



LOCAL APPROVALS POLICY P2.0105.1

LOCAL APPROVALS POLICY

DIVISION: Planning and Environment

CATEGORY: 1

INTRODUCTION

BACKGROUND

Under Chapter 7 Part 3 of the *Local Government Act 1993* (LG Act), Council may prepare and adopt a local approvals policy. The policy must consist of three parts:

Part 1: Exemptions – Part 1 is to specify the circumstances (if any) in which (if the policy were to be adopted) a person would be exempt from the necessity to obtain a particular approval of the council.

Part 2: Criteria – Part 2 is to specify the criteria (if any) which (if the policy were to be adopted) the council must take into consideration in determining whether to give or refuse an approval of a particular kind.

Part 3: Other matters – Part 3 is to specify other matters relating to approvals.

In some cases, consent may be required under the LG Act and the Roads Act 1993 *and/or Environmental Planning and Assessment Act* (EP&A Act). Where a number of Acts apply, a single approval may be issued provided that each Act has been complied with.

PURPOSE

The purpose of this policy is to:

- To provide an integrated framework for dealing with applications for approval with clear guidelines.
- To apply common and consistent requirements and procedures for the relevant types of approvals.
- To ensure consistency and fairness in the manner that Council deals with applications.
- To make Council's policies and requirements for approvals readily accessible and understandable to the community.

SCOPE

This policy applies to all land within the Camden Local Government Area.

Under section 68 of the LG Act, approval by Council is required for the activities outlined in Table 1.

HOW TO USE THIS POLICY

Legislative requirements for works and activities

This policy deals with the approval requirements for certain works and activities which are regulated by the LG Act as described in Table 1.

Part 1 of the policy is used to determine if the work or activity you wish to carry out is exempt from requiring a LG Act approval. If you cannot meet the exemption criteria, then an approval will be required.

Part 2 of the policy outlines the criteria and lodgment requirements you will need to consider when lodging an application for approval.

Some works and activities may also require approval under other legislation the EP&A Act 1979 and the Roads Act 1993.

When determining whether approval is required, you should refer all applicable legislation.

Exemptions

Local Government Act 1993

Legislative exemptions for certain works or activities are provided under the Local Government (General) Regulation 2005 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings). In addition to these exemptions, this policy also provides additional local exemptions for activities that would otherwise require consent under the LG Act.

Part 1 Table 2 lists both legislative and local exemptions which are grouped together under each type of activity type.

Environmental Planning and Assessment Act 1979

Certain activities or works may also require approval under the EP&A Act. There are numerous policies that provide exemptions from the need to obtain development consent under the EP&A Act, including

- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides exemptions for building works and other activities carried out on private land.
- *State Environmental Planning Policy (Infrastructure) 2007* provides exemptions for works undertaken by public authorities such as the construction of school rooms through to the installation of street furniture, playground equipment, etc.
- *State Environmental Planning Policy — (Affordable Rental Housing) 2009* provides exemptions for works associated with affordable rental housing, such as group homes.
- *Camden Local Environmental Plan 2010* provides exemptions for specified activities that can be carried out without development consent such as community and fundraising events; installation of solid fuel heaters etc.

If the works or activity you wish to carry out is not exempted, then you may require a Development Consent or a Complying Development Certificate. Refer to Council's website or contact Council staff to obtain further information or assistance.

It should be noted that while an activity or works may be exempt from requiring Council approval, the consent of the landowner (in the case of roads and community land – Council) is still required, prior to undertaking the activity or works.

Applications for approval

If the activity or works your proposing to carry out is not eligible for an exemption, you will need to lodge an application for approval under the LG Act.

Part 2 and Table 3 provides information on lodgement requirements and criteria which will need to be addressed as part of your application.

An approval may also be required Roads Act 1993 or EP&A Act, and in some circumstances a single approval may be issued.

For example, some events may require development consent under the EPA Act and an activity approval under the LG Act. The placement of a skip bin requires approval under the LG Act and Roads Act 1993.

For further information refer to Part 2 of the policy or contact Council for assistance.

Table 1

Part A - Structures or places of entertainment

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

Part B - Water supply, sewerage & stormwater drainage work

1. Carry out water supply work
2. Draw water from a council water supply or a standpipe or sell water so drawn
3. Install, alter, disconnect or remove a meter connected to a service pipe
4. Carry out sewerage work
5. Carry out stormwater drainage work
6. Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer.

Part C - Management of waste

1. For fee or reward, transport waste over or under a public place
2. Place waste in a public place
3. Place a waste storage container in a public place
4. Dispose of waste into a sewer of the council
5. Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
6. Operate a system of sewage management (within the meaning of s.68A).

Part D - Community land

1. Engage in a trade or business
2. Direct or procure a theatrical, musical or other entertainment for the public
3. Construct a temporary enclosure for the purpose of entertainment
4. For fee or reward, play a musical instrument or sing
5. Set up, operate or use a loudspeaker or sound amplifying device
6. Deliver a public address or hold a religious service or public meeting.

Part E - Public roads

1. Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
2. Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

Part F - Other activities

1. Operate a public car park
2. Operate a caravan park or camping ground
3. Operate a manufactured home estate
4. Install a domestic oil or solid fuel heating appliance, other than a portable appliance
5. Install or operate amusement devices
7. Use a standing vehicle or any article for the purpose of selling any article in a public place
10. Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.

(NB: Section 68 Parts F 6, 8 & 9 have been repealed)

DEFINITIONS

Activity means a specific action, function or process.

Amusement Device means a device that is high risk plant within the meaning of clause 6 of Schedule 1 to the *Work Health and Safety Act 2011* and includes any other device that is declared by the regulations to be an amusement device for the purposes of this Act.

Approval means an approval under section 68 of the LG Act.

AS/NZS means a standard published by Standards Australia or co-published in conjunction with Standards New Zealand.

Community Land means land identified as community land by a local environmental plan or a resolution of Council for use by the general public: such as a public park.

Council means Camden Council.

EP&A Act means *Environmental Planning & Assessment Act 1979*.

Large Amusement Device means an amusement device that is designed primarily for the use of adolescents and older.

LG Act means *Local Government Act 1993*.

