

LOCAL APPROVALS POLICY

Responsible Department:	Planning and Sustainability
Responsible Section:	Planning and Development
Responsible Officer:	Manager Planning and Development

Objective

The purpose of a Local Approvals Policy is to list activities that do not need a separate approval from Council and to outline the criteria for those activities where approval is required.

The objective of this Policy is to:

- Specify the circumstances (if any) in which a person would be exempt from the necessity to obtain a particular approval from Council.
- Specify the criteria that Council staff will take into consideration in determining applications for approval under the Local Government Act 1993 (NSW); and
- Specify any other matters relating to the approvals process under the *Local Government Act 1993* (NSW).

The *Narrabri Local Environmental Plan* (LEP) outlines those activities which require approval under the *Environmental Planning and Assessment Act 1979* (NSW).

Introduction

The Policy is divided into three parts:

Part 1: Exempt Activities

- Part 1 specifies activities for which a person is exempt from requiring an approval from the Council.
- If the activity you wish to undertake is listed in Part 1, please consult the relevant exemption provisions.
- Listed activities that are conducted in accordance with these provisions do not require Council Approval.
- If you cannot meet these provisions, approval will be required.

Part 2: Considerations

- Part 2 lists the matters that Council will consider when determining applications under the Policy.
- This section is intended to provide general information to applicants on the considerations that will be made by Council when assessing applications.

Part 3: Application Process

- Part 3 contains information regarding the application process, including any information that is required to be submitted with applications.
- Please consult this section for information on how to lodge an application and any supplementary documentation that may be required.
- Part 3 also lists any conditions associated with approvals.
- Upon determination, approved activities are required to be consistent with these conditions.

Policy

1. Definitions

Expressions used in this policy which are defined in the dictionary in the *Local Government Act 1993* (NSW) have the meanings set out in the dictionary.

Term	Meaning
Section 68 Activities	Those activities outlined in section 68 of the <i>Local Government Act 1993</i> (NSW), which require approval under the <i>Local Government Act 1993</i> . Also available at Appendix A.
LEP	Local Environmental Plan
The Regulation	<i>Local Government (General) Regulation 2021</i> (NSW)
The Relevant Council	The Local Government Organisation that oversees the Local Government Area to which the applicable business based

2. The Approval Process

- 2.1. Development activity often requires approval under both the *Local Government Act 1993* (NSW) and the *Environmental Planning and Assessment Act 1979* (NSW).
- 2.2. Applications for development consent must be lodged through the NSW Planning Portal.

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

- 3.1. Part 1 refers to Section 68 Activities that may be undertaken without obtaining the separate approval of Council under Section 68 of the *Local Government Act 1993* (NSW).
- 3.2. Exemptions apply to those activities which are of a minor or common nature, and which have comparatively minimal impact.
- 3.3. Section 68 Activities must be conducted in accordance with the provisions outlined in the Policy.
- 3.4. Approval from Council is required where not exempt under:
 - (a) *Local Government Act 1993* (NSW);
 - (b) *Local Government (General) Regulation 2021* (NSW);
 - (c) *Environmental Planning and Assessment Act 1979* (NSW);
 - (d) Relevant State Environmental Planning Policies;
 - (e) Narrabri Shire Council's Local Approvals Policy; and
 - (f) Narrabri Shire Council's LEP.
- 3.5. Table 3 lists all Section 68 Activities and provides locations of relevant exemptions.

Table 3: Section 68 Activities and Exemptions -

Section 68 Activity	Exemptions	
Part A: Structures or Places of Public Entertainment		
A1 - Install a manufactured home, moveable dwelling, or associated structure on land.	Exemptions Under the Regulation:	<p>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 74:</p> <p>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.</p>
		<p>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 77(a):</p> <p>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.</p>
		<p>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 77(b):</p> <p>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.</p>
		<p>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 77(c):</p> <p>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.</p>
		<p>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 78:</p> <p>Installation of a caravan, campervan, or tent on Crown reserves or on land that is reserved or dedicated under the <i>Forestry Act 1916</i>. (NSW)</p>
<i>NIL Exemptions Provided Under this Policy.</i>		
A2 - (Repealed)	N/A	
A3 - (Repealed)	N/A	
Part B: Water Supply, Sewerage and Stormwater Drainage Work		
B1 - Carry out a water supply work.	<i>NIL Exemptions Under Provided the Regulation.</i>	
	Exemptions Under this Policy:	<p>B1.1. 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>B1.2. Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" pursuant to the <i>Plumbing and Drainage Act 2011</i> (NSW).</p>

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		B1.3. Upon completion of works the responsible plumbing contractor is to submit to Council a copy of the Certificate of Compliance issued for the works.
B2 - Draw water from a council water supply or a standpipe or sell water so drawn.	Exemptions Under the Regulation:	<p>Local Government (General) Regulation 2021 (NSW) reg 24: An employee of a council acting in the course of their employment may draw water from a water supply system or standpipe without the prior approval of the council.</p>
B3 - Install, alter, disconnect, or remove a meter connected to a service pipe.	<i>NIL Exemptions Provided Under this Policy.</i>	
B4 - Carry out sewerage work.	<i>NIL Exemptions Under Provided the Regulation.</i>	
	Exemptions Under this Policy:	<p>B4.1. 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>B4.2. Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" under the <i>Plumbing and Drainage Act 2011</i>.</p> <p>B4.3. Upon completion of works the responsible plumbing contractor is to submit to Council a copy of the:</p> <ul style="list-style-type: none"> (a) Certificate of Compliance issued for the works; and (b) Sewer Service Diagram for the works in accordance with the requirements of NSW Fair Trading.
B5 - Carry out stormwater drainage work	<i>NIL Exemptions Under Provided the Regulation.</i>	
	Exemptions Under this Policy:	<p>B5.1. 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>B5.2. Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" under the <i>Plumbing and Drainage Act 2011</i>.</p> <p>B5.3. 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>
B6 - 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.	<i>NIL Exemptions Under Provided the Regulation.</i>	
	Exemptions Under this Policy:	<p>B6.1. 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>B6.2. Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" under the <i>Plumbing and Drainage Act 2011</i>.</p> <p>B6.3. Upon completion of works the responsible plumbing contractor is to submit to Council a copy of the:</p>

Section 68 Activity	Exemptions	
		(a) Certificate of Compliance issued for the works; and (b) Sewer Service Diagram for the works in accordance with the requirements of NSW Fair Trading.
Part C: Management of Waste		
C1 - For fee or reward, transport waste over or under a public place.	Exemptions Under the Regulation:	<p>Local Government (General) Regulation 2021 (NSW) reg 48(a): The transporting of waste over or under a public place for fee or reward if—</p> <ul style="list-style-type: none"> (i) the activity is licensed under the <i>Protection of the Environment Operations Act 1997</i>, or (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 (iii) the waste is being transported through the area of the council and is not being collected or deposited in that area. <p>Note— A person who transports waste for fee or reward in circumstances that do not require a pollution control licence issued by the Environment Protection Authority must comply with the relevant requirements of the regulations made under the <i>Protection of the Environment Operations Act 1997</i> (NSW).</p>
<i>NIL Exemptions Under Provided this Policy.</i>		
C2 - Place waste in a public place.	Exemptions Under the Regulation:	<p>Local Government (General) Regulation 2021 (NSW) reg 48(b): The placing of waste in a public place, if it is done in accordance with arrangements instituted by the council.</p>
	Exemptions Under this Policy:	C2.1. The placing of waste or recyclable materials in a public place may be carried out by:
		<ul style="list-style-type: none"> (a) Residents placing mobile garbage bins or recycling bins on the footpath for collection by Council's solid waste and recycling collection service; and
		<ul style="list-style-type: none"> (b) Council providing street litter bins into which the public may deposit litter.
C3 - Place a waste storage container in a public place.	<i>NIL Exemptions Under Provided the Regulation.</i>	
	Exemptions Under this Policy:	<p>C3.1. The placing of waste or recyclable materials in a public place may be carried out by:</p> <ul style="list-style-type: none"> (a) Residents placing mobile garbage bins or recycling bins on the footpath for collection by Council's solid waste and recycling collection service; and (b) Council providing street litter bins into which the public may deposit litter.
C4 - Dispose of waste into a sewer of the council.	Exemptions Under the Regulation:	<p>Local Government (General) Regulation 2021 (NSW) reg 48(c): 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.</p> <p>Local Government (General) Regulation 2021 (NSW) reg 48(d): 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.</p>
<i>NIL Exemptions Under Provided this Policy.</i>		
C5 - Install, construct, or alter a waste treatment device or a human waste storage facility or a drain	Exemptions Under the Regulation:	<p>Local Government (General) Regulation 2021 (NSW) reg 48(e): The installation, construction or alteration of a waste treatment device, if that installation, construction or alteration is done—</p> <ul style="list-style-type: none"> (i) under the authority of a licence in force under the <i>Protection of the Environment Operations Act 1997</i> (NSW), or (ii) in a vessel used for navigation, or

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connected to any such device or facility.		in a motor vehicle that is registered within the meaning of the <i>Road Transport Act 2013</i> (NSW) and is used primarily for road transport.
C6 - Operate a system of sewerage management (within the meaning of Section 68A)	Exemptions Under the Regulation:	<p>Local Government (General) Regulation 2021 (NSW) reg 48(f): So much of the operation of a system of sewerage management as is limited to an action carried out—</p> <ul style="list-style-type: none"> (i) under the authority of a licence in force under the <i>Protection of the Environment Operations Act 1997</i> (NSW), or (ii) in a vessel used for navigation, or (iii) in a motor vehicle that is registered within the meaning of the <i>Road Transport Act 2013</i> (NSW) and is used primarily for road transport. <p>Local Government (General) Regulation 2021 (NSW) reg 47:</p> <p>(1) 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 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 sewerage management on that land).</p> <p>(2) 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 sewerage management concerned, the person may continue to operate that system of sewerage management without approval until the application is finally determined.</p>
	<i>NIL Exemptions Under Provided this Policy.</i>	
Part D: Community Land		
D1 - Engage in a trade or business	Exemptions Under this Policy:	<p><i>NIL Exemptions Under Provided the Regulation.</i></p> <p>D1.1. 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.</p> <p>D1.2. Street stalls for political purposes - the prior approval of council is not required for street stalls for political purposes that comply with the following conditions:</p> <ul style="list-style-type: none"> (a) Not within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection. (b) Only one table, dimensions not to exceed 2 metres x 1 metre, to be used. (c) No more than three representatives to attend any one time. (d) No fund-raising activities are to be carried out. (e) If located outside any shop must have the permission of the shop owner. (f) Not to include a public address system or the like nor cause offensive noise. (g) 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. (h) The stall must not obstruct or inconvenience pedestrian or vehicular traffic by maintaining a minimum accessible path of travel of 2.5 metres.

