Local Approvals

Policy



Local Approvals Policy

|  |  |
| --- | --- |
| Title | Inner West Council Local Approvals Policy 2020 |
| Date Adopted | [to be inserted] |
| Policy Type | Council Policy |
| Responsible Division | Planning |
| Relevant Council References | Events PolicyEvents in Parks PolicyBusking Policy |
| Main Legislative Or Regulatory Reference | Local Government Act 1993Roads Act 1993Local Government (General) Regulation 2005 |
| Version Control  | See last page |

**Contents**

[Purpose And Scope Of Policy 3](#_Toc39814044)

[Part 1 – Exemptions 7](#_Toc39814045)

[Part 2 – Criteria That Council Must Consider When Determining Applications 16](#_Toc39814046)

[Part 3 – Other Matters Relating To Approvals 28](#_Toc39814047)

[Policy Review 28](#_Toc39814048)

|  |  |  |
| --- | --- | --- |
| Document: | Operational Policy or Council Policy  | Uncontrolled Copy When Printed |
| Custodian: | Primary Responsible Policy Owner | Version # | Version # |
| Approved By: | XXXXXX | ECM Ref # | XXXXXX |
| Adopted By:  | Leadership Team  | Publish Location | Intranet/ Internet |
| Adopted Date and Minute #: | Xx / xx / xx | Next Review Date | XX / XX / xX |

# PURPOSE AND SCOPE OF POLICY

This policy has been developed to supplement and facilitate the approvals process by establishing the criteria for specific approvals prescribed under the Local Government Act and for other miscellaneous activities. This policy lists a range of activities including mobile food vending, outdoor dining, display of merchandise on footpaths and other community/promotional events.

The policy is highly technical, however those seeking approval for a proposed activity can refer to relevant application forms and user friendly details on the Council website which align with and supplement the Local Approvals Policy. An example of this is Council’s Park Booking Approval Process.

This policy outlines how to obtain an approval from the Council under the Local Government Act, setting the framework for types of activities and circumstances relevant for such applications.

**Scope**

The policy applies to approvals for activities listed in Section 68 of the *Local Government Act 1993* as well as other ancillary activities that Council has power to regulate.

This policy applies to land within the Inner West local government area except for land at Rozelle comprised in Lot 1, Deposited Plan 807747 subject to the Callan Park (Special Provisions) Act 2002 and land known as the Bays Precinct subject to the State Environmental Planning Policy (State and Regional Development) 2011.

Note: Reference made to any Act, Regulation, planning instrument, standard or other document, or any authority, agency or the like shall be taken to be a reference to any subsequent or replacement document or authority.

Where there is an inconsistency between the Act or the Regulations and the Local Approvals Policy, the Act or the Regulations will prevail.

**This policy is structured in three parts:**

**Part 1:** Exemptions – outlines the circumstances where an approval under Section 68 can be assumed i.e. a formal application is not required. .

**Part 2:** How to obtain Approval under Section 68 of the Local Government Act - General criteria for individual permit activities and the criteria which must be considered when determining applications.

**Part 3:** Other relevant matters. Other matters relating to applications and approvals.

**The types of approvals to which the policy applies**

Under Section 68, approval by Council is required for the following activities:

**Table 1 – Activities requiring Approval by Council under Section 68 of the Local Government Act 1993 (extract)**

|  |  |
| --- | --- |
| **Part A** | **Structures or places of public entertainment** |
| **1** | Install a manufactured home, moveable dwelling or associated structure on land |
| **2, 3** | (Repealed) |
| **Part B** | **Water supply, sewerage and 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 section 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 |
| **3** | (Repealed) |
| **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 |
| **6** | (Repealed) |
| **7** | Use a standing vehicle or any article for the purpose of selling any article in a public place |
| **8, 9** | (Repealed) |
| **10** | Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations. |

