and type of waste proposed to be disposed of into the sewer;
    - 3) The date and time upon which it is proposed to deliver the waste to Council's Sewerage Treatment Works for disposal into the sewer;
  - (ii) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Revenue Policy; and
  - (iii) Be accompanied by such additional information that the Council considers necessary in the particular case.
- b) Waste disposed of directly to sewer  
Applications to dispose of waste directly to Council's sewer shall:
  - (i) Contain all of the information and documentation required to be submitted to Council by Council's Trade Waste Policy;

- (ii) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Revenue Policy; and
- (iii) Be accompanied by such additional information that the Council considers necessary in the particular case.

**Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.**

**Information to accompany Applications**

Applications to install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility shall:

- a) Be made by the owner, or by a person authorised in writing by the owner;
- b) Be made on the appropriate application form, or by a letter which contains all of the information deemed necessary by Council to enable Council to properly determine the application;
- c) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Revenue Policy;
- d) Be accompanied by two sets of plans and specifications of the proposed installation or alteration which clearly indicate:
  - The fittings or appliances proposed to be connected to the Waste Treatment Device or Human Waste Storage Facility;
  - The size and type of the various components of the Waste Treatment Device or Human Waste Storage Facility, including septic tanks, collection or storage tanks, effluent disposal areas, pipes, fittings, pits, valves and other components, and the materials from which the aforementioned components will be constructed or made;
  - The proposed location of the Waste Treatment Device or Human Waste Storage Facility, the effluent disposal area, and all pipes, fittings, pits, valves and components; and
  - Any other matter which the Council, in the particular case, deems necessary to enable Council to properly consider the application; and
- e) Be accompanied by a Certificate of Accreditation from the NSW Department of Health;
- f) Be accompanied by a geo-technical study prepared by an experienced Geo-technical Engineering Consultant certifying that any proposed effluent disposal area is located in position and is of sufficient design and capacity to ensure that all effluent arising from the buildings on the land can be disposed of on the site without causing nuisances and/or pollution, both in the short and long term.

**Operate a system of sewerage management (within the meaning of Section 68A)**

**Information to accompany Applications**

Plumbing and Drainage Act compliance documentation.

**Part D – Community Land**

**Engage in a trade or business**

**Information to accompany Applications**

Applications for approval to engage in a trade or business on community land, shall:

- a) Be made on the appropriate application form, or by a letter which contains all of the information required to enable Council to properly determine the application.
- b) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Revenue Policy.
- c) Where the activity involves selling food to the public, be accompanied by

documentary evidence that the provisions of the NSW Food Authority – Guidelines for Mobile Food Vending Vehicles and the NSW Food Authority – Guidelines for Food Businesses at Temporary Events, will be complied with.

- d) Be accompanied by a statement providing details of:
  - i) The days and times during which it is proposed to engage in the trade or business;
  - ii) Any public liability insurance designed to indemnify the applicant and Council against claims for injury to persons and damage to property while the trade or business is being conducted;
- e) If considered necessary by Council in the particular case, be accompanied by plans and specifications showing the design, type and location of any structures, barricades, tables or articles proposed to be placed or left on the community land for the purpose of engaging in the trade or business; and
- f) Be accompanied by any other information that Council considers relevant in the particular case.
- g) Certificate of Currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage.
- h) Evidence of current fundraising license from the Office of Liquor, Gaming and Racing

#### **Conditions of Approval**

##### **Fundraising on Public Land or Public Roads**

- 1) Fundraising activities must not be within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.
- 2) Must not occur in any area adjacent to an educational establishment or place of public worship or in any park or reserve.
- 3) A 2.0 metre wide unobstructed section of footpath is to be maintained at all times from the building façade, adjacent shops or buildings
- 4) Must be located no closer than 600mm to the back of the kerb.
- 5) The activity must not obstruct or hinder the passage of pedestrians or vehicles
- 6) The activity must not involve marking the footpath or affixing any matter or structure to the footpath paving.
- 7) Collectors may receive voluntary donations from the audience but may not solicit funds.
- 8) The activity must not cause nuisance, offence or obstruction.
- 9) If located for any period of time outside any shop must have the permission of the shop owner and adjacent shop owners; otherwise must be roaming.
- 10) Must not include a public address system or the like.
- 11) Surrounding area is to be maintained in a clean and tidy condition and free of hazard and rubbish.
- 12) Fundraising activities must be conducted in accordance with the Charitable Fundraising Act 1991