LG Regulation means *Local Government (General) Regulation 2005*.

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

Manufactured home means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling -

- (a) that comprises one or more major sections, and
- (b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the *Road Transport Act 2013* and includes any associated structures that form part of the dwelling.

Moveable dwelling means any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or a manufactured home, or any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.

NCC - BCA means the National Construction Code/Building Code of Australia produced from time to time by the Australian Building Codes Board.

Non-profit Organisation means an organisation that does not operate for the profit, personal gain or other benefit of particular people such as service clubs and some sporting and community organisations.

Obstacle Limitation Surface (OLS) – means the airspace around an airport that must be protected from obstacles.

Outdoor Dining means an outdoor place on Council controlled footpaths, the principal purpose of which is to provide food or beverage for public consumption in association with an adjacent approved food business.

POEO means *Protection of the Environment Operations Act 1997*.

Public land means any land (including a public reserve) vested in or under the control of the council, but does not include--

- (a) a public road, or
- (b) land to which the Crown Land Management Act 2016 applies, or
- (c) a common, or
- (d) a regional park under the National Parks and Wildlife Act 1974.

Relocatable home means a manufactured home, or any other moveable dwelling (whether or not self-contained) that comprises one or more major sections, including any associated structure that forms part of the dwelling, but does not include a tent, caravan or campervan or any moveable dwelling that is a vehicle of a kind that is capable of being registered within the meaning of the *Road Transport Act 2013*.

RMS means Roads and Maritime Services NSW.

Small Amusement Device means an amusement device that is designed primarily for the use of children 12 years of age or younger, and may include a:

- (1) Merry-go-round
- (2) Jumping castle
- (3) Mini ferris wheel
- (4) Battery operated car
- (5) Miniature railway, and
- (6) Mini fire engine.

However, in the case of rotating amusement devices, includes only those devices that have a maximum rotation of 14 revolutions per minute.

SEPP 2008 means State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Temporary structure means a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

WHS Act means *Work Health and Safety Act 2011*.

WHSR means *Work Health and Safety Regulation 2017*.

Zone means any reference to a zone in the Exempt Activity Table has the same meaning as the term used in the current Camden Local Environmental Plan 2010.

Part 1. EXEMPTIONS

1.1 EXEMPTIONS TABLE

Table 2 in this part specifies those activities which may be undertaken without the need to obtain Council approval.

The exemptions are:

1. Legislative Exemptions – exemptions available under the Local Government Regulations; and
2. Local Exemptions – exemptions available under this policy, only in the specified circumstances.

The exemptions table does not however prevent a person applying for approval to carry out an exempted activity specified in this part. It is a condition of an exemption that the person carrying out an activity specified in this part must comply with:

1. The relevant exemption circumstances/requirements listed in the exemption table, and
2. The relevant performance standards prescribed in the **NCC-BCA** or relevant Australian Standard.

The exemption provisions do not apply to buildings or structures proposed to be erected over an existing easement or sewer main, or any approval required under any other legislation.

An exemption from obtaining an approval does not negate the need to obtain consent from the landowner before carrying out an activity. For community land and public roads Council's consent as the landowner must be obtained (unless it is specifically stated that it is not required under that exemption. i.e. placing domestic waste bins in accordance with Exemption C2).

Should any doubt exist as to whether a particular activity requires approval, please contact Council for assistance and prior to work commencing.

If subsequent activities are beyond the exemption criteria shown in Part 1 Table 2, then approval will be required for the further activity. Refer to Part of the policy.

The exemptions in this policy do not apply to consents required under any other legislation, including the *Environmental Planning and Assessment Act 1979*.

Table 2 – Part A: Structures or places of public entertainment

A1 - Installation of caravan, manufactured home or moveable dwelling on land	
The installation of a caravan, manufactured home or moveable dwelling on land is exempt from the need for approval provided that it complies with the following criteria.	
Legislative Exemptions - Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005	
Activity	Criteria
Clause 9	<p>(1) The prior approval of the council is not required for:</p> <p>(a) the installation of a manufactured home on land within a manufactured home estate, so long as:</p> <p style="padding-left: 20px;">(i) it is designed, constructed and installed in accordance with the relevant requirements of Division 4, and</p> <p style="padding-left: 20px;">(ii) it is not occupied by any person until a certificate of completion has been issued for it, or</p> <p>(b) the installation of an associated structure on land within a manufactured home estate, so long as it is designed, constructed and installed in accordance with the relevant requirements of Division 4.</p> <p>(2) An exemption provided for by this clause applies in respect of the installation of a manufactured home only if such installation is carried out by or with the consent of the holder of the approval to operate the manufactured home estate concerned.</p> <p>(3) An exemption provided for by this clause does not apply to the installation of a manufactured home on flood liable land if the council has notified in writing the holder of the approval to operate the manufactured home estate concerned, before that installation, that the land is flood liable land.</p> <p>(4) An exemption provided for by this clause does not apply to the installation of manufactured homes, or associated structures, of more than one storey in height.</p>
Clause 74	<p>(1) The prior approval of the council is not required for the installation of a relocatable home or associated structure on a dwelling site within a caravan park, so long as it is designed, constructed and installed in accordance with the relevant requirements of Division 4.</p> <p>(2) The prior approval of the council is not required for the installation of a caravan, tent or annexe on a dwelling site within a caravan park, so long as it is designed, constructed and installed in accordance with the relevant requirements of Division 5.</p> <p>(3) The prior approval of the council is not required for the installation of a tent on a camp site within a camping ground.</p> <p>(4) The prior approval of the council is not required for the installation of a campervan:</p> <p style="padding-left: 20px;">(a) on a dwelling site within a caravan park, or</p> <p style="padding-left: 20px;">(b) on a camp site within a camping ground.</p> <p>(4A) The prior approval of the council is not required for the installation of a moveable dwelling or associated structure on a dwelling site within a caravan park or a camp site within a camping ground if:</p> <p style="padding-left: 20px;">(a) the owner, manager, operator or caretaker of the caravan park or camping ground authorises the installation because the owner, manager, operator or caretaker is reasonably satisfied that the installation of the moveable dwelling or associated structure is necessary for the purposes of accommodating a person who has been displaced because of a bush fire, and</p> <p style="padding-left: 20px;">(b) the moveable dwelling or associated structure is designed, constructed and installed in accordance with the relevant requirements of Division 4 or 5.</p>