**Table 2 – Definitions**

|  |  |
| --- | --- |
| **Word/Term** | **Definition (with examples if required)** |
| Approval | an approval under Section 68 of the *Local Government Act 1993* |
| Authorised person | An employee of council generally or specially authorised by council in respect of or whose duty it is to deal with, or to act in regard to, any acts, matters or things in relation to which the expression is used, or a police officer (Local Government Act 1993). |
| Bin | A container for the storage of waste (garbage, recycling, or organics) including mobile garbage bins with close-fitting lids. Not including plastic bags, boxes, cartons or crates.  |
| Clothing Bins | Containers owned by commercial or not for profit operators with the purpose to store donations of clothing items and accessories.  |
| Commercial waste/Business Waste | Waste generated by a business or commercial premises, including waste that can be recycled. |
| Council | Inner West Council |
| Domestic waste | Waste on residential premises of a kind and quantity ordinarily generated by a residential household and includes waste that may be recycled, but does not include sewage (Local Government Act 1993). |
| Essential service | Under section 4 of the Essential Services Act 1988 the provision of waste services is an essential service. |
| Illegal dumping | Any items that are left in public places, including laneways and footpaths, without a clean-up collection booked or scheduled are considered illegally dumped. |
| Non-profit community based organisation | a locally based organization organisation (i.e. an organization organisation registered within the Inner West Local Government Area) whose income, assets and surplus funds are used to achieve its objectives and are not distributed to members, owners or shareholders while it is operating and when it ceases to operate. The governing instruments to be recognised in this definition are: * Incorporated associations;
* Companies limited by guarantee;
* Charities; and
* Co-operatives.
 |
| Public place | (a) a public reserve, public bathing reserve, public baths or public swimming pool, or (b) a public road, public bridge, public wharf or public road-ferry, or (c) a Crown reserve comprising land reserved for future public requirements, or (d) public land or Crown land that is not: (i) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or (ii) a common, or (iii) land subject to the Trustees of Schools of Arts Enabling Act 1902 , or (iv) land that has been sold or leased or lawfully contracted to be sold or leased, or (e) land that is declared by the regulations to be a public place for the purposes of this definition (Local Government Act 1993).  |
| Skip Bin | A large open waste container (i.e. a rigid container usually made from metal) primarily used for building waste (construction and demolition material). |
| Spruiking | When one seeks to persuade another to undertake a transaction in an obstinate manner. |
| Small amusement device | 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. |
| Waste | (For the purposes of this policy) refers to garbage, recycling, garden organics and food organics materials and includes any other substance defined as waste for the purposes of the [Protection of the Environment Operations Act](http://www5.austlii.edu.au/au/legis/nsw/consol_act/poteoa1997455/) [1997](http://www5.austlii.edu.au/au/legis/nsw/consol_act/poteoa1997455/), and a substance is not precluded from being waste merely because it is capable of being refined or recycled |

# PART 1 – EXEMPTIONS

The exemptions outlined in this document are given as the activities can function effectively without Council involvement if the operator complies with all appropriate guidelines. The exemptions apply to those activities which are of a minor or common nature and which have minimal impact. This does not however prevent a person applying for approval to carry out an exempted activity specified in this part.

The exempt activities outlined below may be exempt from a Section 68 approval by Council however, in most instances the proposed activity is required to be submitted and approved by Council, often through a permit system.

It is a condition of exemption that the person carrying out an activity specified in this part must comply with:

1. the relevant exemption circumstances or requirements listed in the exemption table
2. the relevant performance standards prescribed in the Building Code of Australia 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.

In relation to exempted activities, a person must give due consideration to the following:

* the amenity of adjoining landowners
* the location of a structure related to site boundaries, sewers, easements, rights or ways, other structures, etc.
* the provision of adequate drainage
* any potential fire risks
* avoiding creating a harbourage for vermin
* structural stability
* external finishes.

Activities which do not comply with the exemptions outlined below will need approval.