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D2 - Direct or procure a theatrical, musical, or other entertainment for the public.	<p><i>NIL Exemptions Under Provided the Regulation.</i></p> <p>Exemptions Under this Policy:</p>	<p>D2.1. Busking and street theatre - the prior approval of council is not required for busking or street theatre that complies with the following conditions:</p> <ul style="list-style-type: none"> (a) Performers must not be within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection. (b) Must not occur in any area adjacent to an educational establishment or place of public worship (c) Must be located within 2 metres from a building's façade and no closer than 600mm to the back of kerb, or in accordance with Narrabri Shire Council's Footpath Trading Zones (Appendix B). (d) The activity must not obstruct or hinder the passage of pedestrians or vehicles nor create any nuisance or offensive noise. (e) 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. (f) If located outside any shop must have the permission of the shop owner and adjacent shop owners. (g) Must not use a public address, sound system or amplified equipment. (h) Performers may receive voluntary donations from the audience but may not solicit funds. (i) 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. (j) Performers are not permitted when special events are in progress (unless approval given as part of the event). (k) Performers must not advertise goods for sale or associate themselves with such advertising in conjunction with their performance, other than recordings consisting of the performers own work. (l) Performers may only operate between the hours of 8am and 8pm (m) The activity shall incorporate appropriate risk management practices so as to avoid injury or loss. (n) No more than 1 performer within 50m of another performer (o) 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>Note - 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>
D3 - Construct a temporary enclosure for the purpose of entertainment.	<i>NIL Exemptions</i>	
D4 - For fee or reward, play a musical instrument or sing.	<p><i>NIL Exemptions Under Provided the Regulation.</i></p> <p>Exemptions Under this Policy:</p>	<p>D4.1. Busking and street theatre - the prior approval of council is not required for performing music for fee or reward that complies with the following conditions:</p> <ul style="list-style-type: none"> (a) Performers must not be within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.

Section 68 Activity	Exemptions	
		<ul style="list-style-type: none"> (b) Must not occur in any area adjacent to an educational establishment or place of public worship (c) Must be located within 2 metres from a building's façade and no closer than 600mm to the back of kerb, or in accordance with Narrabri Shire Council's Footpath Trading Zones (Appendix B). (a) The activity must not obstruct or hinder the passage of pedestrians or vehicles nor create any nuisance or offensive noise. (b) 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. (c) If located outside any shop must have the permission of the shop owner and adjacent shop owners. (d) Must not use a public address, sound system or amplified equipment. (e) Performers may receive voluntary donations from the audience but may not solicit funds. (f) 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. (g) Performers are not permitted when special events are in progress (unless approval given as part of the event). (h) Performers must not advertise goods for sale or associate themselves with such advertising in conjunction with their performance, other than recordings consisting of the performers own work. (i) Performers may only operate between the hours of 8am and 8pm (j) The activity shall incorporate appropriate risk management practices so as to avoid injury or loss. (k) No more than 1 performer within 50m of another performer (l) 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>Note - 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>
D5 - Set up, operate, or use a loudspeaker or sound amplifying device.	Exemptions Under the Regulation:	<p>Local Government (General) Regulation 2021 (NSW) reg 49: 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.</p>
	Exemptions Under this Policy:	D5.1. 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.
D6 - Deliver a public address or hold a religious service or public meeting.	<i>NIL Exemptions Under Provided the Regulation.</i>	
	Exemptions Under this Policy:	D6.1. Preaching and Religious Services - The prior approval of council is not required for preaching and religious services that complies with the following conditions: <ul style="list-style-type: none"> (a) Not within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.

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		<ul style="list-style-type: none"> (b) Must not occur in any park or reserve, tourist location or any area adjacent to residential premise. (c) Must not occur in any area adjacent to an educational establishment or place of public worship (unless permission given from the occupant). (d) Must retain a minimum of 1.8 metres of footpath for public movement. (e) The activity must not cause nuisance, offense, or obstruction. (f) If located outside any shop must have the permission of the shop owner. (g) Not to include a public address system or the like nor cause offensive noise.
Part E: Public Roads		
E1 - 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.	<i>NIL Exemptions</i>	
E2 - 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.	<p><i>NIL Exemptions Under Provided the Regulation.</i></p> <p>Exemptions Under this Policy:</p>	<p>E2.1. Under Awning Advertising Sign – the sign must:</p> <ul style="list-style-type: none"> (a) Be attached below the awning of a building within Business or Industrial zones under the LEP; (b) Be erected approximately horizontal to the ground and at no point less than 3.0 metres from the ground/footpath level; (c) Not project beyond the edge of the awning; and (d) Be attached to an awning which is structurally adequate to maintain the additional load placed upon it. <p>E2.2. Information Display Stands – the stand must:</p> <ul style="list-style-type: none"> (a) Only be displayed in Town Centres; (b) Be limited to 'A3' size and only for information (for example, booklets or menu stands); (c) Must be located immediately adjacent to and extending no further than 700mm from the front of the shop or business; (d) Be securely fixed to prevent vandalism and expected wind forces; (e) Be 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; (f) Be removed from the footpath when the premises are closed; and (g) Only be displayed if the proprietor of the related business holds appropriate public liability insurance specifically indemnifying and listing Narrabri Shire Council on the insurance policy as an interested party. <p>E2.3. Signage on footpaths – Applies to commercial premises as defined under LEP. Signage is limited to one (1) sign per commercial premises. The sign must:</p> <ul style="list-style-type: none"> (a) Be A-frame or self-standing single- or double-sided sign; (b) Be located immediately adjacent to the premise to which the sign is advertising;

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		<ul style="list-style-type: none"> (c) Relate to an existing approved and lawful use; (d) Not contravene any development consent applying to the property; (e) Not permitted within 5 metres of a bus stop, taxi stand or intersection; (f) Not display offensive, violent, obscene or include discriminatory text or graphics; (g) Relate to the business conducted on the premises or goods or services sold at the premises; (h) Not be illuminated or incorporate any moving components; (i) Not exceed a height of 1 metre with each advertising panel being maximum 900mm high by 600mm wide; (j) Leave a minimum of unobstructed footpath width of 1.8 metres is to be maintained between the A-frame sign and any other articles, dining area or display otherwise permitted; (k) Be safely constructed and secured to prevent a public hazard; (l) Be removed during inclement or windy weather or when the related business is not open for trading; (m) Not obstruct or pose a risk to pedestrian or vehicular traffic; and (n) Only be displayed if the proprietor of the related business holds appropriate public liability insurance specifically indemnifying and listing Narrabri Shire Council on the insurance policy as an interested party.
E3 - (Repealed)	N/A	
Part F: Other Activities		
F1 - Operate a public car park.	Exemptions Under the Regulation:	<p>Local Government (General) Regulation 2021 (NSW) reg 66:</p> <ul style="list-style-type: none"> (1) 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. (2) In this section, development consent has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i> (NSW).
<i>NIL Exemptions Under Provided this Policy.</i>		
F2 - Operate a caravan park or camping ground.	<i>NIL Exemptions</i>	
F3 - Operate a manufactured home estate.	<i>NIL Exemptions</i>	
F4 - Install a domestic oil or solid fuel heating appliance, other than a portable appliance.	Exemptions Under the Regulation:	<p>Local Government (General) Regulation 2021 (NSW) reg70:</p> <p>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 6 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW).</p>
Exemptions Under this Policy:		<p>F4.1. The flue or 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.</p> <p>F4.2. Installation is to be in accordance with:</p> <ul style="list-style-type: none"> (a) The National Construction Code (Building Code of Australia).

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		<p>(b) AS 2918: Domestic Solid Fuel Burning Appliances and Installation.</p> <p>(c) NSW Department of Environment and Conservation’s publication Environmental Guidelines for Selecting, Installing and Operating Domestic Solid Fuel Heaters.</p> <p>F4.3. The heater must comply with the emission controls stated in AS 4013: Domestic Solid Fuel Burning Appliances - Methods for determination of flue gas emission.</p> <p>F4.4. Must not cause a smoke or odour nuisance to adjoining or nearby properties.</p>
<p>F5 - Install or operate amusement devices.</p>	<p>Exemptions Under the Regulation:</p>	<p>Local Government (General) Regulation 2021 (NSW) reg 71: Amusement devices not required to be registered under the <i>Work Health and Safety Regulation 2017</i> may be installed or operated without the prior approval of the council. Note—See the <i>Work Health and Safety Regulation 2017</i>, Schedule 5, Part 2 for items of plant that are required to be registered.</p> <p>Local Government (General) Regulation 2021 (NSW) reg 75: (1) In this section, small amusement device means an amusement device that is designed primarily for the use of children 12 years of age or under and includes such amusement devices as mini-Ferris wheels, battery operated cars and miniature railways but, in the case of rotating amusement devices, includes only those devices that have a maximum rotation of 14 revolutions per minute. (2) A small amusement device may be installed or operated without the prior approval of the council if— (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 (b) the device is registered under the <i>Work Health and Safety Regulation 2017</i>, and (c) the device— (i) is to be or has been erected, and (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 (d) there exists for the device a current log book as referred to in that Regulation, Chapter 5, Part 5.2, Division 4, Subdivision 2, and (e) in the case of a device that is to be or is installed in a building, fire egress is not obstructed, and (f) there is in force a contract of insurance or indemnity for the device that complies with section 74.</p> <p><i>NIL Exemptions Provided Under this Policy.</i></p>
<p>F6 - (Repealed)</p>	<p>N/A</p>	
<p>F7 - Use a standing vehicle or any article for the purpose of selling</p>	<p>Exemptions Under this Policy:</p>	<p><i>NIL Exemptions Provided Under the Regulation.</i></p> <p>F7.1. Street collections and information distribution – the standing vehicle must: (a) Only be located within Towns Centres; (b) Not occur within 5 metres of a bus stop, taxi stand or intersection;</p>