##### **Street stalls on Public Land or Public Roads**

- 1) Limited to no more than 2 street stalls on any one day on the same footpath street frontage.
- 2) The stall shall not exceed 1.8m x 0.9m in horizontal surface measurements and should be placed in position so as not to cause obstruction to pedestrian or vehicular traffic and shall be placed as

near as possible to the property boundary.

- 3) An adequate number of receptacles should be provided for the disposal of litter. Please ensure that all litter arising from the stand or stall is removed and that the footpath is kept free of litter during the period of operating the street stall or stand.
- 4) The name of the organisation must be prominently displayed on the stall, not on the footpath. No other signage is permitted.
- 5) Must have the consent of the business or organisation outside which the stall is to be situated and adjacent businesses
- 6) Must be located no closer than 600mm to the back of kerb.
- 7) A 2.0-metre-wide unobstructed section of footpath is to be maintained at all times from the building façade, adjacent shops or buildings
- 8) Stalls shall only operate between the hours of 8:00am and 8:00pm
- 9) A minimum of 1.2 metres is required between each stall.
- 10) Must not hinder the passage of pedestrians or vehicles or create a nuisance or objectionable noise
- 11) The immediate surrounding area is to be left in a clean and tidy condition and kept clear of hazards.

#### **Stalls distributing food and / or drink**

- 12) The stall and its operation shall comply with the Food Act and Regulations (as amended), Food Standards Code and the NSW Food Authority's Mobile Food Vending Vehicles Guideline (where applicable).
- 13) Evidence of current registration and a satisfactory food safety inspection of the food business within the current financial year shall be kept with the on-site at all times. Operators must be able to present their license approval to an authorised Council officer or delegated authority of Council on request.

#### **Direct or procure a theatrical, musical or other entertainment for the public.**

##### **Information to accompany Applications**

Applications for approval to direct or procure a theatrical, musical or other entertainment for the public on community land shall:

- a) Be made on the appropriate application form, or by a letter which contains all of the information required to enable Council to properly consider the application.
- b) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Revenue Policy
- c) Be accompanied by a statement providing details of:
  - (i) The days and times during which it is proposed to conduct the theatrical, musical or other entertainment;
  - (ii) The number of persons expected to attend the function;
  - (iii) The procedures and methods proposed to be used for crowd control;
  - (iv) The arrangements proposed for cleaning the site during and after the function;
  - (v) The number and type of toilets and other facilities proposed to be provided at the function;
  - (vi) The location, design and type of all amplification equipment proposed to be used at the function, and the expected noise levels (in dB(A)) at the boundaries of the community land concerned;

- (i) The location, type and design of all food outlets proposed to be operated at the function; and
- (ii) The location and type of any seating proposed to be provided at the function
- d) Be accompanied by plans and specifications and the proposed location of any barricades or structures proposed to be used at the activity.
- e) Be accompanied by documentation providing details of any public risk insurance available for the function from the time work commences in setting up the equipment until the site is cleared.
- f) Be accompanied by any other information deemed necessary by Council in the particular case.