**Table 3 – Exemptions by Type of Activity**

|  |
| --- |
| **S68 Part B – Water Supply, sewerage and Stormwater Drainage Work** |
| ***Type of activity*** | ***Exemption circumstances/******requirements*** | ***Advisory Note*** |
| **B1, B4** | Carry out water supply or sewage works | Prior to works commencing all work must be approved by Sydney Water or its nominee and comply with any applicable requirements of the [Plumbing and Drainage Act 2011](https://www.legislation.nsw.gov.au/#/view/act/2011/59/full) or the regulations made under that Act.No exemption applies where the works are to be carried out in public places, unless approval has already been obtained from Council under the Roads Act 1993 and any relevant standards and policies of public authorities applying to the use of the road. |  |
| **B5** | Carry out stormwater drainage work (This excludes works to existing water courses for which other legislation and policy applies) | Where the works are located within private property. No exemption applies where the works are to be carried out in public places, unless approval has already been obtained from Council under the Roads Act 1993 and any relevant standards and policies of public authorities applying to the use of the road. |  |
| **S68 Part C – Management of Waste** |
| ***Type of activity*** | ***Exemption circumstances/******requirements*** | ***Advisory Note*** |
| **C1** | For fee or reward, transport waste over or under a public place | The transporting of waste over or under a public place for fee or reward if: i) the activity is licensed under the [Protection of the Environment Operations Act 1997](https://www.legislation.nsw.gov.au/#/view/act/1997/156/title), 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, oriii) the waste is being transported through the area of the council and is not being collected or deposited in that area.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 [Protection of the Environment Operations Act 1997](https://www.legislation.nsw.gov.au/#/view/act/1997/156/title) | Clause 48 Local Government (General) Regulation 2005 provides this exemption for the circumstances prescribed |
| **C2** | Place waste in a public place | If it is undertaken in accordance with arrangements instituted by Council via service arrangements to individual properties for waste collection. Bulky waste for household items:(i) Any uncontainerised, bulky garden organic material presented for scheduled collection must be bundled and tied and left neatly on the kerbside and not blocking pedestrian and road access.(ii) Only general household items booked (or scheduled by Council) for a clean-up can be placed on public land no earlier than the night before the advised collection day or as directed by the Council.(iii) Waste materials must not obstruct footpaths, lanes or emergency access, or be placed on the road, as per Council’s Inclusion Action Plan for People with a Disability. (iv) Waste materials must be placed adjacent to the resident’s property boundary.(v) Waste materials must be placed in a neat pile and in accordance with Council’s collection guidelines (refer to website). Any loose items must be bundled together and presented in a manner that prevents littering and hazards. For example loose items can be placed in a box or container. | Clause 48 Local Government (General) Regulation 2005 provides this exemption for the circumstances prescribed.[Protection of Environment Operations Act 1997](https://www.legislation.nsw.gov.au/#/view/act/1997/156/title) regulatory and compliance provisions must be observedNon-compliance with this policyAuthorised Council Officers may issue penalty notices, orders, clean up notices, prevention notices or court attendance notices for non-compliance with relevant legislation. Serious incidents of pollution may be prosecuted by State agencies such as the NSW Environment Protection Authority.If a person puts waste in a Public Place in contravention of this policy and the related guidelines or any approval issued by the Council, the Council may take action under sections 626(3) and 627(3) of the Local Government Act 1993. The maximum penalty for an offence under each of these sections is currently 20 Penalty Units.The Council may also take action under the Protection of the Environment Operations Act 1997 for noise, disposal of waste (harm to the environment) and litter offences. |
| **C3** | Place a waste storage container in a public place | Placing Domestic Waste in a public placeResidents do not require approval for domestic waste placed in a public place for the purposes of collection by Council or Council’s waste contractors provided the following matters are complied with:* All waste must be placed in the bins provided by IWC with a Council logo.
* Lids of bins must remain closed at all times. No materials to be placed on top or beside the bins.
* The bins must have a permanent label of the property street address number.
* The resident is responsible for ensuring that the bins are clean and in full working order (bin repair requests to be reported to Council).
* Bins must be moved to the public domain no earlier than the night before the advised collection day; or on the day of collection for scheduled evening collection.
* Bins must be presented adjacent to the resident’s property (refer to guidelines on Council’s website), and must not obstruct footpaths, lanes or emergency access, or be placed on the road in line with Council’s Inclusion Action Plan for People with a Disability.
* Bins must not be left in the public domain longer than 12 hours after collection, unless a service is missed and the resident is advised to leave bin out for collection.