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any article in a public place.		<ul style="list-style-type: none"> (c) Not occur in any area adjacent to an educational establishment or place of public worship or in any park or reserve; (d) Retain a minimum of 1.8 metres of footpath for public movement; (e) Not cause nuisance, offence, or obstruction; (f) Have permission of the business to which it is standing in front of (if applicable); (g) Not include a public address system (or the like); (h) Not collect monies unless it is being operated by a registered charity and the monies collected are channeled directly to the charity.
F8 - (Repealed)	N/A	
F9 - (Repealed)	N/A	
F10 - Carry out an activity prescribed by the regulations, or an activity of a class or description prescribed by the regulations.	<i>NIL Exemptions</i>	

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

- 4.1. Section 89 of the *Local Government Act 1993* (NSW) will be taken into consideration in the assessment of all applications.
- 4.2. In determining an application, Council:
 - (a) will not approve the application if the activity or the carrying out of the activity for which approval is sought would not comply with the requirements of any relevant regulation;
 - (b) will take into consideration any criteria in a local policy adopted by the council which are relevant to the subject-matter of the application; and
 - (c) will take into consideration the principles of Ecologically Sustainable Development.
- 4.3. If no requirements are prescribed and no criteria are adopted, the council in determining an application:
 - (a) is to take into consideration, in addition to the principles of ecologically sustainable development, all matters relevant to the application; and
 - (b) is to seek to give effect to the applicant's objectives to the extent to which they are compatible with the public interest.
- 4.4. In considering the public interest, the matters the council is to consider include:
 - (a) protection of the environment;
 - (b) protection of public health, safety, and convenience; and
 - (c) any items of cultural and heritage significance which might be affected.
- 4.5. Table 4 outlines a complete list of Section 68 Activities and the criteria that Council must take into consideration when determining an approval for a Section 68 Activity.

Table 4: Section 68 Activities and Considerations

Section 68 Activity	Considerations	
Part A: Structures or Places of Public Entertainment		
A1 - Install a manufactured home, moveable dwelling, or associated structure on land.	Considerations under the Regulation:	<p>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 75:</p> <p>(1) In deciding whether 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 consider the principles set out in the Floodplain Development Manual.</p> <p>(2) It is a condition of an approval to install a relocatable home or associated structure on flood liable land that the relocatable home and associated structure is designed, constructed and installed in accordance with Division 4.</p> <p>(3) It is a condition of an approval to install a rigid annexe on flood liable land that the rigid annexe is designed, constructed and installed in accordance with Division 5.</p> <p>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 76:</p> <p>In deciding whether to approve the installation in a caravan park or camping ground of a relocatable home, rigid annexe or associated structure with more than 1 storey, the council must consider the likely impact on the amenity of the occupiers of—</p> <ul style="list-style-type: none"> (a) an adjoining relocatable home, if any, and (b) land adjoining the caravan park or camping ground.
	Considerations under this Policy:	<p>A1.1 When determining an application to install a manufactured home, moveable dwelling or associated structure Council will take into consideration:</p> <ul style="list-style-type: none"> (a) Whether all information required (as requested by Council) has been submitted; (b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (c) The provisions of the <i>Local Government Act 1993</i> (NSW) as amended, and those matters prescribed in Section 89 of <i>Local Government Act 1993</i> (NSW); (d) The provisions of any other relevant Statute or Regulation; (e) Any applicable standards that are specified in the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> (NSW); (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 <i>Environmental Planning and Assessment Act 1979</i> (NSW), as amended, is required prior to an approval being granted pursuant to Chapter 7 of the <i>Local Government Act 1993</i> (NSW), as amended, and if so, whether such Development Consent has been granted; and (h) Any other matter that Council considers relevant.

Section 68 Activity	Considerations		
A2 - (Repealed)	N/A		
A3 - (Repealed)	N/A		
Part B: Water Supply, Sewerage and Stormwater Drainage Work			
B1 - Carry out a water supply work.	<i>NIL Considerations</i>		
B2 - Draw water from a council water supply or a standpipe or sell water so drawn.	<i>NIL Considerations</i>		
B3 - Install, alter, disconnect, or remove a meter connected to a service pipe.	<i>NIL Considerations</i>		
B4 - Carry out sewerage work.	<i>NIL Considerations</i>		
B5 - Carry out stormwater drainage work	<i>NIL Considerations</i>		
B6 - 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>Local Government (General) Regulation 2021 (NSW) reg 15:</p> <p>(1) This section applies to the following activities—</p> <ul style="list-style-type: none"> (a) carrying out water supply work, (b) drawing water from the council water supply or a standpipe, (c) installing, altering, disconnecting or removing a water meter connected to a service pipe, (d) carrying out sewerage work, (e) carrying out stormwater drainage work. <p>(2) 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 section applies, the council must have regard to the following considerations—</p> <ul style="list-style-type: none"> (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. <p><i>NIL Considerations Provided Under this Policy:</i></p>		
Part C: Management of Waste			
C1 - For fee or reward, transport waste over or under a public place.	<i>NIL Considerations</i>		
C2 - Place waste in a public place.	<p><i>NIL Considerations Provided Under the Regulation.</i></p> <table border="1" data-bbox="392 1859 1489 2136"> <tr> <td data-bbox="392 1859 598 2136">Considerations under this Policy:</td> <td data-bbox="598 1859 1489 2136"> <p>C2.1. When determining an application to place waste in a public place Council will take into consideration:</p> <ul style="list-style-type: none"> (a) Whether all information required (as requested by Council) has been submitted; (b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (c) The provisions of any relevant Statute or Regulation; </td> </tr> </table>	Considerations under this Policy:	<p>C2.1. When determining an application to place waste in a public place Council will take into consideration:</p> <ul style="list-style-type: none"> (a) Whether all information required (as requested by Council) has been submitted; (b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (c) The provisions of any relevant Statute or Regulation;
Considerations under this Policy:	<p>C2.1. When determining an application to place waste in a public place Council will take into consideration:</p> <ul style="list-style-type: none"> (a) Whether all information required (as requested by Council) has been submitted; (b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (c) The provisions of any relevant Statute or Regulation; 		

Section 68 Activity	Considerations	
		<ul style="list-style-type: none"> (d) The safety of the public and the protection of property; and (e) Any other matter that Council considers relevant.
C3 - Place a waste storage container in a public place.	Considerations under the Regulation:	<p>Local Government (General) Regulation 2021 (NSW) reg 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 Transport for NSW.</p>
	Considerations under this Policy:	<p>C3.1. When determining an application to place waste in a public place Council will take into consideration:</p> <ul style="list-style-type: none"> (a) Whether all information required (as requested by Council) has been submitted; (b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (c) The provisions of any relevant Statute or Regulation; (d) The safety of the public and the protection of property; and (e) Any other matter that Council considers relevant.
C4 - Dispose of waste into a sewer of the council.	<i>NIL Considerations Provided Under the Regulation.</i>	
	Considerations under this Policy:	<p>C4.1. When determining an application to dispose of waste into a sewer of the Council, Council will take into consideration:</p> <ul style="list-style-type: none"> (a) The provisions of Council's Trade Waste Policy; (b) The provisions of any relevant Statute or Regulation; (c) The Requirements of the relevant departments of the NSW Government; (d) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (e) Whether all information required (as requested by Council) has been submitted.
C5 - Install, construct, or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.	Considerations under the Regulation:	<p>Local Government (General) Regulation 2021 (NSW) reg 29:</p> <ol style="list-style-type: none"> (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 this section. (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— <ul style="list-style-type: none"> (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.

Section 68 Activity	Considerations	
	<p>Considerations under this Policy:</p>	<p>(3) Guidelines and directions The council must consider any matter specified in guidelines or directions issued by the Secretary in relation to the matters referred to in subsection (2).</p> <p>C5.1. 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:</p> <ul style="list-style-type: none"> (a) The provisions of any relevant legislation; (b) The provisions of AS/NZS 3500 Parts 1 to 4 published by the Standards Association of Australia; (c) The provisions of the National Construction Code (Plumbing Code of Australia); (d) Whether approval to erect a building (if applicable) is required prior to the waste treatment device or human waste storage facility being installed, constructed, or altered pursuant to Section 68 of the <i>Local Government Act 1993</i> (NSW), and if so whether such approval has been issued by Council; (e) 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; (f) The protection and promotion of public health; (g) The protection of the environment; (h) Whether all information required (as requested by Council) has been submitted; (i) Whether all fees, charges and security deposits required to be paid by Council's Revenue Policy have been paid; and (j) Any other matter that Council considers relevant.
<p>C6 - Operate a system of sewerage management (within the meaning of Section 68A)</p>	<p>Considerations under the Regulation:</p>	<p>Local Government (General) Regulation 2021 (NSW) reg 43: In determining an application for approval to operate a system of sewerage management, the council must consider any matter specified in guidelines or directions issued by the Secretary in relation to the environment and health protection matters referred to in section 29(2).</p> <p>Local Government (General) Regulation 2021 (NSW) reg 44:</p> <p>(1) A system of sewerage management must be operated in a manner that achieves the following performance standards—</p> <ul style="list-style-type: none"> (a) the prevention of the spread of disease by micro-organisms, (b) the prevention of the spread of foul odours, (c) the prevention of contamination of water, (d) the prevention of degradation of soil and vegetation, (e) the discouragement of 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 minimisation of any adverse impacts on the amenity of the premises and surrounding lands, (h) if appropriate, provision for the re-use of resources (including nutrients, organic matter and water). <p>(2) Failure to comply with subsection (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 sewerage management (such as a fire, flood, storm, earthquake, explosion, accident, epidemic or warlike action).</p>