**Construct a temporary enclosure for the purpose of entertainment.**

**Information to accompany Applications**

Applications for approval to construct a temporary enclosure on community land for the purpose of entertainment shall:

- a) Be made on the appropriate application form, or by a letter which contains all of the information requested to enable Council to properly determine the application;
- b) Be accompanied by the relevant fees, charges and security deposits incorporated on Council's Revenue Policy;
- c) Be accompanied by plans and specifications showing the design, type and location of the structure or structures proposed to be used to enclose the section of community land, and the type, design and location of any proposed signs, warning lights or other safety equipment;
- d) Be accompanied by details of any public liability insurance designed to indemnify Council and the applicant against claims for injury to persons and damage to property while the section of community land is enclosed; and
- e) Be accompanied by any other information that Council considers relevant in the particular case.

**For fee or reward, play a musical instrument or sing.**

**Information to accompany Applications**

Applications for approval to play a musical instrument or sing for a fee or reward on community land shall:

- a) Be made on the appropriate application form, or by a letter which contains all of the information required to enable Council to properly consider the application.
- b) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Revenue Policy.
- c) Be accompanied by a statement providing details of:
  - (i) The days and times during which it is proposed to play the musical instrument or sing;
  - (ii) The location where it is proposed to play the musical instrument or sing; and
  - (iii) The name, address and telephone number of the persons accepting responsibility for the activities.

**Deliver a public address or hold a religious service or public meeting.**

**Information to accompany Applications**

Applications for approval to deliver a public address or hold a religious service or public meeting on community land, shall:

- a) Be made on the appropriate application form, or by a letter which contains all of the information required to enable Council to properly consider the application.
- b) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Revenue Policy.
- c) Be accompanied by a statement providing details of:
  - (i) The days and times during which it is proposed to conduct the activity;
  - (ii) The number of persons expected to attend the function;
  - (iii) The procedures and methods proposed to be used for crowd control;



- (iv) The arrangements proposed for cleaning the site during and after the function;
  - (v) The number and type of toilets and other facilities proposed to be provided at the function;
  - (vi) The location, design and type of any artificial lighting proposed to be used at the function;
  - (vii) The location, design and type of any amplification equipment proposed to be used at the function, and the expected noise levels (in dB(a)) at the boundaries of the community land concerned;
  - (viii) The location, type and design of all food outlets proposed to be operated at the function; and
  - (ix) The location and type of any seating proposed to be provided at the activity.
- d) Be accompanied by plans and specifications and the proposed location of any barricades or structures proposed to be used at the function.
  - e) Be accompanied by documentation providing details of any public risk insurance available for the function from the time work commences in setting up the equipment until the site is cleared.
  - f) Be accompanied by any other information deemed necessary by Council in the particular case.

## **Part E – Public Roads**

### **Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway.**

#### **Information to accompany Applications**

Applications to swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway shall:

- a) Be made by the owner, or by a person authorised in writing by the owner; Be made on the appropriate application form, or by a letter which contains all of the information deemed necessary by Council to enable Council to properly determine the application;
- b) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Revenue Policy;
- c) Be accompanied by plans and specifications showing the design, type and location of the machinery or structure proposed to be used to swing or hoist goods across the roadway;
- d) Be accompanied by plans and specifications showing the design, type and location of the structure or structures proposed to be used to enclose the area over which the goods will be lifted, and the type, design and location of any proposed signs, warning lights or other safety equipment; and
- e) Be accompanied by any current approval or licence issued by the WorkCover Authority of NSW.
- f) Certificate of Currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage.

### **Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.**

#### **Information to accompany Applications**

Applications for approval to erect an advertising structure over a public road, or expose or allow to be exposed (whether for sale or otherwise) any article in or on so as to overhang any part of a road, shall:

- a) Be made on the appropriate application form, or by a letter which contains all of the information required to enable Council to properly determine the application;
- b) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Revenue Policy;
- c) Be accompanied by plans and specifications drawn to scale of the proposed advertising structure or article which is intended to overhang the road, showing:
  - i) The dimensions of the proposed advertising structure or article;
  - ii) The location of the proposed advertising structure or article; and
  - iii) The minimum distance between the footpath and the lowest part of the advertising structure or article.