Placing Commercial Waste in a Public PlaceCommercial (or business) waste may be placed in the public domain for the purposes of collection by waste contractors providing that there is no space on the commercial property for on-site collection or when collection does not meet required Environmental Health standards. The placement of commercial waste on public place is subject to the following criteria:(i) Bin sizes must not exceed 1100L capacity when collection is carried out in public places. (ii) For collection during or outside business hours. Bins must be placed out immediately prior to collection and moved back onto the property within 12 hours after collection. (iii) Bins must be permanently labeled with the waste contractor’s name, address and a 24 hour contact number and should also easily identify the business being serviced; all bins should have a unique identification number (i.e. serial number) that identifies the premises that ordered the bin.(iv) Bins must have a permanently fixed close-fitting lid and be presented with the lid closed. No additional waste is to be placed on top or next to a bin.(v) Bins exceeding 240L must have fitted and working brakes, be lockable and have reflectors on the outer corners.(vi) Bins must be placed immediately in front of, behind or directly adjacent to the premises that generated the waste, or at the approved accessible collection point for the development in which the premises is located.Placing Skip Bins in a Public PlaceNo exemption, unless approval has already been obtained from Council under Roads Act 1993 and any relevant standards and policies of public authorities applying to the use of the road. | Domestic Waste(i) Domestic waste generated at a residential property must only be put in the bins issued to that particular property, it must not be placed in street litter bins, commercial waste bins or domestic waste bins from another property.(ii) After collection, bins will be returned by Council to as close as possible to the original location that they were presented. The resident will need to locate their bin and return it to their property.Commercial Waste(i) Commercial waste bins must be stored within the commercial property boundary. No exemptions are given for commercial waste bins to be stored in the public domain outside the scheduled collection time. (ii) All commercial waste is to be placed in the bins issued to a particular property. No commercial waste is to be placed in street litter bins or domestic waste bins.(iii) In the event of a disruption to a waste collection service, the bins must be stored on the premises until services can be provided.(iv) Bins must be maintained to ensure cleanliness and prevent leaks and odours. (v) Bins must be in full working order with no cracks or splits, and no missing parts including wheels, lids, pins or bungs. (vi) Bins must not contravene parking or clearway restrictions; disturb traffic flow or vehicle access; or obstruct pedestrian movement. (vii) Bins must not block access to emergency exits or equipment; and doors, windows or air-vents.(viii) Bins must not cause damage to public property or roadway.(ix) The commercial waste generator must provide written evidence of a waste contract or tipping dockets for waste collection if requested by an Authorized person.(x) Exemptions for placing commercial waste in public places do not apply in the following circumstances:1. Bins containing medical, pharmaceutical, clinical or related waste (such as waste generated from healthcare sector premises, sex service premises, tattoo parlours or acupuncture clinics), which must be collected on site.
2. Oil drums or liquid waste