Section 68 Activity	Considerations	
		(3) A system of sewage management must be operated— <ul style="list-style-type: none"> (a) in accordance with the relevant operating specifications and procedures (if any) for the sewage management facilities used for the purpose, and (b) so as to allow the removal of any treated sewage (and any by-product of any sewage) in a safe and sanitary manner.
<i>NIL Considerations Provided Under this Policy.</i>		
Part D: Community Land		
D1 - Engage in a trade or business	<i>NIL Considerations Provided Under the Regulation.</i>	
	Considerations under this Policy:	D1.1. Generally – When determining an application to engage in a trade or business on community land Council will take into consideration the following: <ul style="list-style-type: none"> (a) The provisions of any relevant legislation; (b) Whether all information required (as requested by Council) has been submitted; (c) Whether all relevant fees, charges and security deposits incorporated in Council's Revenue Policy have been paid; (d) 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; (e) The effect that the proposed trade or business will have on the enjoyment of the community land by members of the public; (f) The safety of the public and the protection of property; (g) Any Management Plan that Council has adopted in respect to the management of Community Land; (h) 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 (i) Any other matter that Council considers relevant. D1.2. Fundraising on Public Land or Public Roads - In determining applications for fundraising, Council shall consider the following: <ul style="list-style-type: none"> (a) Fundraising may only be conducted by organisations which have been authorised by the Office of Liquor, Gaming & Racing; (b) Council reserves the right to refuse bookings for fundraising where multiple applications exist for a similar area and time; and (c) The intended location, extent and duration of any fundraising activities will be assessed to minimize adverse public and commercial impacts. D1.3. Street Stalls on Public Land or Public Roads - In determining applications for street stalls, Council shall consider the following: <ul style="list-style-type: none"> (a) Council will assess street stall and stationary vehicle applications with reference to the <i>Local Government Act 1993 (NSW)</i>, <i>Roads Act 1993 (NSW)</i> 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;

Section 68 Activity	Considerations	
		<ul style="list-style-type: none"> (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 group where there are other requests; (i) Stalls that intend to operate in vehicle rest areas require concurrent approval from the relevant department of the NSW Government; (j) Evidence of approval from the relevant NSW Government approval body needs to be presented before Council can determine any applications of this nature. Please consult the relevant NSW Government approval body for Mobile Vending in Rest Areas for more information; and (k) 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. <p>D1.4. Hiring of community land (park bookings) - Council will assess applications for park bookings in accordance with:</p> <ul style="list-style-type: none"> (a) The nature and scale of the activity or function being undertaken; (b) Whether any amusement devices or marquees will be erected as part of the activity; and (c) Any other matter that Council considers relevant.
D2 - Direct or procure a theatrical, musical, or other entertainment for the public.	<p><i>NIL Considerations Provided Under the Regulation.</i></p> <p>Considerations under this Policy:</p>	<p>D2.1. 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:</p> <ul style="list-style-type: none"> (a) Whether development consent under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) as amended, is required prior to an approval being granted pursuant to Section 68 of the <i>Local Government Act 1993</i> (NSW) 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 information required (as requested by Council) has been submitted; (c) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (d) The provisions of any relevant legislation; (e) The safety of the public and the protection of property;

Section 68 Activity	Considerations	
		<ul style="list-style-type: none"> (f) The adequacy of the available public liability insurance regarding the protection of the Council and the applicant against claims for injuries to persons and damage to property; (g) Any management plan adopted by Council in respect to the management of Community Land; (h) Whether alcohol will be available on the site, and if so, whether a liquor licence has been issued and any conditions attached thereto; (i) Whether adequate toilet facilities will be available on the site; and (j) Any other matter that Council considers relevant.
D3 - Construct a temporary enclosure for the purpose of entertainment.	<p><i>NIL Considerations Provided Under the Regulation.</i></p> <p>Considerations under this Policy:</p>	<p>D3.1. When determining an application to construct temporary enclosures on community land for the purpose of entertainment, Council will take the following criteria into consideration:</p> <ul style="list-style-type: none"> (a) Whether all information required (as requested by Council) has been submitted; (b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (c) The provisions of any relevant legislation; (d) The effect that the enclosure will have on the enjoyment of the community land by members of the public; (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) The safety of the public and the protection of property; (g) The period during which it is proposed to enclose the section of community land; (h) 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; (i) Any management plan which Council has adopted in respect to the management of Community Land; (j) 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; (k) Whether adequate toilet facilities will be available on the site; (l) Whether alcohol will be available on the site, and if so, whether a liquor licence has been issued and any conditions attached thereto; and (m) Any other matter that Council considers relevant.
D4 – For fee or reward, play a musical instrument or sing.	<p><i>NIL Considerations Provided Under the Regulation.</i></p> <p>Considerations under this Policy:</p>	<p>D4.1. 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:</p> <ul style="list-style-type: none"> (a) Whether all information required (as requested by Council) has been submitted;

Section 68 Activity	Considerations			
		<ul style="list-style-type: none"> (b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (c) The provisions of any relevant legislation; (d) The safety of the public and the protection of property; and (e) Any other matter that Council considers relevant. 		
D5 - Set up, operate, or use a loudspeaker or sound amplifying device.	<i>NIL Considerations</i>			
D6 - Deliver a public address or hold a religious service or public meeting.	<p><i>NIL Considerations Provided Under the Regulation.</i></p> <table border="1" data-bbox="400 745 1492 1417"> <tr> <td data-bbox="400 745 596 1417">Considerations under this Policy:</td> <td data-bbox="604 745 1492 1417"> <p>D5.1. When determining an application for approval to deliver a public address or hold a religious service or public meetings on community land Council will take into consideration the following criteria:</p> <ul style="list-style-type: none"> (a) Whether development consent under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) as amended is required prior to an approval being granted pursuant to Section 68 of the <i>Local Government Act 1993</i> (NSW) as amended, for the proposed activity and if so, whether such consent has been issued by Council; (b) Whether all information required (as requested by Council) has been submitted; (c) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (d) The provisions of any relevant legislation; (e) The safety of the public and the protection of property; (f) The adequacy of the available public risk insurance regarding the protection of Council and the public; and (g) Any other matter that Council considers relevant. </td> </tr> </table>		Considerations under this Policy:	<p>D5.1. When determining an application for approval to deliver a public address or hold a religious service or public meetings on community land Council will take into consideration the following criteria:</p> <ul style="list-style-type: none"> (a) Whether development consent under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) as amended is required prior to an approval being granted pursuant to Section 68 of the <i>Local Government Act 1993</i> (NSW) as amended, for the proposed activity and if so, whether such consent has been issued by Council; (b) Whether all information required (as requested by Council) has been submitted; (c) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (d) The provisions of any relevant legislation; (e) The safety of the public and the protection of property; (f) The adequacy of the available public risk insurance regarding the protection of Council and the public; and (g) Any other matter that Council considers relevant.
Considerations under this Policy:	<p>D5.1. When determining an application for approval to deliver a public address or hold a religious service or public meetings on community land Council will take into consideration the following criteria:</p> <ul style="list-style-type: none"> (a) Whether development consent under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) as amended is required prior to an approval being granted pursuant to Section 68 of the <i>Local Government Act 1993</i> (NSW) as amended, for the proposed activity and if so, whether such consent has been issued by Council; (b) Whether all information required (as requested by Council) has been submitted; (c) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (d) The provisions of any relevant legislation; (e) The safety of the public and the protection of property; (f) The adequacy of the available public risk insurance regarding the protection of Council and the public; and (g) Any other matter that Council considers relevant. 			
Part E: Public Roads				
E1 - 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.	Considerations under the Regulation:	<p>Local Government (General) Regulation 2021 (NSW) reg 50:</p> <p>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—</p> <ul style="list-style-type: none"> (a) the provisions of the <i>Roads Act 1993</i>, and (b) any relevant standards and policies of public authorities applying to the use of the road. 		
	Considerations under this Policy:	<p>E1.1. 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:</p> <ul style="list-style-type: none"> (a) Whether all information required (as requested by Council) has been submitted; (b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (c) The provisions of any relevant legislation; (d) 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 		

Section 68 Activity	Considerations	
		<p>whether adequate provision has been made for pedestrian access to nearby premises;</p> <ul style="list-style-type: none"> (e) The safety of the public and the protection of property; (f) 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; (g) The period during which it is proposed to keep the public place enclosed; and (h) Any other matter that Council considers relevant.
<p>E2 - 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.</p>	<p>Considerations under the Regulation:</p>	<p>Local Government (General) Regulation 2021 (NSW) reg 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—</p> <ul style="list-style-type: none"> (a) the provisions of the <i>Roads Act 1993</i>, and (b) any relevant standards and policies of public authorities applying to the use of the road.
	<p>Considerations under this Policy:</p>	<p>E2.1. 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:</p> <ul style="list-style-type: none"> (a) The provisions of any relevant legislation; (b) Whether development consent under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) as amended is required prior to an approval for the proposed activity being issued under the <i>Local Government Act 1993</i> (NSW) as amended, and if so, whether such development consent has been issued by Council; (c) The safety of the public and the protection of property; (d) Whether adequate access to utility services will be maintained, and (e) Any other matter that Council considers relevant.
<p>E3 - (Repealed)</p>	<p>N/A</p>	
<p>Part F: Other Activities</p>		
<p>F1 - Operate a public car park.</p>	<p>Considerations under the Regulation:</p>	<p>Local Government (General) Regulation 2021 (NSW) reg 53: In determining an application for approval to operate a public car park the council is to take the following matters into consideration—</p> <ul style="list-style-type: none"> (a) the views of Transport for NSW 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,