	<p>(5) An exemption provided for by this clause applies in respect of the installation of a relocatable home, annexe, associated structure, caravan, campervan or tent only if such installation is carried out by or with the consent of the holder of the approval to operate the caravan park or camping ground concerned.</p> <p>(6) An exemption provided for by this clause does not apply to the installation of a relocatable home, rigid annexe or associated structure on flood liable land if the council has notified in writing the holder of the approval to operate the caravan park or camping ground concerned, before that installation, that the land is flood-labile land.</p> <p>(7) An exemption provided for by this clause does not apply to the installation of a relocatable home, rigid annexe or associated structure of more than one storey in height on any land within a caravan park or camping ground.</p>
Clause 77	<p>The prior approval of the council is not required for:</p> <p>(a) 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>(b) 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>(c) 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>(d) the installation of any moveable dwelling and associated structure on land for the purposes of accommodating a person who has been displaced because of a bush fire, but only if the moveable dwelling or associated structure is maintained in a healthy and safe condition and removed within 2 years after it is installed.</p>
Clause 78	<p>The prior approval of the council is not required for the 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>.</p>

Table 2 - Part B: Water supply, sewerage and stormwater drainage works

B5 - Stormwater work (s.68 LG Act, Part B, Item5)	
Local Exemptions	
Activity	Criteria
Stormwater Drainage	<p>The prior approval of the council is not required where:</p> <p>(i) Drainage work is associated with an approval granted under the <i>Environment Planning & Assessment Act 1979</i>, and;</p> <p>(ii) The drainage work does not interfere with any on-site sewage management system or related effluent application area, and;</p> <p>(iii) The drainage work complies with AS/NZS 3500.3 - <i>Stormwater Drainage</i>, and;</p> <p>(iv) Prior approval is obtained under the <i>Roads Act 1993</i> for any connection to a public road or within the road reserve.</p>

Table 2 – Part C: Management of Waste

C1 – Transport Waste	
Legislative Exemptions - Local Government (General) Regulation 2005	
Clause 48(a)	<p>The transporting of waste over or under a public place for fee or reward can be carried out without the prior approval of Council if:</p> <ul style="list-style-type: none"> (i) The activity is licensed under the Protection of the Environment Operations Act 1997, or (ii) The activity is being carried out in the Sydney metropolitan area as defined in Part 3 of Schedule 1 of the Act, or (iii) The waste is being transported through the area of the Council and is not being collected or deposited in that area.
C2 – Place waste in a public place	
Legislative Exemptions - Local Government (General) Regulation 2005	
Clause 48(b)	<p>The placing of waste in a public place can be carried out without the prior approval of Council if it is done in accordance with arrangements instituted by the council. <i>(NB Council's consent as landowner is not required for this activity)</i></p>
C3 – Place waste storage container in a public place	
Local Exemptions	
Charity Clothing Bins	<p>Charity Clothing bins must not be located on Public land except at the following locations which have existing Council approved Charity Clothing Bins. No further approvals will be granted.</p> <ul style="list-style-type: none"> • Larkin Place Car Park, Camden • Mitchell Street Car Park, Camden • John Street / Murray Street Car Park, Camden • Flinders Avenue Car Park, Camden South • Catherine Field Hall Car Park, Catherine Field, and • Nott Oval Car Park, Narellan. <p>Clothing Bin operators are responsible to ensure the bins are regularly cleared, maintained and the surrounding area is maintained in a neat and tidy manner. Council reserves the right to remove or relocate any charity clothing bin that has been placed on public land.</p>
C5 - Install, construct or alter a waste treatment device	
Clause 48(e)	<p>The installation, construction or alteration of a waste treatment device can be carried out without the prior approval of Council if that installation, construction or alteration is done:</p> <ul style="list-style-type: none"> (i) Under the authority of a license in force under the <i>Protection of the Environment Operations Act 1997</i>. (ii) In a vessel used for navigation. (iii) In a motor vehicle registered under the <i>Road Transport (Vehicle Registration) Act 1997</i> that is used primarily for road transport.

C6 - Operate a system of sewage management

Legislative Exemptions - <i>Local Government (General) Regulation 2005</i>	
Clause 47	<p>Temporary exemption for purchaser of land:</p> <p>(i) Despite the other provisions of this Regulation, a person who purchases (or otherwise acquires) land on which any sewage management facilities are installed or constructed may operate a system of sewage 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 sewage management on that land).</p> <p>(ii) Further, if the person duly applies, within the period of 2 months after the date on which the land is transferred or otherwise conveyed to the person, for approval to operate the system of sewage management concerned, the person may continue to operate that system of sewage management without approval until the application is finally</p>
Clause 48(f)	<p>So much of the operation of a system of sewage management can be carried out without the prior approval of Council as is limited to an action carried out:</p> <p>(i) under the authority of a license in force under the Protection of the Environment Operations Act 1997, or</p> <p>(ii) in a vessel used for navigation, or</p> <p>(iii) in a motor vehicle that is registered within the meaning of the Road Transport Act 2013 and is used primarily for road transport.</p>

Table 2 – Part D: Community Land

D1 – Engage in a trade or business

Local Exemptions	
Activity	Criteria
Street stalls (excluding sale of food)	<p>The prior approval of the council is not required for street stalls which meet the following criteria:</p> <ul style="list-style-type: none"> The street stall must be pre-booked with Camden Council. A maximum of 12 bookings per calendar year will apply to any one organisation. <i>NB Completing a street stall booking satisfies landowner (Council) consent requirement for the activity.</i> Only community groups that utilise funds raised from street stalls for community or charitable purposes be allowed to conduct a street stall. (A not for profit certificate may be required upon booking). The applicant must indemnify Council against all claims of public liability and shall maintain a public liability insurance policy, with a minimum insured value of \$10,000,000. (copy of policy must be provided with the booking). Any goods or structures used in conjunction with the display or sale of goods must stay within the designated area. The front entrance of any shop or walkway is to remain unobstructed at all times. A clear distance of at least two metres in width is to be maintained between any goods displayed and the kerb line at all times so as not to interfere with pedestrian traffic. No structure used for the display of goods shall be fixed to the footpath and all structures/goods displayed on the footpath must be removed upon close of trading. Footpaths and surrounding areas are to be kept clean and tidy at all times.