Clothing Bins are not classified as Commercial Waste. Under no circumstances are clothing Bins, owned by commercial or not for profit operators, permitted to be placed or stored in a Public Place. Non-compliance with this policyCommercial Waste Bins left in a Public Place that do not clearly identify the supplying company or meet the required safety provisions set out in this policy and the related guidelines may be removed and impounded by the Council in accordance with the Impounding Act 1993. This will also apply where the owner of the bin has been given notice to remove the bin, but has failed to do so in a timely manner.Authorised Council Officers may issue penalty notices, orders, clean up notices, prevention notices or court attendance notices for non-compliance with relevant legislation. Serious incidents of pollution may be prosecuted by State agencies such as the NSW Environment Protection Authority.If a person places bins in a Public Place in contravention of this policy and the related guidelines or any approval issued by the Council, the Council may take action under sections 626(3) and 627(3) of the Local Government Act 1993. The maximum penalty for an offence under each of these sections is currently 20 Penalty Units.The Council may also take action under the Protection of the Environment Operations Act 1997 for noise, disposal of waste (harm to the environment) and litter offences. |
| **Part D – Community Land** |
| ***Type of activity*** | ***Exemption circumstances/******requirements*** | ***Advisory Note*** |
| **D1** | Engage in a trade or business on community land | * The activity occurs in specially designated areas as determined by Council from time to time or in conjunction with a significant community event; and
* The activity does not involve the sale of unpackaged and potentially hazardous food.
* Applicant should seek advice from Council’s Environmental Health Officers.
* The activity does not clash with any other previously booked event on the same land.
* This is to form part of small scale events involving less than 130 people.

Note: Use of Council’s parks and reserves will require a Park booking approval. | The party undertaking the activity must maintain 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.Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken, under the provision of this exemption. If food is being sold the “food business” should notify Council of their details. |
| **D2** | Direct or procure a theatrical, musical or other entertainment for the public on community land | * If the entertainment is associated with a current development consent or is an existing approved use of public lands; or
* The activity occurs in conjunction with a community event and is by a non-profit community based organisation or by Council; and
* The activity does not clash with any other previously booked event on the same land.

Note: Use of Council’s parks and reserves will require a Park booking approval. | If the event contains fireworks, appropriate permission must be gained from Safework NSW and the local fire authority is to be notified of the event by the organiser.The party undertaking the activity must maintain 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.Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken, under the provision of this exemption. |
| **D3** | Construct a temporary enclosure for the purpose of entertainment on community land | * If the enclosure is associated with a current development consent or existing approved use of public lands; or
* If the structures are “Exempt or Complying Development” under the SEPP (Exempt & Complying Development Codes) 2008; and
* The activity does not clash with any other previously booked event on the same land.

Note: Use of Council’s parks and reserves will require a Park booking approval. | The party erecting the enclosure must maintain a current public liability insurance policy, with a minimum insured value of $20,000,000 that covers the context in which the enclosure will be used. Council accepts no liability for any injury or damage associated with the enclosure under the provision of this exemption. |
| **D4** | For fee or reward, play a musical instrument or sing on community land | Busking or street theatre is exempt if a Busking Permit has been issued from Council. | Refer to Council’s “Busking Policy” for additional information. |
| **D5** | Set up, operate or use a loudspeaker or sound amplifying device on community land | * Use must be associated with a current development consent, licence or existing use rights for either the land use or activity; or
* The activity occurs in conjunction with a community event; or
* 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; and
* The activity does not clash with any other previously booked event on the same land.

Note: Use of Council’s parks and reserves will require a Park booking approval. | Protection of Environment Operations Act regulatory and compliance provisions must be observed.Clause 49 Local Government (General) Regulation 2005 provides this exemption for circumstances prescribed |
| **D6** | Deliver a public address or hold a religious service or public meeting on community land | Use must be associated with a current development consent, or existing use rights for either the land use or the activity. | Protection of Environment Operations Act regulatory and compliance provisions must be observed. |
| **S68 Part E Public Roads** |
| ***Type of activity*** | ***Exemption circumstances/******requirements*** | ***Advisory Note*** |
| **E1** | Swing or hoist goods across or over any part of the public road by means of a lift, hoist or tackle projecting over the footway.  | No exemption, unless approval has already been obtained from Council under the [Roads Act 1993](https://www.legislation.nsw.gov.au/#/view/act/1993/33) and any relevant standards and policies of public authorities applying to the use of the road are complied with. |  |
| **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. | Busking or street theatre is exempt if a Busking Permit has been issued from Council.For all other activities: No exemption, unless approval has already been obtained from Council under the [Roads Act 1993](https://www.legislation.nsw.gov.au/#/view/act/1993/33) and any relevant standards and policies of public authorities applying to the use of the road are complied with. | Refer to Council’s “Busking Policy” for additional information. |
| **S68 Part F Other activities** |
| ***Type of activity*** | ***Exemption circumstances/******requirements*** | ***Advisory Note*** |
| **F1** | Operate a public car park | 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.In this clause, development consent has the same meaning as it has in the [Environmental Planning and Assessment Act 1979](https://www.legislation.nsw.gov.au/#/view/act/1979/203) | Clause 66 Local Government (General) Regulation 2005 provides this exemption for the circumstances prescribed. |
| **F5** | Install or operate a small amusement device | A small amusement device may be installed or operated in Council’s Parks and Reserves without the prior approval of the council if:* 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 not required to be registered under the [Work Health and Safety Regulation 2011](https://www.legislation.gov.au/Details/F2011L02664), and in the case of a device that is to be or is installed in a building, fire egress is not obstructed.