Section 68 Activity	Considerations	
		<ul style="list-style-type: none"> (h) the <i>Work Health and Safety Act 2011</i>, 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.
	<i>NIL Considerations provided under this Policy.</i>	
F2 - Operate a caravan park or camping ground.	Considerations under the Regulation:	<p>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 71:</p> <p>(1) The council must not grant an approval unless satisfied it will be designed, constructed, maintained and operated—</p> <ul style="list-style-type: none"> (a) in accordance with Division 3, Subdivisions 1–8, or (b) for a primitive camping ground—in accordance with Division 3, Subdivision 9. <p>(2) In deciding whether or not the approval allows the installation of a relocatable home, rigid annexe or associated structure on flood liable land, the council must consider the principles contained in the <i>Floodplain Development Manual</i>.</p> <p>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 73:</p> <p>(1) An approval is subject to the following conditions—</p> <ul style="list-style-type: none"> (a) the caravan park or camping ground must be designed, constructed, maintained and operated— <ul style="list-style-type: none"> (i) in accordance with Division 3, Subdivisions 1–8, or (ii) for a primitive camping ground—in accordance with Division 3, Subdivision 9, (b) a visitor must not be permitted to stay in a moveable dwelling occupying a short-term site or camp site for more than 150 days in a 12 month period, unless— <ul style="list-style-type: none"> (i) the moveable dwelling is a holiday van, and (ii) the visitor is the owner of the holiday van, (c) a visitor who is the owner of a holiday van occupying a short-term site or camp site must not be permitted to stay in the holiday van for more than 180 days in a 12 month period, (d) a visitor must not be permitted to stay in a moveable dwelling in a primitive camping ground for more than 50 days in a 12 month period. <p>(2) In calculating the number of days a visitor stays in a moveable dwelling, only overnight stays must be counted.</p> <p>(3) This section does not apply to the operation of a caravan park or camping ground if the caravan park or camping ground is being operated—</p> <ul style="list-style-type: none"> (a) solely in connection with the use of the land for a sporting, recreational or cultural event, and (b) for a period of no more than 6 weeks. <p>(4) The manager of a caravan park or camping ground may authorise a person to stay in the caravan park or camping ground for a period not exceeding 2 years if the manager is reasonably satisfied that the person has been displaced as a result of—</p> <ul style="list-style-type: none"> (a) a natural disaster, or

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		<p>(b) a pandemic.</p> <p>(5) In this section— manager of a caravan park or camping ground includes the owner, operator or caretaker of the caravan park or camping ground. visitor does not include—</p> <p>(a) a displaced person, or (b) a resident manager of the caravan park or camping ground.</p>
	Considerations under this Policy:	<p>F2.1. 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 consider the following:</p> <p>(a) The provisions of any relevant legislation; (b) Whether development consent under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) as amended is required prior to an approval for the proposed activity being issued under the <i>Local Government Act 1993</i> (NSW) as amended, and if so, whether such development consent has been issued by Council; (c) The safety of the public and the protection of property; (d) Whether adequate access to utility services will be maintained, and (e) Any other matter that Council considers relevant.</p>
F3 - Operate a manufactured home estate.	Considerations under the Regulation:	<p>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (NSW) reg 6:</p> <p>(1) The council must not grant an approval unless satisfied the manufactured home estate will be designed, constructed, maintained and operated in accordance with Division 3. (2) Before approving the operation of a manufactured home estate on flood liable land, the council must consider the principles in the Floodplain Development Manual.</p>
	Considerations under this Policy:	<p>F3.1. When determining an application to operate a manufactured home estate Council will consider the following:</p> <p>(a) Whether all information required (as requested by Council) has been submitted; (b) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (c) The provisions of any relevant legislation; (d) Any applicable standards that are specified in the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> (NSW); (e) 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; (f) Whether development consent under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) as amended is required prior to an approval for the proposed activity being issued under the <i>Local Government Act 1993</i> (NSW) as</p>

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		<p>amended, and if so, whether such development consent has been issued by Council;</p> <p>(g) Any other matter that Council considers relevant.</p>
<p>F4 - Install a domestic oil or solid fuel heating appliance, other than a portable appliance.</p>	<p><i>NIL Considerations (other than ensuring compliance with the applicable Regulation)</i></p>	
<p>F5 - Install or operate amusement devices.</p>	<p>Considerations under the Regulation:</p>	<p>Local Government (General) Regulation 2021 (NSW) reg 72:</p> <p>The council must not grant an application for an approval to install or operate an amusement device unless it is satisfied—</p> <ul style="list-style-type: none"> (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 <i>Work Health and Safety Regulation 2017</i>, 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 as referred to in that Regulation, Chapter 5, Part 5.2, Division 4, Subdivision 2, and (e) that there is in force a contract of insurance or indemnity for the device that complies with section 74.
	<p>Considerations under this Policy:</p>	<p>F5.1. In its assessment and determination of an application to install or operate amusement devices (within the meaning of the <i>Work Health and Safety Regulation 2011</i> (NSW)), Council will consider the following:</p> <ul style="list-style-type: none"> (a) The provisions of any relevant legislation; (b) Whether all information required (as requested by Council) has been submitted; (c) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; and (d) Any other matter that Council considers relevant.
<p>F6 - (Repealed)</p>	<p>N/A</p>	
<p>F7 - Use a standing vehicle or any article for the purpose of selling any article in a public place.</p>	<p>Considerations under the Regulation:</p>	<p>Roads Act 1993 (NSW) s 125 – Approval to use road for food and drink premises:</p> <ul style="list-style-type: none"> (1) A roads authority may grant an approval that allows a person who operates food or drink premises adjacent to a public road to use part of the public road for the purposes of the food or drink premises. (2) However, a roads authority may not grant an approval in relation to the use of a classified road without the agreement of Transport for NSW. (3) A roads authority may grant an approval on the conditions, including conditions about payments in the nature of rent, decided by the roads authority. (4) A roads authority may grant an approval for the term decided by the roads authority, but not more than—

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	<p>(a) for an approval for the use of a footway of a public road—7 years, or</p> <p>(b) for an approval for the use of any other part of a public road—12 months.</p> <p>(5) A roads authority may terminate, or temporarily suspend, an approval granted by the roads authority under this section—</p> <p>(a) immediately, if in the roads authority’s opinion, it is necessary for safety reasons, or</p> <p>(b) otherwise—if the roads authority has given the holder of the approval at least 7 days written notice.</p> <p>(6) Unless sooner terminated, an approval lapses on the earlier of the following—</p> <p>(a) the end of its term,</p> <p>(b) if the part of the public road the subject of the approval ceases to be used for the purposes of food or drink premises, when the use for that purpose ceases.</p> <p>Roads Act 1993 (NSW) s 126 - Authority to erect structures:</p> <p>(1) A roads authority that grants an approval under section 125 may—</p> <p>(a) authorise the holder of the approval to erect, place or maintain structures, furniture or other things in, on or over any part of the road the subject of the approval, or</p> <p>(b) at the request and cost of the holder of the approval, erect, place or maintain structures, furniture or other things in, on or over any part of the road the subject of the approval.</p> <p>(2) The roads authority may erect and maintain structures in, on or over any part of the public road the subject of an approval for the protection of public health and safety.</p> <p>Roads Act 1993 (NSW) s 127 – Effect of Approval:</p> <p>While an approval is in force—</p> <p>(a) the use of the public road for the purposes of food or drink premises, and</p> <p>(b) the erection, placement or maintenance of structures, furniture or other things on the public road authorised by the roads authority under section 126(1),</p> <p>are taken not to constitute a public nuisance and do not give rise to an offence against this or any other Act.</p>
<p>Considerations under this Policy:</p>	<p>F7.1. 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 consider the following:</p> <p>(a) The provisions of any relevant legislation;</p> <p>(b) If the trade or business involves selling food in a public place, whether the provisions of the NSW Food Authority’s current Guidelines for Mobile Food Vending Vehicles and the NSW Food Authority’s current Guidelines for Food Businesses at Temporary Events will be complied with;</p> <p>(c) The safety of the public and the protection of property;</p> <p>(d) The effect that the standing vehicle or article used for the purpose of selling articles will have on pedestrian movement, and whether adequate provisions have been made for pedestrian access to nearby premises;</p>

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		<ul style="list-style-type: none"> (e) The effect that the standing vehicle or articles used for the purposes of selling articles will have on a vehicular movements and vehicular parking; (f) Whether the application has made provision for public liability insurance to a level considered adequate by Council; (g) Whether all applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; and (h) Any other matter that Council considers relevant.
F8 - (Repealed)	N/A	
F9 - (Repealed)	N/A	
F10 - Carry out an activity prescribed by the regulations, or an activity of a class or description prescribed by the regulations.	<p><i>NIL Considerations provided under the Regulation</i></p> <p>Considerations under this Policy:</p>	<p>F10.1. 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 consider the following:</p> <ul style="list-style-type: none"> (a) The provisions of any relevant legislation; (b) Whether all information required (as requested by Council) has been submitted; (c) Whether development consent under the <i>Environmental Planning and Assessment Act 1979 (NSW)</i> as amended is required prior to an approval for the proposed activity being issued under the <i>Local Government Act 1993 (NSW)</i> as amended, and if so, whether such development consent has been issued by Council; (d) Any other matter that Council considers relevant.

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

- 5.1. Part 3 outlines what information is required to be submitted to Council when lodging an application to Council for a Section 68 Activity. Standard conditions of approval are also listed in this part, which will be attached to any issued approvals.
- 5.2. It is a requirement that approved activities are conducted in accordance with all conditions associated with the activity in question, should approval be issued.