	<ul style="list-style-type: none"> • Appropriate identification of the organisation operating the stall shall be displayed on the street stall for the public to view. This may be the name or logo of the organisation. • The street stall must be in one of the following approved locations: <ul style="list-style-type: none"> (i) Outside Blooms Pharmacy – 148 Argyle Street, Camden (ii) Outside National Bank Corner -125-127 Argyle Street, Camden
Other stalls/temporary trading (excluding sale of food)	<p>The prior approval of Council is not required for temporary stalls or trading which meet the following criteria:</p> <ul style="list-style-type: none"> • Stalls, displays & temporary trading which are associated with, or part of an event approved by Council or conducted in accordance with this policy with (excluding the sale of food).

D2 - Direct or procure a theatrical, musical or other entertainment for the public

Local Exemptions

Activity	Criteria
Community and fundraising events on community land	<p>Prior approval of Council is not required for community and fundraising events that meet the following criteria:</p> <ul style="list-style-type: none"> • Must take place with Council's prior written consent as the landowner; <ul style="list-style-type: none"> (a) on a public road, or (b) on public land owned by, or under the control of, the Council. • Must not take place on more than one period, of not more than two consecutive days, in a calendar year. • Must not start before 7am, unless the event is, or relates to, a dawn service on Anzac Day. • Must finish no later than 10pm. • If located on bushfire-prone land: <ul style="list-style-type: none"> (a) a bushfire emergency management and evacuation plan must be prepared for the event that complies with the NSW Rural Fire Service Guidelines and addresses the need for appropriate bushfire protection measures; and (b) a copy of the bushfire emergency management and evacuation plan mentioned in paragraph (a) must be given to the local fire services and the Council. • Must not be held on a day with an extreme or catastrophic bushfire danger rating in the local area. • Must not involve camping on the road or land. • Must allow and maintain access and egress for pedestrians and emergency vehicles. • Must not include the erection of a permanent structure on the road or land. • Must not involve the clearing or disturbance of vegetation on the road or land. • The party undertaking the activity must submit to Council a cover letter outlining the details of the activity and a current public liability insurance policy, with a minimum insured value of \$20,000,000 that covers the activities involved and the context in which they will be undertaken. <p>NB This includes any stall, display or temporary trading which is associated with or part of the event, excluding the sale of food which requires the prior approval of Council.</p>

D3 - Construct a temporary enclosure for the purpose of entertainment

Local Exemptions

Activity	Criteria
Temporary Enclosures for Entertainment	<ul style="list-style-type: none"> • Prior approval of Council is not required for a temporary enclosure for entertainment purposes which has a development consent or forms part of an event that has a development consent, or the structure is exempt development under SEPP 2008; and • The prior consent of the landowner is obtained prior to erecting the structure.

D4 - For fee or reward, play a musical instrument or sing

Local Exemptions

Activity	Criteria
Busking / street theatre and pavement art	<p>Prior approval of Council is not required for busking, street theatre or pavement art activities which meet the following criteria:</p> <ul style="list-style-type: none"> • Busking activities must comply with Camden Council's Busking Policy & Procedure. • Busking activities are only permitted at approved designated locations and with a busking permit issued by Council. • The activity must not obstruct or hinder pedestrians or vehicles nor create any nuisance. • No offensive noise as defined under POEO. • Pavement art is permitted on land where Camden Council is the landowner. • Material used for pavement art is to be removable by water, be non-toxic and is not to leave any residue or create a water pollution incident, as defined by POEO. • The surface for any pavement art is to be a non-porous material, such as bitumen or concrete. • Any proposed material to be used in carrying out pavement art (whether wet or dry) must not be slippery or cause a public hazard, nuisance or offence. • Performers/artists are not to solicit funds or undertake the act of asking, seeking or requesting money or goods from members of the public. • Performers/artists are not to use amplified music unless otherwise approved by Council.

D5 - Use of a loudspeaker or amplifying device on community land

Legislative Exemptions - *Local Government (General) Regulation 2005*

Clause 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. Refer to criteria outlined in Part 1: Local Exemptions.
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Local Exemptions

Activity	Criteria
Loudspeakers or Amplifying Devices	A loudspeaker or sound amplifying device may be set up, operated or used on community land without the prior approval of the council if the use is associated with a current development consent, license or existing use rights for either land use or activity. NB <i>Protection of Environment Operations Act 1997</i> regulatory and compliance provisions must be observed.

D6 - Deliver a public address or hold a religious service or public meeting**Local Exemptions**

Activity	Criteria
A public address, Religious service or public meeting	A public address, Religious service or public meeting may occur without the prior approval of Council if the use is associated with current development consent, or existing use rights for either land use or activity. NB <i>Protection of Environment Operations Act 1997</i> regulatory and compliance provisions must be observed.

Table 2 – Part E: Public Roads**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****Local Exemptions**

Activity	Criteria
Variable message boards/signage	Variable message board/signage is only permitted for traffic management purposes and in conjunction with a traffic management plan or event approved by Council, emergency (such as flood or fire), or as otherwise required by a State or Local Authority.

Table 2 – Part F: Other Activities**F1 - Operate a public car park.****Legislative Exemptions - Local Government (General) Regulation 2005**

Clause 66	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.
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F4 – Install a domestic oil or solid fuel heating appliance, other than a portable appliance**Legislative Exemptions - Local Government (General) Regulation 2005**

Clause 70	A domestic oil or solid fuel heating appliance (other than a portable appliance) may be installed without the prior approval of the council if details of the appliance are included in plans and specifications for the relevant building approved under Part 4A of the <i>Environmental Planning and Assessment Act 1979</i> .
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Local Exemptions

Activity	Criteria
As per F4	<p>Prior approval of Council is not required for oil or solid fuel heating appliances which comply with the following criteria:</p> <ul style="list-style-type: none"> • May only be installed in a single detached dwelling that is not a heritage item or located in a heritage conservation area. • Must be installed by a person licensed by NSW Fair Trading to install domestic solid fuel heaters.