**NOTE:** The minimum clearance between the footpath and the lowest part of the advertising structure or article is 3.0 metres.

- d) Be made and requested by the owner of the building to which the advertising structure or article is to be attached, by a letter signed by the owner authorising the submission of the application; and
- e) Be accompanied by any other information considered necessary by Council in the particular case.

#### **Part F – Other Activities**

##### **Operate a public car park.**

##### **Information to accompany Applications**

Detailed plans, management-in-use plans and other information as determined by the assessing officer.

##### **Operate a caravan park or camping ground**

##### **Information to accompany Applications**

Applications to operate a caravan park or camping ground shall:

- a) Be made by the owner or a person authorised by the owner in writing;
- b) Be made on the appropriate application form, or by a letter or other document containing all of the information required by the Local Government Act 1993, as amended, the Regulations made thereunder and the Narrabri Shire Council Local Approvals Policy 2013 to enable Council to properly consider and determine the application;
 

**Note:** This approval may be obtained as part of the Development Application required under the Environmental Planning and Assessment Act 1979.
- c) Be accompanied by the relevant fees and charges listed in the list of fees and charges incorporated in Council's Revenue Policy;
- d) Be accompanied by a plan showing the proposed location and layout of the caravan park and/or camping ground and its relationship to:
  - i) The boundaries of the property;
  - ii) Any roads or footways on the land;
  - iii) All manufactured homes, moveable dwellings or associated structures on the land; and
  - iv) Any permanent or temporary structure on the land;
- e) Be accompanied by Plans and Specifications showing:
  - i) The location and layout of all caravans and camping sites designated as either short term or long term residence;
  - ii) The location and layout of caravan and campsites;
  - iii) The details of amenities such as electricity supply, waste disposal, laundry facilities, toilet facilities, and shower facilities; and;
  - iv) The location of all firefighting services within the land.

**Operate a manufactured home estate.**

**Information to accompany Applications**

Applications to operate a manufactured home estate shall:

- a) Be accompanied by the relevant fees and charges incorporated in Council's Revenue Policy;
- b) Be made by the owner or a person authorised by the owner in writing;
- c) Be made on the appropriate application form, or by a letter or other document containing all of the information required by the Local Government Act 1993, as amended, the Regulations made thereunder and the Narrabri Shire Council Local Approvals Policy to enable Council to properly consider and determine the application;  
**Note:** This approval may be obtained as part of the Development Application required under the Environmental Planning and Assessment Act 1979.
- d) Be accompanied by a plan showing the proposed location and layout of the manufactured home estate and its relationship to:
  - (i) The boundaries of the property;
  - (ii) Any roads or footways on the land;
  - (iii) All manufactured homes, moveable dwellings or associated structures on the land; and
  - (iv) Any permanent or temporary structure on the land, including community amenities and buildings;
- e) Be accompanied by Plans and Specifications showing:
  - (i) All those services and facilities required by the Local Government (Manufactured Homes Estates, Caravan Parks, camping Grounds and Moveable Dwellings) Regulation 2005;
  - (ii) The location and layout of all parking spaces for vehicles;
  - (iii) The area and dimensions of residential sites; and
  - (iv) The location of all firefighting services within the land; and
- f) Be accompanied by such additional information required by Council to enable Council to properly determine the application.

**Install a domestic oil or solid fuel heating appliance, other than a portable appliance.**

**Information to accompany Applications**

Detailed floor plans and specifications of appliance including weatherproofing of any penetrations of the building envelope.