Table 5: Section 68 Activities and the Information that must Accompany Applications

Section 68 Activity	Information to Accompany Application
Part A: Structures or Places of Public Entertainment	
A1 - Install a manufactured home, moveable dwelling, or associated structure on land.	<p>A1.1 Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>A1.2. Applications to install a manufactured home, moveable dwelling or associated structure must be accompanied by:</p> <ul style="list-style-type: none"> (a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (b) Owner's consent; (c) Legible plans and specifications of the land, where the structure is proposed, that show the following: <ul style="list-style-type: none"> (i) Site plan, indicating site number, area of site in square metres and boundaries of the property; (ii) Location, size and area of existing and proposed structures, caravans and annexes in square metres; (iii) Distance of structure from adjoining installations; (iv) Any roads or footways on the land; (v) Other manufactured homes, moveable dwellings or associated structures on the land; and (vi) Any permanent or temporary structure on the land. (d) Legible plans and specifications of the proposed structure that show the following: <ul style="list-style-type: none"> (i) All details of construction methods, material sizes and types shall be stated (including awnings); (ii) Floor plan of the manufactured home, moveable dwelling or associated structure showing dimensions; and (iii) Details of amenities such as water supply, gas supply, electricity supply, waste disposal, laundry facilities, toilet facilities, shower facilities and cooking facilities. (e) Details of how the manufactured home, moveable dwelling or associated structure is to be secured on the proposed site; and (f) A Practising Structural Engineers Certificate (if deemed applicable) stating: <ul style="list-style-type: none"> (i) The design is structurally sound; (ii) The relocatable home, rigid annexe and/or associated structures comply with any standards, codes and specifications required by the Regulation or by Ministerial specifications; (iii) 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;

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	<ul style="list-style-type: none"> (iv) 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; and (v) The relocatable home, rigid annexe and/or associated structure is designed and constructed in accordance with Parts 1 and 2 of AS1170. (g) Any additional information required to be submitted with the Development Application under the <i>Environmental Planning and Assessment Act 1979</i>. (NSW). <p>A1.3. If the manufactured home, moveable dwelling or associated structure is proposed to be installed in a Flood Planning Area (as defined in the LEP), applications must be accompanied by:</p> <ul style="list-style-type: none"> (a) a Practising Structural Engineers Certificate stating <ul style="list-style-type: none"> (i) The materials being used to build the structure are flood compatible; (ii) 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 (iii) That the development will not increase the flood hazard or flood damage to other properties or adversely affect flood behaviour. <p>A1.4. Conditions of Approval – the Site must:</p> <ul style="list-style-type: none"> (a) Be serviced in accordance with <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021</i> (NSW) pt 3(includes fire hose reels and fire hydrants); (b) Have an adequate sewage disposal system (a separate Section 68 Application will be required); (c) Be designed accordingly for the possible flood depths and velocities of the site (information must be based on the relevant flood study); and (d) Not be occupied prior to a final inspection being carried out by Council.
A2 - (Repealed)	N/A
A3 - (Repealed)	N/A
Part B: Water Supply, Sewerage and Stormwater Drainage Work	
B1 - Carry out a water supply work.	<p>B1.1 Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>B1.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> (a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (b) Owner's consent; (c) A site plan showing: <ul style="list-style-type: none"> (i) The proposed development and point of connection; (ii) Easement pipe size (information available from Council); and (iii) The proposed connection pipe size.
B2 - Draw water from a council water supply or a standpipe or sell water so drawn.	B2.1 Application to be made via the NSW Planning Portal and include all relevant documentation.
B3 - Install, alter, disconnect, or remove a meter	B3.1 Application to be made via the NSW Planning Portal and include all relevant documentation.

Section 68 Activity	Information to Accompany Application
connected to a service pipe.	
B4 - Carry out sewerage work.	B4.1 Application to be made via the NSW Planning Portal and include all relevant documentation.
B5 - Carry out stormwater drainage work	B5.1 Application to be made via the NSW Planning Portal and include all relevant documentation.
B6 - 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.	B6.1 Application to be made via the NSW Planning Portal and include all relevant documentation.
	B6.2. Applications must be accompanied by: <ul style="list-style-type: none"> (a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (b) Owner's consent; (c) Legible plans and specifications of the land, where the structure is proposed, that show the following: <ul style="list-style-type: none"> (i) Site plan, indicating site number, area of site in square metres and boundaries of the property; (ii) Location, size and area of existing and proposed structures, caravans, and annexes in square metres; and (iii) Any roads, footways, or other easements on the land. (d) A site plan showing: <ul style="list-style-type: none"> (i) The proposed development and point of connection; (ii) Easement pipe size (information available from Council); and (iii) The proposed connection pipe size.
	B6.3. If access is required from an adjoining landowner, applications must be accompanied by: <ul style="list-style-type: none"> (a) A copy of the relevant Section 88B Instrument, pursuant to the <i>Conveyancing Act 1919</i> (NSW); or (b) The Title for the subject land, pursuant to the <i>Real Property Act 1900</i> (NSW).
	B6.4. Conditions of Approval – The Connection must: <ul style="list-style-type: none"> (a) Be a neatly drilled or saw cut into the existing pipe; (b) Finish flush with the inside of the existing pipe, with no intrusion; (c) Be seated with cement or epoxy resin; (d) Be made above the spring line of the existing pipe, that is the top half of the pipe; (e) Be installed so that the new pipe flows run with the downstream flow of the existing pipe and at an angle no greater than 60 degrees; (f) Incorporate the construction of a pit or junction chamber if the connecting pipe is greater than 1/3 the diameter of the existing pipe; (g) Be inspected by Council on completion of works. <p>NOTE: For applications that require the establishment of private easements, independent legal advice should be obtained by the applicant prior to lodgment.</p>
Part C: Management of Waste	
C1 - For fee or reward, transport waste over or under a public place.	C1.1 Application to be made via the NSW Planning Portal and include all relevant documentation.

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C2 - Place waste in a public place.	<p>C2.1 Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>C1.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> (a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (b) Legible plans and specifications of the land location where it is proposed to place waste in a public place that show the following: <ul style="list-style-type: none"> (i) Site plan, indicating site number, area of site in square metres and boundaries of the property; (ii) Location, size and area of existing and proposed structures, caravans, and annexes in square metres; and (iii) Any roads, footways, or other easements. (c) Certificate of currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage; and (d) Any other matter that Council considers relevant. <p>C1.3. If services are likely to be affected by the placement of waste in a public area, evidence of approval from the affected service providers must accompany the application.</p>
C3 - Place a waste storage container in a public place.	<p>C3.1 Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>C3.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> (a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (b) Legible plans and specifications of the location where it is proposed to place the waste storage container in a public place that show the following: <ul style="list-style-type: none"> (i) Site plan, indicating site number, area of site in square metres and boundaries of the property; (ii) Location, size and area of existing and proposed structures, caravans, and annexes in square metres; and (iii) Any roads, footways, or other easements. (c) Specifications of the waste storage container outlining the following: <ul style="list-style-type: none"> (i) The type and design of the container; (ii) The location of any proposed signs, warning lights or other safety equipment; (d) The timeframe for when it is proposed to have the waste container in a public place and the schedule for collection of waste from the container; (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; and (f) Any other matter that Council considers relevant.
C4 - Dispose of waste into a sewer of the council.	<p>C4.1 Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>C4.2. If the waste is to be delivered by tanker to sewerage treatment plant (STP), applications to must be accompanied by:</p> <ul style="list-style-type: none"> (a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (b) The quantity of waste to be disposed of into the sewer; (c) The origin and type of waste proposed to be disposed of into the sewer; (d) The date and time upon which it is proposed to deliver the waste to Council's STP for disposal into the sewer; (e) Any other matter that Council considers relevant.

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	<p>C4.3. If the waste is to be disposed of directly into a sewer main, applications must be accompanied by:</p> <ul style="list-style-type: none"> (a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (b) Any other matter that Council considers relevant.
<p>C5 - Install, construct, or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.</p>	<p>C5.1 Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>C5.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> (a) Two separate set of plans and specifications of the proposed installation or alteration which clearly indicate: <ul style="list-style-type: none"> (i) The fittings or appliances proposed to be connected to the Waste Treatment Device or Human Waste Storage Facility; (ii) 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; (iii) 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 (iv) Any other matter which the Council, in the case, deems necessary to enable Council to properly consider the application. (b) A Certificate of Accreditation from the NSW Department of Health; (c) 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.
<p>C6 - Operate a system of sewerage management (within the meaning of Section 68A)</p>	<p>C6.1 Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>C6.2. Application complies with all relevant requirements pursuant to:</p> <ul style="list-style-type: none"> (a) Narrabri Shire Council's Onsite Wastewater Management System Policy; (b) The <i>Plumbing and Drainage Act 2011</i> (NSW); (c) Any other relevant legislation; and (d) Any other matter that Council considers relevant.
Part D: Community Land	
<p>D1 - Engage in a trade or business</p>	<p>D1.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p>

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	<p>D1.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> (a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (b) The proposed trading days and times; (c) Details of public liability insurance designed to indemnify the applicant and Council against claims for injury to persons and damage to property while the business is trading; (d) Certificate of currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage; (e) Legible plans and specifications of the location that detail the design, type and location of any structures, barricades, tables, or articles proposed to be place (temporarily) on community lands for the purpose of engaging in a trade or business; and (f) Any other matter that Council considers relevant.
	<p>D1.3. If the activity involves selling food, applications must be accompanied by evidence of compliance with the provisions of:</p> <ul style="list-style-type: none"> (a) The NSW Food Authority's current Guidelines for Mobile Food Vending Vehicles; and (b) The NSW Food Authority's current Guidelines for Food Businesses at Temporary Events.
	<p>D1.4. If the activity involves the selling of alcohol, evidence of a current Liquor Licence issued by the Liquor & Gaming NSW permitting the sale of alcohol in the proposed conditions.</p>
	<p>D1.4. Conditions of Approval – Fundraising on Public Land or Public Roads:</p> <ul style="list-style-type: none"> (a) Fundraising activities must not be within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection; (b) Must not occur in any area adjacent to an educational establishment or place of public worship or in any park or reserve; (c) A 1.8 metre wide unobstructed section of footpath is to be maintained at all times from the building façade, adjacent shops or buildings; (d) Must be located no closer than 600mm to the back of the kerb; (e) The activity must not obstruct or hinder the passage of pedestrians or vehicles; (f) The activity must not involve marking the footpath or affixing any matter or structure to the footpath paving; (g) Collectors may receive voluntary donations from the audience but may not solicit funds; (h) The activity must not cause nuisance, offence, or obstruction; (i) If located for any period outside any shop must have the permission of the shop owner and adjacent shop owners; otherwise, must be roaming; (j) Must not include a public address system or the like; (k) Surrounding area is to be maintained in a clean and tidy condition and free of hazard and rubbish; (l) Evidence of current Liquor & Gaming NSW Fundraising Liquor License; and (m) Fundraising activities must be conducted in accordance with the <i>Charitable Fundraising Act 1991</i> (NSW) and <i>Charitable Fundraising Regulation 2021</i> (NSW).
	<p>D1.5. Conditions of Approval – Street Stalls on Public Land or Public Roads:</p> <ul style="list-style-type: none"> (a) Limited to no more than 2 street stalls on any one day on the same footpath street frontage;