	<ul style="list-style-type: none"> • Must have a particulate emission factor of 0.8 gram per kilogram or less as determined by AS/NZS 4013:2014, Domestic solid fuel burning appliances—Method for determination of flue gas emission. • Must have an efficiency rating of 60% or greater as determined by AS/NZS 4013:2014, Domestic solid fuel burning appliances—Method for determination of flue gas emission. • Must have a conformance plate or certificate of compliance that details the information required in Section 10 – Marking of AS/NZS 4013:2014, Domestic solid fuel burning appliances—Method for determination of flue gas emission. • Must be installed in accordance with the NCC-BCA - Part 3.10.7. • Must be installed in accordance with AS/NZS 2918:2018, Domestic solid fuel burning appliances—Installation. • The top of the flue must be at least 1m above any structure that is within a 15m radius.
F5 – Install or operate amusement devices	
Legislative Exemptions - Local Government (General) Regulation 2005	
Clause 71	Amusement Devices not required to be registered under the <i>NSW Occupation Health and Safety Regulation (2001)</i> may be installed or operated without the prior approval of the council.
Clause 75	<p>A small Amusement Device may be installed or operated without the prior approval of Council if:</p> <ul style="list-style-type: none"> • 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 • The device is registered under the <i>NSW Occupation Health and Safety Regulation (2001)</i>, and • The device is erected and is to be operated in accordance with all conditions relating to its erection or operation set out in the current certificate of registration issued for the device under that Regulation, and • There exists for the device a current log book within the meaning of that Regulation, and • In the case of a device that is to be or is installed in a building, fire egress is not obstructed, and • There is in force a contract of insurance or indemnity for the device that complies with Clause 74 (see below).
Clause 74	It is a condition of an approval to install or operate an amusement device that there must be in force a contract of insurance or indemnity that indemnifies to an unlimited extent (or up to an amount of not less than \$10,000,000 in respect of each accident) each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability.

F10 - Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations

Legislative Exemptions - Local Government (General) Regulation 2005

Activity	Criteria
Clause 75A(2)	<p>Domestic greywater diversion may be carried out without the prior approval of the Council if:</p> <ul style="list-style-type: none"> (a) it is carried out in accordance with the Plumbing Code of Australia, and (b) a sewage management facility is not installed on the premises concerned, and (c) the following performance standards are achieved-- <ul style="list-style-type: none"> (i) the prevention of the spread of disease by micro-organisms, (ii) the prevention of the spread of foul odours, (iii) the prevention of contamination of water, (iv) the prevention of degradation of soil and vegetation, (v) the discouragement of insects and vermin, (vi) 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, (vii) the minimisation of any adverse impacts on the amenity of the premises concerned and surrounding lands.

Part 2. CRITERIA

Part 2 of this Policy focuses on the considerations and criteria applied by Council in determining whether to give or refuse an approval of a particular kind of activity under section 68 of the *LG Act* or where required under sections 125, 138 or 139A of the *Roads Act 1993*.

In order to achieve the objectives of this Policy, in terms of creating an environment which provides for activities which do not adversely impact on the amenity of residents and visitors, the following requirements outlined in section 89 of the *LG Act* will be taken into consideration in the assessment of all applications.

In determining an application, Council must:

- 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, and
- Take into consideration any relevant criteria in a policy adopted by Council, and
- Take into consideration the principles of ecologically sustainable development.

If no requirements are prescribed and no criteria are adopted, Council in determining an application is to:

- Take into consideration all matters relevant to the application, and
- Seek to give effect to the applicant's objectives to the extent to which they are compatible with the public interest.

In considering the public interest the matters Council is to consider include:

- Protection of the environment, and
- Protection of public health, safety and convenience, and
- Any items of cultural and heritage significance which might be affected.

The LG Regulation and the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* also prescribe a number of matters that must be considered by Council when dealing with an application.

Legislative considerations and criteria have been paraphrased within this Part. Reference should be made to relevant Regulations for specific details.

Local considerations and criteria have also been referenced in this part and Table 3 for the corresponding activities.

Table 3 – Part A: Structures or places of public entertainment

A1 - Installation of caravan, manufactured home or moveable dwelling on land	
Council will consider the following criteria when assessing an application to the installation of a caravan, manufactured home or moveable dwelling on land.	
Legislative Criteria - Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005	
Part 2 Part 3	<p>Council will evaluate applications for:</p> <ul style="list-style-type: none"> • manufactured home estates; • manufactured homes and associated structures; • relocatable homes and associated structures; and • caravans, tents and annexes, <p>in accordance with the provisions outlined in the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>.</p> <p>In the case of a caravan that is situated on flood liable land, the wheels, axles and draw bar of the caravan must not be removed, but must be maintained in proper working order.</p>

Table 3 - Part B: Water supply, sewerage and stormwater drainage works

B5 - Storm water work (s.68 of the LG Act, Part B, Item 5)	
Legislative Criteria - Local Government (General) Regulation 2005	
Clause 15	<p>In determining an application for an approval, Council must have regard to the following considerations:</p> <ol 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; and e) any other matter that it considers to be relevant in the circumstances. <p>Part 2 of Schedule 1 of the <i>Local Government (General) Regulation 2005</i> specifies mandatory standards for storm water drainage work, including that such works must comply with the <i>Plumbing Code of Australia</i>.</p>

Table 3 - Part C: Management of Waste

C2 – Place waste in a public place	
Legislative Criteria - Local Government (General) Regulation 2005	
Clause 27	<p>In determining an application for approval to place on a road a building waste storage container, 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 Council from time to time by Service NSW.</p>