**Install or operate amusement devices.**

**Information to accompany Applications**

Applications for approval to install or operate amusement devices (within the meaning of the Work Health and Safety Regulation 2011) shall:

- a) Be made by the owner, or a person authorised in writing by the owner;  
Be made on the appropriate application form, or by a letter which contains all of the information deemed necessary by Council to enable Council to properly determine the application;
- b) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Revenue Policy;
- c) Be accompanied by documentary evidence that the amusement device is registered with the WorkCover Authority of NSW under the Work Health and Safety Regulation 2011 as amended;
- d) Be accompanied by documentary evidence that there is in force a contract of insurance or indemnity which indemnifies to an unlimited extent (or up to an amount of not less than \$5,000,000 in respect of each accident (\$10,000,000 on Council land) each person who would be liable for damages for death or personal injury

arising out of the operation or use of the amusement device and any total or partial failure or collapse of the device against that liability;

- e) Be accompanied by a statement as to the dates and times upon which it is proposed to operate the amusement device; and
- f) Be accompanied by a statement as to the date and time upon which the amusement device will be installed and ready for operation to enable an inspection to be carried out for the purpose of issuing an approval prior to the amusement device being operated.

- A copy of the Workcover NSW registration certificate
- Certificate of Currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage

#### **Conditions of Approval**

It is a condition of an approval to install or operate an amusement device, that the activity approved, and any building or work associated with or carried out in connection with the activity, complies with the following standards:

- 1) the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason;
- 2) the device is registered under the Occupational Health and Safety Regulation 2001;
- 3) all conditions (if any) subject to which the device is so registered and all relevant requirements of that Regulation are complied with;
- 4) the device is installed (including erected) and operated in a safe manner.

#### **Use a standing vehicle or any article for the purpose of selling any article in a public place.**

#### **Information to accompany Applications**

Applications for approval to use a standing vehicle or any article for the purpose of selling any article in a public place shall:

- a) Be made on the appropriate application form or by a letter which provides details of:
  - (i) The location where it is proposed to sell the articles;
  - (ii) The articles that it is proposed to sell; and
  - (iii) The dates and times on which and during which it is proposed to sell the articles.
- b) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Revenue Policy;
- c) Be accompanied by details of public risk insurance to indemnify the applicant and Council against claims for damages; and
- d) Be accompanied by documentation showing how any food to be sold is to be protected.
- e) Certificate of Currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage.

#### **Conditions of Approval**

#### **Mobile Vendors**

- 1) Should approval be granted under this policy, documentation of that approval shall be kept with the vehicle at all times. This documentation must indicate that the approval is consistent with the area(s) and time(s) in which the vendor is actually operating. Vendors must be able to present this documentation of approval to an authorised Council officer or delegated authority of Council on request.
- 2) No additional flashing or rotating lights, except those required under Motor Traffic legislation are permitted.

- 3) The vehicle is not permitted to operate within 100 meters of any retail outlet or of any premises selling a similar product if that outlet is open.
- 4) The vehicle is not permitted to 'set up stand' nor remain at any one selling point for more than 15 minutes without a customer. A vehicle must move a minimum of 500 metres between each selling point.
- 5) The owner or person in charge of the vehicle shall not allow any "noise device" to be used or operated in any public place for informing members of the public that articles are on sale from that vehicle:
  - a) before 8.00am and after 7.00pm on any day;
  - b) whilst the vehicle is stationary;
  - c) for longer than 30 seconds in any period of three minutes: within 50 metres of schools (during school hours), hospitals and places of worship (during use on any day);
  - d) more often than once every two hours in the same length of street;
  - e) louder than 75dB(A) at a distance of 10 metres.
- 6) The vehicle is not permitted to trade on main roads and through streets with a speed limit of greater than 50 km/hr or 80km/h where the carriageway has wide shoulders.
- 7) Vendors must not stop on a hill or bend where sight distance is limited nor located in front of driveways or entrances to properties unless the permission of the property owner has been obtained.
- 8) The vehicle is not to create a traffic hazard, obstruction or dangerous situation.
- 9) Vendors are only permitted to operate between the hours of 6:00am and 8:00pm
- 10) Litter bins are to be provided by the operator for the convenience of customers.
- 11) Wastewater is to be contained with the vehicle for later disposal to the sewerage system.
- 12) The vehicle must be removed from its location within 15 minutes of closure and the area around the vending vehicle must be left in a clean and litter free state.
- 13) Mobile vendors must not operate within 1km of any public park or reserve where permission has been granted by the council to any person, club, sporting body or association or business to sell similar or the same type of articles or goods, unless the council grants specific exemption from this requirement (i.e. for a specific community event)
- 14) Mobile vending is not permitted unless approved by Council as part of a community event at Council parks and reserves.  
Approvals for mobile food vending will be subject to the following additional conditions:
- 15) The vehicle and its operation shall comply with the Food Act and Regulations (as amended), Food Standards Code and the NSW Food Authority's Mobile Food Vending Vehicles Guideline wherever applicable.
- 16) Mobile food vending vehicles are required to undergo an annual food safety inspection by the relevant Local Government Authority.
- 17) Evidence of current registration and a satisfactory food safety inspection of the mobile food vending vehicle within the current financial year shall be kept with the mobile food van at all times. Mobile Vendors must be able to present their license approval to an authorised Council officer or delegated authority of Council on request.
- 18) Approvals for mobile vending in vehicle rest areas will be subject to the following additional conditions:
- 19) Vendors are required to operate in accordance with any conditions of approval from the Roads and Maritime Services, as well as the Roads and Maritime Services Corporate Policy for Mobile Vending in Rest Areas.