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	<ul style="list-style-type: none"> (b) 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; (c) An adequate number of receptacles should be provided for the disposal of litter; (d) Ensure 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; (e) The name of the organisation must be prominently displayed on the stall, not on the footpath. No other signage is permitted; (f) Must have the consent of the business or organisation outside which the stall is to be situated and adjacent businesses; (g) Must be located no closer than 600mm to the back of kerb; (h) A 1.8-metre-wide unobstructed section of footpath is to be maintained at all times from the building façade, adjacent shops or buildings; (i) Stalls shall only operate between the hours of 8:00am and 8:00pm; (j) A minimum of 1.8 metres is required between each stall; (k) Must not hinder the passage of pedestrians or vehicles or create a nuisance or objectionable noise; and (l) The immediate surrounding area is to be left in a clean and tidy condition and kept clear of hazards. <p>D1.6. Stalls distributing food or drink, or both:</p> <ul style="list-style-type: none"> (a) 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); and (b) Evidence of current registration and a satisfactory food safety inspection of the food business within the current financial year must be kept 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).
<p>D2 - Direct or procure a theatrical, musical, or other entertainment for the public.</p>	<p>D2.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>D2.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> (a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council’s Operational Plan) have been paid; (b) The proposed trading days and times; (c) Details of public liability insurance designed to indemnify the applicant and Council against claims for injury to persons and damage to property while the business is trading; (d) Details of the proposed: <ul style="list-style-type: none"> (i) Days and time for the event; (ii) Number of anticipated attendees (or limits thereof); (iii) Methods for crowd control; (iv) Post-event cleaning arrangements; (v) Facilities (including toilets) to be provided; (vi) Location, design, and type of all amplification equipment for the function and the expected noise levels (in dB(A)) at the boundaries of the community land; (vii) Location, type, and design of all food outlets to be operated at the event; (viii) Location and type of any seating to be provided; and (ix) Location of barricades or structures, or both, to be erected for the event; and

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	<p>(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; and</p> <p>(f) Any other matter that Council considers relevant.</p>
<p>D3 - Construct a temporary enclosure for the purpose of entertainment.</p>	<p>D3.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>D3.2. Applications must be accompanied by:</p> <p>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</p> <p>(b) Plans and specifications showing:</p> <p>(i) The design, type and location of the structure or structures proposed to enclose the section of community land; and</p> <p>(ii) The type, design and location of any proposed signs, warning lights or other safety equipment; and</p> <p>(c) Certificate of currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage; and</p> <p>(d) Any other matter that Council considers relevant.</p>
<p>D4 – For fee or reward, play a musical instrument or sing.</p>	<p>D4.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>D4.2. Applications must be accompanied by:</p> <p>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</p> <p>(b) Plans and specifications showing:</p> <p>(i) The days and times during which it is proposed to play the musical instrument or sing;</p> <p>(ii) The location where it is proposed to play the musical instrument or sing; and</p> <p>(c) The name, address and telephone number of the persons accepting responsibility for the activities.</p>
<p>D5 - Set up, operate, or use a loudspeaker or sound amplifying device.</p>	<p>D5.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p>
<p>D6 - Deliver a public address or hold a religious service or public meeting.</p>	<p>D6.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>D6.2. Applications must be accompanied by:</p> <p>(a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid;</p> <p>(b) Details of the proposed:</p> <p>(i) Days and time for the event;</p> <p>(ii) Number of anticipated attendees (or limits thereof);</p> <p>(iii) Methods for crowd control;</p> <p>(iv) Post-event cleaning arrangements;</p> <p>(v) Facilities (including toilets) to be provided;</p> <p>(vi) Location, design, and type of all amplification equipment for the function and the expected noise levels (in dB(A)) at the boundaries of the community land;</p> <p>(vii) Location, type, and design of all food outlets to be operated at the event;</p> <p>(viii) Location and type of any seating to be provided; and</p>

Section 68 Activity	Information to Accompany Application
	<ul style="list-style-type: none"> (ix) Location of barricades or structures, or both, to be erected for the event; and (c) Certificate of currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage; and (d) Any other matter that Council considers relevant.
Part E: Public Roads	
<p>E1 - 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.</p>	<p>E1.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>E1.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> (a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (b) Plans and specifications showing the design, type and location of: <ul style="list-style-type: none"> (i) The machinery or structure proposed to be used to swing or hoist goods across the roadway; (ii) The structure or structures proposed to be used to enclose the area over which the goods will be lifted; and (iii) Any proposed signs, warning lights or other safety equipment; and (c) Be accompanied by any current approval or licence issued by SafeWork NSW; (d) Certificate of currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage; and (e) Any other matter that Council considers relevant.
<p>E2 - 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.</p>	<p>E2.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>E2.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> (a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (b) Plans and specifications showing: <ul style="list-style-type: none"> (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. (c) Any other matter that Council considers relevant. <p>NOTE: The minimum clearance between the footpath and the lowest part of the advertising structure or article is 3 metres.</p>
<p>E3 - (Repealed)</p>	<p>N/A</p>
Part F: Other Activities	
<p>F1 - Operate a public car park.</p>	<p>F1.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>F1.2. Applications must be accompanied by</p> <ul style="list-style-type: none"> (a) Detailed plans, management-in-use plans and other information as determined by the assessing officer.
<p>F2 - Operate a caravan park or camping ground.</p>	<p>F2.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>F2.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> (a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (b) Plans and specifications showing:

Section 68 Activity	Information to Accompany Application
	<ul style="list-style-type: none"> (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; (iv) Any permanent or temporary structure on the land; (v) The location and layout of all caravans and camping sites designated as either short term or long term residence; (vi) The location and layout of caravan and campsites; (vii) Details of amenities such as electricity supply, waste disposal, laundry, toilet, and shower facilities; (viii) The location of all firefighting services within the property. <p>(c) Any other matter that Council considers relevant.</p>
F3 - Operate a manufactured home estate.	<p>F3.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>F3.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> (a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (b) Plans and specifications showing the proposed location and layout of the manufactured home estate and its relationship to: <ul style="list-style-type: none"> (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; (iv) All those services and facilities required by the <i>Local Government (Manufactured Homes Estates, Caravan Parks, camping Grounds and Moveable Dwellings) Regulation 2021</i> (NSW); (v) Any permanent or temporary structure on the land; (vi) The area and dimensions of residential sites; (vii) The location and layout of all parking spaces for vehicles; (viii) Details of amenities such as electricity supply, waste disposal, laundry, toilet, and shower facilities; and (ix) The location of all firefighting services within the property. <p>(c) Any other matter that Council considers relevant.</p>
F4 - Install a domestic oil or solid fuel heating appliance, other than a portable appliance.	<p>F4.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>F4.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> (a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (b) Detailed floor plans and specifications of appliance including weatherproofing of any penetrations of the building envelope.
F5 - Install or operate amusement devices.	<p>F5.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>F5.2. Applications to install or operate amusement devices (within the meaning of the <i>Work Health and Safety Regulation 2017</i> (NSW)) must be accompanied by:</p> <ul style="list-style-type: none"> (a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (b) Documentary evidence that the amusement device is registered with SafeWork NSW and deemed safe to proceed by SafeWork NSW;

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	<p>(c) 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;</p> <p>(d) Proposed dates and times for:</p> <ul style="list-style-type: none"> (i) Completion of installation of the amusement device and when an inspection can be carried out for the purpose of issuing an approval prior to operation; and (ii) Operation of the amusement device. <p>(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; and</p> <p>(f) Any other matter that Council considers relevant.</p> <p>F5.3. Conditions of Approval – The approved activity and any building works associated with the activity complies with the following:</p> <ul style="list-style-type: none"> (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; (b) the device is registered under the Occupational Health and Safety Regulation 2001; (c) all conditions (if any) subject to which the device is so registered, and all relevant requirements of that Regulation are complied with; (d) the device is installed (including erected) and operated in a safe manner.
F6 - (Repealed)	N/A
F7 - Use a standing vehicle or any article for the purpose of selling any article in a public place.	<p>F7.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>F7.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> (a) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council’s Operational Plan) have been paid; (b) Details of the proposed: <ul style="list-style-type: none"> (i) Location of the article for sale; (ii) Articles to be sold; and (iii) Dates and times for the sale of the article. (c) Details of public risk insurance to indemnify the applicant and Council against claims for damages; (d) Certificate of currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage; and (e) Any other matter that Council considers relevant. <p>F7.3. If the Activity involves the sale of food, applications must be accompanied by:</p> <ul style="list-style-type: none"> (a) Details as to how the provisions of the NSW Food Authority’s current Guidelines for Mobile Food Vending Vehicles and the NSW Food Authority’s current Guidelines for Food Businesses at Temporary Events will be complied with. <p>F7.4. Conditions of Approval – Mobile Vendors (and their vehicles) must:</p> <ul style="list-style-type: none"> (a) Keep approval documentation with the vehicle (that details with the area(s) and time(s) in which the vendor is operating); (b) Not have any additional flashing or rotating lights, with the exception of those required under the <i>Roads Act 1993</i> (NSW) and related Regulation; (c) Not operate within 100 meters of any retail outlet or of any premises selling a similar product if that outlet is open;