Local Criteria	
Skip/Waste Bins	<p>Prior to placing a skip bin on Council land, such as nature strips, and road related areas, you must obtain a Road Occupancy Permit from Council. Obtaining this permit satisfies the approval requirements of the LG Act and the <i>Roads Act 1993</i>.</p> <p>In determining an application for approval for an event the following criteria will be considered:</p> <ul style="list-style-type: none"> • Skip bins will only be permitted on the road or public land, where there is no option for the bin to be stored on private land. • Skip bins cannot be placed on the road where motor vehicles are prohibited from parking or stopping as set out in the <i>Road Rules 2014</i>. • No skip bin may be stored, placed or otherwise permitted to stand on any footpath/roadway that does not allow for minimum required pedestrian access or vehicle access as determined by Council. • No skip bin is permitted in locations that obstruct vehicular traffic entering or leaving premises. • Skip bins must be covered to prevent displacement of waste materials. • Skip bins are not permitted in locations that interfere with the sight lines of, or visibility to, drivers/vehicles, cyclists or pedestrians entering or leaving premises. • No skip bins will be permitted in locations, which may create risk or injury to persons. • No skip bins will be permitted in locations which obstruct access to utility services or other devices which may require 24-hour servicing.
Clothing /Collection Bins	<p>Charity clothing bins will not be approved on public land. The placement of a Charity collection bin on private land must comply with the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> or have the prior development consent from Council.</p>
C5 - Install, construct or alter a waste treatment device	
Legislative Criteria - Local Government (General) Regulation 2005	
Clause 29	<p>In determining an application for approval to install, construct or alter a sewage management facility, the Council must take into consideration the matters listed in Clause 29 of <i>Local Government (General) Regulation 2005</i>.</p>
Local Criteria	
Installations	<p>In determining an application for an approval to install, construct or alter a waste treatment device, applications will be assessed in accordance with Council's On-Site Sewage Management Policy. Please refer to the Policy for more information about matters Council will consider when determining applications.</p>

C6 - Operate a system of sewage management	
Legislative Criteria - Local Government (General) Regulation 2005	
Clause 43/44	In determining an application for an approval to operate a system of sewage management the Council will consider the matters in Clause 33 & 34 of <i>Local Government (General) Regulation 2005</i> . Note: These matters are also considered on applications for the installation of a greywater treatment device. Devices must however be accredited by NSW Health.
Local Criteria	
Operation of On-Site Sewage Management systems	In determining an application for an approval to operate a system of sewage management, applications will be assessed in accordance with Council's On-Site Sewage Management Policy.

Table 3 - Part D: Community Land

Local Criteria	
D2 - Direct or procure a theatrical, musical or other entertainment for the public	
Events with Entertainment	In determining an application for approval for an event the following criteria will be considered: <ul style="list-style-type: none"> • Council's Special Events Lodgement Checklist is to be completed and provided for all applications for Events. • Vehicles will not be permitted in parks / reserves unless prior arrangement and approval has been obtained. • The applicant shall maintain a public liability insurance policy with a minimum insured value of \$20,000,000. • Circuses must not involve performances using exotic animals. • Adequate provision must be made for the parking of attendees' vehicles. A parking management plan may be required to be submitted as part of the application. • Adequate sanitary facilities must be provided in a convenient location to the venue and appropriate to cater for the patron numbers attending the event, which may include the provision of portable toilets and hand basins. As a guide refer to the planning manual "Safe and Healthy Mass Gatherings" prepared by Emergency Management Australia (EMA) 1999. At least one accessible unisex sanitary compartment must be provided. • Adequate waste and recycling facilities must be provided in a convenient location to the venue and appropriate to cater for the patron numbers attending the event. • Approval for mobile food vending vehicles and temporary food stalls is required in accordance with Council's Temporary Food Stall and Mobile Food Vehicle Policy. Refer to Part F7 of this table.

D3 - Construct a temporary enclosure for the purpose of entertainment

<p>Temporary Enclosures for the Purpose of Entertainment</p>	<p>In determining an application for approval, the following criteria will be considered:</p> <ul style="list-style-type: none"> • Marquees and seating structures must be structurally adequate and incorporate adequate provision for the safety of persons in the event of fire. The fire protection and structural capacity of the structure will be appropriate to the proposed use of the structure. <p>Note: Engineering specifications/certificates may be required for the structure and seating structures.</p> <ul style="list-style-type: none"> • For guidance in the design, construction and use of temporary structures when planning for an event, please refer to “ABCB Temporary Structures Standard 2015”. • A temporary structure that is used as an entertainment venue, must comply with Part B1 and NSW Part H102 of the National Construction Code - Volume One of the Building Code of Australia in accordance with CI 98 of the Environmental Planning and Assessment Regulation 2000. • The ground or other surface on which the structure is to be erected will be sufficiently firm and level to sustain the structure while in use. • A stage or platform must resist loads determined in accordance with the following Australian and New Zealand Standards AS/NZS 1170.0:2002, AS/NZS 1170.1:2002 AS/NZS 1170.2:2011. • Applications for Temporary Structures must include the following information: <ul style="list-style-type: none"> (c) a site plan of the land, (d) documentation that specifies the live and dead loads the temporary structure is designed to meet, (e) a list of any proposed fire safety measures to be provided in connection with the use of the temporary structure, (f) in the case of a temporary structure proposed to be used as an entertainment venue—a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the Building Code of Australia are to be complied with (if an alternative solution, to meet the performance requirements, is to be used), (g) documentation describing any accredited building product or system sought to be relied on for the purposes of section 4.15 (4) of the Act, (h) copies of any compliance certificates to be relied on, (i) a statement that specifies the maximum number of persons proposed to occupy, at any one time, that part of the building to which the use applies. <p>Note: Development consent may also be required prior to the use of the land or erection of any structure. SEPP2008 permits certain temporary uses and structures without the need to obtain development consent.</p>
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D5 - Set up, operate or use a loudspeaker or sound amplifying device

<p>Loudspeakers, Amplified Announcements etc.</p>	<p>In determining an application for approval for loudspeakers & amplified announcements, the following criteria will be considered:</p> <ul style="list-style-type: none"> • Loudspeakers and amplified announcements with only be permitted for major events such as fairs / festivals or sports events that have the approval of the Council (unless exempted under this policy). • Must not create a nuisance or cause offensive noise, as defined under POEO. • Hours of operation may be imposed.
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Table 3 - Part E: Public Roads