### **Footway Dining (Roads Act 1993)**

- 1) The term of the approval may not exceed 5 years.  
The applicant shall pay to the Council an annual charge per chair, as specified in Council's Fees &

Charges Schedule for that year, payable in advance on each anniversary date of the approval. A clear path for pedestrians, including pedestrians with a disability, must be provided adjacent to the restaurant and be two (2) meters in width. This must be clear of obstacles at all times.

- 2) The number of tables permitted within the approved part will be (specified by Council).
- 3) Those tables situated on the footway without an approval will be deemed unauthorised. The applicant will be required to remove that table in accordance with Section 107 of the Roads Act 1993. Failure to comply with Section 107 will result in further action against the applicant, as provided the Roads Act 1993.
- 4) The applicant shall supply and maintain all outdoor furniture at his/her/their/its own cost. Those tables and chairs situated on the footway are to be of a smart design and not of plastic construction.
- 5) The hours of operation for the approved area shall be (subject to Council approval).
- 6) The applicant shall at all times observe and comply with the reasonable requirements of the law, the Council; an Inspector or other Officer authorised by Council from time to time in respect of such tables, chairs or equipment, or use of the footway.
- 7) The applicant will not sell or serve or permit to be sold or served any alcoholic or intoxicating liquor in or from the approved area except where an appropriate liquor licence has been obtained from the relevant Licensing Authority and is current in respect of the adjoining premises.
- 8) Food must not be prepared or stored on the approved area and all food preparation and storage must take place inside the restaurant (except with prior approval of Council)
- 9) The applicant shall conduct the footway dining area only in conjunction with its adjoining restaurant and shall remove all outdoor furniture that is not permanently fastened to the footway from the approved part upon completion of trading daily.
- 10) The applicant shall maintain the approved area in a clean and tidy condition at all times.
- 11) Where:
  - a) Where the Applicant/s decide/s to allow dogs in their outdoor dining area, the following conditions must be complied with:
    - i) the outdoor dining area must not be enclosed and must be able to be entered by the public without passing through an enclosed area;
    - ii) dogs must be on a leash at all times;
    - iii) dogs must be on the ground at all times;
    - iv) dogs can be provided with drink but not food; and
    - v) dangerous and restricted dogs are prohibited.
  - b) The following conditions apply to outdoor dining areas that are located in Council designated off-leash areas:
    - i. dogs are allowed off-leash in these areas but must be under effective control;
    - ii. dogs can be provided with food as long as the food is on the ground and not provided using apparatus that is used for human food consumption;
    - iii. dogs can sit on a person's lap, but must not be allowed to sit on any table or chairs or make contact with other apparatus provided for the consumption of food by humans.
  - c) The Applicant/s must ensure that dog owners continue to be responsible for properly controlling their dogs in these off-leash areas. Dog owners are responsible for the dog's behaviour and for ensuring that it does not impact on the welfare of other people and/or patrons of the restaurant, dogs and animals in on or near the outdoor dining areas.
- 12) The Applicant/s will be responsible for informing their patrons of the conditions for having dogs in food consumption areas and should monitor compliance with these requirements or they will risk complaints being made.