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	<p>(d) Not 'set up stand' nor remain at any one selling point for more than 15 minutes without a customer.</p> <p>(e) Must move a minimum of 500 metres between each selling point;</p> <p>(f) 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:</p> <ul style="list-style-type: none"> (i) before 8.00am and after 7.00pm on any day; (ii) whilst the vehicle is stationary; (iii) 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); (iv) more often than once every two hours in the same length of street; and (v) louder than 75dB(A) for a distance of 10 metres. <p>(g) Not trade on main roads and through streets with a speed limit of greater than 50 kilometres per hour or 80 kilometres per hour where the carriageway has wide shoulders;</p> <p>(h) 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;</p> <p>(i) Not to create a traffic hazard, obstruction or dangerous situation;</p> <p>(j) Only operate between the hours of 6:00am and 8:00pm;</p> <p>(k) Provided litter bins for the convenience of customers.</p> <p>(l) Contain wastewater within the vehicle for later disposal to the sewerage system;</p> <p>(m) 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; and</p> <p>(n) Not operate within 1 kilometre 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 (that is, for a specific community event).</p> <p>F7.5. Conditions of Approval – Mobile Food Vendors (and their vehicles) must:</p> <ul style="list-style-type: none"> (a) Comply with the conditions established in Part 3, Table 5 – F7.4 of this Policy; (b) Not operate unless approved by Council; (c) Comply with the provisions of the NSW Food Authority's current Guidelines for Mobile Food Vending Vehicles and the NSW Food Authority's current Guidelines for Food Businesses at Temporary Events; (d) Undergo an annual food safety inspection by the relevant Local Government Authority; and (e) Maintain evidence of current registration and a satisfactory food safety inspection of the mobile food vending vehicle within the current financial year must be always kept with the mobile food van. <p>F7.6. Conditions of Approval – Mobile Vendors (and their vehicles) Vending in Rest Areas must:</p> <ul style="list-style-type: none"> (a) Comply with the conditions established in Part 3, Table 5 – F7.4 of this Policy; and (b) Operate in accordance with any conditions of approval from the relevant NSW Government Department (Transport for NSW). <p>F7.7. Conditions of Approval – Footway Dining (within the meaning of the <i>Roads Act 1993</i> (NSW)) applicants must:</p>

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	<ul style="list-style-type: none"> (a) Not exceed a 5 year term; (b) Pay an annual fee (as listed in the current Fees and Charges within Council's Operational Plan); (c) Always maintain a clear path for pedestrians of at least 1.8 metres in width; (d) Not exceed the maximum number of tables as permitted by Council within the approval (if tables are exceeded, any excess will be deemed as unauthorised and will be required to be removed in accordance with <i>Roads Act 1993</i> (NSW) s 107); (e) Shall supply and maintain all outdoor furniture (incurring all costs required to do so); (f) Not operate outside of the hours permitted by Council in the approval; (g) Observe and comply with the reasonable requirements of the law and Council in respect of such tables, chairs or equipment, or use of the footway; (h) 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; (i) Not prepare or store food on the footway (without prior Council approval); (j) Only operate the footway dining area in conjunction with the adjoining restaurant and shall remove all chattel (objects not fixed to the footway) upon completion of the trading day; (k) Always keep the approved area clean and tidy; (l) Install suitable wheel stops, at their expense, where the footway is located near parking, to inhibit vehicle inadvertently mounting the footpath while entering the car space; (m) Grant statutory authorities access to the approved area whenever required. (n) Provide Council, within 14 days of approval, a current 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 million in respect of the approved area; <p>F7.8. Conditions of Approval – Footway Dining (within the meaning of the <i>Roads Act 1993</i> (NSW)) applicants who permit companion animals (within the meaning of the <i>Companion Animals Act 1998</i> (NSW)) to enter the approved area:</p> <ul style="list-style-type: none"> (a) Must comply with the conditions established in Part 3, Table 5 – F7.7 of this Policy; (b) Must not enclose the approved area; (c) Must ensure all companion animals are always kept on a lease; (d) Must not allow any companion animal to be on a table; (e) May provide food and water to the companion animal so long as it is served on the ground and not with apparatus that is used for human food consumption; and (f) May allow a companion animal to sit on a person's lap. <p>F7.8. Conditions of Approval – Footway Dining (within the meaning of the <i>Roads Act 1993</i> (NSW)) where the approved area is within a Council designated Off-Leash area, applicants:</p> <ul style="list-style-type: none"> (a) Must comply with the conditions established in Part 3, Table 5 – F7.8 of this Policy; (b) Must not allow any companion animal to be on a table; (c) Must ensure that dog owners continue to be responsible for properly controlling their dogs in these off-leash areas; (d) Must ensure companion animal owners are aware that they are responsible for their animals' behaviour and for ensuring that it does not impact the welfare of other people;

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	<ul style="list-style-type: none"> (e) Must inform patrons of the conditions for having companion animals in food consumption areas and should monitor compliance with these requirements or they will risk complaints being made; (f) Must not make any alterations to the approved area or erect any structures including advertising structures, signs and awnings without the prior approval of Council; (g) Must ensure that the use of the approved area shall not give rise to offensive noise as defined in the <i>Noise Control Act 1975</i> (NSW); (h) Must not provide entertainment without prior Council approval; (i) May provide food and water to the companion animal so long as it is served on the ground and not with apparatus that is used for human food consumption; (j) May allow companion animals to be off-leash so long as they are under effective control; and (k) May allow a companion animal to sit on a person's lap. <p>F7.9. Conditions of Approval – Footway Dining (within the meaning of the <i>Roads Act 1993</i> (NSW) may be revoked by Council where:</p> <ul style="list-style-type: none"> (a) The applicant has breached a term or provision of the approval; (b) 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; (c) The approval term has concluded and an application to renew or extend the term has not been made; (d) Legislated provisions change, preventing the approved activity to continue; (e) Any applicant requests revocation; and (f) The adjacent business ceases to be operated by the applicant. <p>F7.10. Conditions of Approval – Footway Dining (within the meaning of the <i>Roads Act 1993</i> (NSW) Notice of Revocation of Approval, Council:</p> <ul style="list-style-type: none"> (a) Must issue the Notice of Revocation in writing and forwarded to the applicant at the nominated address within the application; and (b) Will not be liable for compensation or damages to any person or entity if revocation of the approval occurs.
F8 - (Repealed)	N/A
F9 - (Repealed)	N/A
F10 - Carry out an activity prescribed by the regulations, or an activity of a class or description prescribed by the regulations.	<p>F10.1. Application to be made via the NSW Planning Portal and include all relevant documentation.</p> <p>F10.2. Applications must be accompanied by:</p> <ul style="list-style-type: none"> (c) All applicable fees, charges, and security deposits (as listed in the current Fees and Charges within Council's Operational Plan) have been paid; (d) Details of public risk insurance to indemnify the applicant and Council against claims for damages (if applicable); (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 (if applicable); and (f) Any other matter that Council considers relevant.

References

- *Local Government Act 1993* (NSW) ch 7 pt 1 div 1.
- *Local Government (General) Regulation 2021* (NSW).

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
336/2022	October 18, 2022	Endorsed for Public Exhibition
396/2022	December 20, 2022	Adopted

Appendix A: List of Section 68 Activities (pursuant to the *Local Government Act 1993 (NSW)*)

Part A: Structures or Places of Public Entertainment	A1 - Install a manufactured home, moveable dwelling or associated structure on land.
	A2 - (Repealed)
	A3 - (Repealed)
Part B: Water Supply, Sewerage and Stormwater Drainage Work	B1 - Carry out a water supply work.
	B2 - Draw water from a council water supply or a standpipe or sell water so drawn.
	B3 - Install, alter, disconnect, or remove a meter connected to a service pipe.
	B4 - Carry out sewerage work.
	B5 - Carry out stormwater drainage work.
	B6 - 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.
Part C: Management of Waste	C1 - For fee or reward, transport waste over or under a public place.
	C2 - Place waste in a public place.
	C3 - Place a waste storage container in a public place.
	C4 - Dispose of waste into a sewer of the council.
	C5 - Install, construct, or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.
	C6 - Operate a system of sewerage management (within the meaning of Section 68A)
Part D: Community Land	D1 - Engage in a trade or business
	D2 - Direct or procure a theatrical, musical, or other entertainment for the public.
	D3 - Construct a temporary enclosure for the purpose of entertainment.
	D4 - For fee or reward, play a musical instrument or sing.
	D5 - Set up, operate, or use a loudspeaker or sound amplifying device.
	D6 - Deliver a public address or hold a religious service or public meeting.
Part E: Public Roads	E1 - 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.
	E2 - 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.
	E3 - (Repealed)
Part F: Other Activities	F1 - Operate a public car park.
	F2 - Operate a caravan park or camping ground.
	F3 - Operate a manufactured home estate.
	F4 - Install a domestic oil or solid fuel heating appliance, other than a portable appliance.
	F5 - Install or operate amusement devices.
	F6 - (Repealed)
	F7 - Use a standing vehicle or any article for the purpose of selling any article in a public place.
	F8 - (Repealed)
	F9 - (Repealed)
	F10 - Carry out an activity prescribed by the regulations, or an activity of a class or description prescribed by the regulations.

Appendix B: Narrabri Shire Council Footpath Trading Zones (as per the LEP)

COMMERCIAL USE OF PUBLIC FOOTWAYS

3.1 Commercial use of public footways.

PERFORMANCE REQUIREMENTS

1. Commercial use of a footway shall not unduly impact on adjoining premises.
2. Commercial use of a footway shall not compromise the access or safety of people using the footway nor obstruct access to and from premises.

PERFORMANCE SOLUTIONS COMMENTARY

1. Footway dining should generally occur in front of the associated business premises within the projected side boundaries. Proposals outside this area would need to be accompanied by written agreement of the adjoining owner and proprietor and supported by a management plan.
2. A reduction in the specified clearances would need to be supported by a report from a qualified access consultant.

INTERPRETATION

1. Kerb Zone means a 0.6 metre wide buffer measured from face of kerb to allow for access to and from parked vehicles except where a disabled parking bay, angle parking or a loading zone exists where the setback from the kerb shall be 1.5 metres.
2. Pedestrian Zone means the area that extends from the building line or shopfront of premises for a minimum of 1.8 metres to the road reserve.
3. Trading Zone means the area of the footpath where merchandise, dining, furniture and ancillary items or activities, subject to this policy, may be placed or occur.