Legislative Criteria - Local Government (General) Regulation 2005	
Clause 50	In determining an application for an approval under Part E of the Table to s.68 of the Act, Council must take into account the provisions of the Roads Act 1993 and any relevant standards and policies of public authorities applying to the use of the road.
Local Criteria	
E1 - Swing, project or hoist goods across or over any part of a public road or footway	
Local Criteria	
Tower & Fixed Cranes	<p>In determining an application for approval, the following criteria will be considered:</p> <ul style="list-style-type: none"> • Tower Cranes must be certified by a Chartered Structural Engineer once erected and prior to operation. • Approvals will be issued by Council in accordance with section 68 of the Local Government Act 1993 (an activity under category E (2) of the table to that section) and section 115 of the Roads Act 1993. • No part of the crane structure is to be erected on public land. • Tower cranes shall not compromise the existing street activities, through maintaining adequate clearances. • The layout, including boom and slewing radius of the tower crane shall be incorporated into the Pedestrian and Traffic Management. • The OLS for Camden/Western Sydney airport must be considered and approval may be required from the relevant Commonwealth body. • Council's infrastructure and assets must not be interfered with or damaged during the construction or operating of structure & hoardings. • Hydrants, utility services and sewer manholes are not to obstruct the services and infrastructure to ensure ongoing access. • Property is surrounded by adequate protection against the risk of falling objects, and constructions of hoardings may be required. <p>NB: Tower cranes (including the overhang, hoisting or slew) located or moving wholly within the confines of private property, are not obligated to obtain an approval from Council however construction sites must comply with relevant parts of this policy, Safe Work, Code of Practice 1995 for Overhead Protective Structures and the Work Health and Safety Act 2011 to ensure public safety and access is maintained.</p>
Mobile Cranes	<p>In determining an application for approval for an event, the following criteria will be considered:</p> <ul style="list-style-type: none"> • The approval of undertaking activities within the road reserve such as hoisting and pumping concrete is regulated through the Local Government Act 1993 and the Road Act 1993 including associated Regulations. The approval for such activities shall be made via application for a Road Occupancy Permit. • A permit is required to wholly or partially occupy a footpath or road for works for the following: <ul style="list-style-type: none"> (j) to place, leave a machine standing or use a crane including any overhanging or encroachment of a crane's jib or stabilising legs, travel tower, boom, hydraulic arm, lift, tackles, hoisting devices or other machine or any building works. (k) to place or store any construction materials or tools, machinery, plant or equipment, site sheds, delivery of materials and the running of concrete delivery pipelines, chutes etc.

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

Hoardings	<p>In determining an application for approval, the following criteria will be considered:</p> <ul style="list-style-type: none"> • Hoardings shall be designed in accordance with AS4687-2007, ABCB Standard Temporary Structures, and Safe Work NSW Code of Practice – Overhead Protective Structures. • The type of hoarding required to be erected will be depicted by the locality, being either within a low risk or high risk zone, and nature of the proposed construction work. • Council's infrastructure and assets must not be interfered with or damaged during the construction or operating of structure & hoardings. • Hydrants, utility services and sewer manholes are not to obstruct the services and infrastructure to ensure ongoing access. • Pedestrian access, and adequate vertical and horizontal clearances must be demonstrated by site specific plans and sections. • Hoardings must also be certified by a Chartered Structural Engineer once erected and prior to operation of any overhead activity.
Outdoor Dining	<p>In determining an application for approval, the following criteria will be considered:</p> <ul style="list-style-type: none"> • Applications for Outdoor Dining will be assessed in accordance with Council's Outdoor Dining Policy. • Outdoor dining activities must not be contrary to any Development Consent for the premises and may trigger the requirement to modify or seek a new Development Consent for the premises.
Signs and Banners	<p>In determining an application for approval for a sign or banner, applications will be assessed in accordance with Council's Signs and Banners Policy.</p> <p>NB: Only community and non-profit organisations may apply to Council for the display of a banner to advertise a local community event.</p>

Table 3 - Part F: Other activities

F1 - Operate public car park

Legislative Criteria - Local Government (General) Regulation 2005	
Clause 53	<p>In determining an application for approval to operate a public car park, Council is to take the following matters into consideration:</p> <ul style="list-style-type: none"> • Service NSW views about the application, • the effect of the car park on the movement of vehicular traffic and pedestrian traffic, • 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, • whether the means of ingress and egress and means of movement provided or to be provided within the car park are satisfactory, • whether there will be adequate provision for pedestrian safety and access for people with disabilities, • whether the internal design of parking facilities and system of traffic management are satisfactory,

	<ul style="list-style-type: none"> • whether, in the case of a car park that is a building, adequate ventilation is provided or to be provided, • the Work Health and Safety Act, 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, • whether there will be adequate provision for the management of storm water and the minimisation of storm water pollution.
F2 – Operate a caravan park or camping ground	
Legislative Criteria - Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005	
Clause 71	<p>In determining an application for approval to operate Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings), Council is to take the following matters into consideration:</p> <ul style="list-style-type: none"> • Council must not grant an approval to operate a caravan park or camping ground unless it is satisfied that it will be designed, constructed, maintained and operated: <ul style="list-style-type: none"> (l) in accordance with the relevant requirements of Subdivisions 1–8 of Division 3, or (m) in the case of a primitive camping ground, in accordance with the relevant requirements of Subdivision 9 of Division 3. • In deciding whether or not the approval for a caravan park or camping ground should allow the installation of a relocatable home, rigid annexe or associated structure on flood liable land, Council must have regard to the principles contained in the Floodplain Development Manual.
F3 – Operate a manufactured home estate	
Clause 6	<p>Council must not grant an approval to operate a manufactured home estate unless it is satisfied that the manufactured home estate will be designed, constructed, maintained and operated in accordance with the relevant requirements of Division 3.</p> <ul style="list-style-type: none"> • In deciding whether or not the approval for the manufactured home estate should allow the installation of a manufactured home on flood liable land, Council must have regard to the principles contained in the Floodplain Development Manual. • In addition to any other matters it must contain, an approval to operate a manufactured home estate must specify, by reference to a plan, the number, size and location of the dwelling sites allowed by the approval. • An approval to operate a manufactured home estate is subject to the condition that the manufactured home estate is designed, constructed, maintained and operated in accordance with the requirements of Division 3.
F4 - Install a domestic oil or solid fuel heating appliance, other than a portable appliance.	
Legislative Criteria - Local Government (General) Regulation 2005	
Clause 69	<p>Council must not grant an application for an approval to install a domestic oil or solid fuel heating appliance (other than a portable appliance) unless it is satisfied that the activity as proposed to be carried out will comply with any applicable standards established by this Regulation or by or under the Act.</p>