- 13) The applicant shall not make any alterations to the approved area or erect any structures including advertising structures, signs and awnings without the prior approval of Council.
- 14) The applicant shall ensure that the use of the approved area shall not give rise to offensive noise as defined in the Noise Control Act 1975.
- 15) No entertainment shall be permitted within the approved area without the approval of Council.
  - (a) The applicant may be required to carry out improvements to the footway at their expense, to the requirements of Council's Asset Management Department, where the surface of the footway in the approved area is damaged cracked or has deteriorated, or in the opinion of Council is unsuitable for a dining area.
  - (b) If the proposed outdoor area is to be near angle parking, then suitable wheel stops have to be installed, at the Applicants costs, into the parking spaces to inhibit vehicle inadvertently mounting the footpath while entering the car space.
  - (c) That concrete blocks installed at the end of the carpark in front of the proposed tables are maintained and remain for the term of the licence.
- 16) The applicant shall grant statutory authorities access to the approved area whenever required.
- 17) The applicant is required to produce to the Council within fourteen (14) days of approval, a public liability insurance policy with an insurer approved by the Council, covering the respective rights of the applicant and the Council in respect of liability to the public for the minimum amount of \$20,000,000.00 in respect of the approved area. Evidence of adequate insurance is required on each anniversary date of the approval.
- 18) The approval may be revoked by the Council if:
  - i) The applicant has breached a term or provision of the approval;
  - ii) The conduct of the restaurant on the approved area causes undue inconvenience or disruption to pedestrian or vehicular traffic or to the occupiers of adjoining or adjacent premises;
  - iii) Any applicant requires revocation; or
  - iv) The restaurant ceases to be operated by the applicant.
- 19) A notice of revocation shall be in writing and forwarded to the applicant at his/her/their/its stated address shown in the application.
- 20) No compensation or damages shall be payable by the Council to the applicant or any other person or corporation in the event that revocation of the approval occurs.
- 21) The approval lapses at the end of its term, or, if the restaurant adjoining the footway (the subject of the approval) ceases to be used for the purposes of a restaurant, when that use ceases.
- 22) The provisions of the Roads Act 1993 and any other law prevail to the extent of any inconsistency between those and the agreement.

**Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.**

**Information to accompany Applications**

Application for approval to carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations shall:

- a) Be made on the appropriate application form or by a letter which contains all of the information required to enable Council to properly determine the application;
- b) Be accompanied by the relevant fees, charges and security deposits incorporated in Council's Revenue Policy;
- c) Be made by the owner, or by a person authorised in writing by the owner; and
- d) Be accompanied by any other documents or information deemed necessary by Council in the particular case.

## References

- Local Government Act (NSW) 1993.
- Local Government (General) Regulation 2005.
- In writing this policy Council have referred to the policies and other materials of numerous councils and other bodies. We acknowledge the materials and assistance in writing this policy from the following:
- Bathurst Regional Local Approvals Policy 2013
- Blue Mountains Local Approvals Policy
- Lake Macquarie City Council Local Approvals Policy - Council Policy Version 2 - 28 November 2016
- NSW Ombudsman Model Compliance and Enforcement Model Policy December 2015

## History

Minute Number	Meeting Date	Description of Change
147/96	February 20, 1996	Adopted
26/2012	February 21, 2012	Reviewed
607/2013	September 3, 2013	Reviewed
204/2017	September 26, 2017	Reviewed
	September 1, 2021	Rebranded