F5 – Install or operate amusement devices

Legislative Criteria - Local Government (General) Regulation 2005	
Clause 72	<p>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 WHS Act 2011, and c) that the device is to be or has been erected in accordance with all conditions (if any) relating to its erection set out in the current certificate of registration issued for the device under that Regulation, and d) that there exists for the device a current log book within the meaning of Chapter 5 of that Regulation, and e) that there is in force a contract of insurance or indemnity for the device that complies with Clause 74.
Clause 74	<p>It is a condition of an approval to install or operate an amusement device that there must be in force a contract of insurance or indemnity that indemnifies to an unlimited extent (or up to an amount of not less than \$20,000,000 in respect of each accident) each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability.</p>
F7 – Use a standing vehicle or any article for the purpose of selling any article in a public place	
Local Criteria	
Mobile Food Vending Vehicles and Temporary Food Stalls	<p>In determining an application for approval for mobile food vending vehicles and temporary food stalls, applications will be assessed in accordance with Council’s Temporary Food Stall and Mobile Food Vehicle Policy.</p>

Part 3. OTHER MATTERS

3.1 Lodgement and assessment of an application

Most applications or bookings have a specific form and/ or guide designed to assist in the lodgement of the application. Depending on the type of work or activity, fees may apply and where these are required they must be paid at the time of lodgement. Application may be sought

An application may be rejected within seven days of receipt if it is not clear as to the approval sought or the application is not easily legible. Fees, if applicable, are refunded.

In assessing the more complex applications, additional information may be needed. Where this is the case, Council will contact the applicant within 21 days of receipt of an application.

Some works/activities may require approval under the Local Government Act 1993 and the Roads Act 1993 or EPA Act 1979. Where possible, one application will be required and one approval issued.

Applications can be amended by the applicant prior to determination provided that the variation is minor.

3.2 Standard conditions

The LG Regulation prescribes standard conditions for activity approvals involving public entertainment, sewage and stormwater drainage.

The standard conditions prescribed by the LG Regulation have not been reproduced within this document. Copies of the regulations are freely available at www.legislation.nsw.gov.au.

NB: Specific localised conditions will also be imposed as required.

3.3 Refund of fees

In certain circumstances, where an application under this policy is not fully processed by Council, an applicant may be eligible for the refund of fees. Refund requests must be made by the applicant in writing.

3.4 When does an approval or exemption lapse?

An approval under section 68 of the LG Act or section 92 of the EP&A Act lapses five years after the date from which the approval operates, unless:

1. The approval states otherwise, or
2. The activity has been physically substantially commenced within the meaning of the applicable Act.

3.5 Extensions

An extension of an approval may be granted if:

1. A request is received by Council in writing prior to the date on which the approval would have lapsed, and
2. Council determines that the approval should be extended.

3.6 Exemptions

Any exemption under this policy, or applicable regulations, has no effect unless all the specified conditions of the exemption are met. Any breach of the conditions means that the exemption provisions no longer apply to the activity or activities involved.

Exemption provisions within this policy cease to have effect once the policy lapses.

3.7 Revoking an Approval

An approval may be revoked or modified for failure to comply with a requirement made under the Act relating to the subject of the approval or for any failure to comply with a condition of the approval.

3.8 Determination

Once determined, a notice will be issued advising whether the application has been approved with conditions or refused.

The period of approval will vary depending on the type of activity or work undertaken. If works have not commenced or where the activity is not held during the nominated time, then the approval may lapse.

In such cases, and depending on the circumstances, an applicant can seek to lodge a new application or alternatively request to modify / extend an existing application prior to lapsing of that approval.

A determination can be reviewed under s.100 of the LG Act. A request to review must justify the reasons for review and be made in writing within 28 days of Council's determination. Fees apply. The determination of a review is final.

3.9 Enforcement action

An approval may be revoked or modified in any of the following circumstances:

- a) if the approval was obtained by fraud, misrepresentation or concealment of facts,
- b) for any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused the council not to have granted the approval (or not to have granted it in the same terms),
- c) for any failure to comply with a requirement made by or under LG Act relating to the subject of the approval,
- d) for any failure to comply with a condition of the approval.

Notes

- Reference should be made to Council's Compliance and Enforcement Policy for details on enforcement processes and actions.
- Approvals/consents may be required for certain other activities under the provision of separate legislation, particularly in regard to the erection of other buildings which is controlled by the provisions of the EP&A Act.
- Any applications involving the preparation of food, the operation of a temporary food premise must comply with the Food Act 2003 and Regulations.

* * *

RELEVANT LEGISLATIVE INSTRUMENTS:

Food Act 2003
Environmental Planning and Assessment Act 1979
Local Government Act 1993
Local Government (General) Regulations 2005
Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005
Occupation Health and Safety Regulation (2001)
Protection of the Environment Operations Act 1997
Roads Act 1993
Road Rules 2014
Road Transport Act 2013
Road Transport (General) Regulation 2013
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Work Health and Safety Act 2011
Work Health and Safety Regulation 2017

RELATED POLICIES, PLANS AND PROCEDURES:

Camden Local Environmental Plan (LEP)
State Environmental Planning Policy (Sydney Region Growth Centres) 2006
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
Camden Development Control Plan 2011
Signs and Banners
Mobile Food Vending and Temporary Food Stalls in a Public Place
Public Art
Outdoor Dining
Special Events Management
Busking
On-Site Sewage Management Policy
Plans of Management for Community Land

RESPONSIBLE DIRECTOR:

Customer and Corporate Strategy

APPROVAL:

Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New	Approved by Council 14/04/2020 – effective 13/06/2020	20/183795