Note: Use of Council’s parks and reserves will require a Park booking approval | Clause 75 Local Government (General) Regulation 2005 provides this exemption for the circumstances prescribed.The party undertaking the activity must maintain 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.Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken, under the provision of this exemption. |
| **F7** | Use a standing vehicle or any article for the purpose of selling any article in a public place | * The activity is undertaken by non-profit community-based organisations; and
* The activity occurs in designated areas as determined by Council from time to time or in conjunction with a community event. If food is being sold, then the “food business” must be registered with Council; and
* The activity does not clash with any other park booking (if in a park) and must comply with parking restrictions (if on a road).

Note: Use of Council’s parks and reserves will require a Park booking approval Street stall booking application is required to be submitted and approved by Council. | The party undertaking the activity must maintain 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. Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken, under the provision of this exemption. If food is being sold, the “food business” should notify the Council of their details. |

# PART 2 – CRITERIA THAT COUNCIL MUST CONSIDER WHEN DETERMINING APPLICATIONS

**(a) General criteria for consideration under the regulations**

The regulations to the [Local Government Act 1993](https://www.legislation.nsw.gov.au/#/view/act/1993/30) prescribe a number of matters that must be considered by Council when dealing with an activity application, as detailed under the respective headings below.

**Sewage and stormwater drainage activities**

Clause 13 of the Local Government (General) Regulation 2005 specifies that Council must not approve an application for an approval allowing sewage or stormwater drainage work to be carried out unless it is satisfied that the activity as proposed will comply with applicable standards as set out in the regulation.

Clause 15 of the Local Government (General) Regulation 2005 specifies that Council must consider the following matters when determining applications for sewage and stormwater drainage approvals:

1. the protection and promotion of public health
2. the protection of the environment
3. the safety of its employees
4. the safeguarding of its assets
5. any other matter that it considers to be relevant in the circumstances

Part 2, Subdivision 1 of the Local Government (General) Regulation 2005 specifies mandatory standards, including that such works must comply with any other applicable standards set out or referred to in Part 2 of Schedule 1 and with any other applicable standards or requirements set out or referred to in the Regulation.

**To discharge waste into sewers; concurrence required**

Clause 28 of the Local Government (General) Regulation 2005 specifies that a council must not grant an approval under section 68 of the Act to discharge trade waste (whether treated or not) into a sewer of the council unless the Director-General of the Department of Trade and Investment, Regional Infrastructure and Services (or that Director-General’s nominee) has concurred with the approval.

**Place a building waste container on a road**

Clause 27 of the Local Government (General) Regulation 2005 specifies that Council, in determining an application for approval to place on a road a building waste storage container, must 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 the NSW Roads and Maritime Services Department.

**Applications relating to public roads**

Clause 50 of the Local Government (General) Regulation 2005 specifies that Council, in determining an application under Part E of the table to section 68 of the Act, must take into account:

1. the provisions of the [Roads Act 1993](https://www.legislation.nsw.gov.au/#/view/act/1993/33), and
2. any relevant standards and policies of public authorities applying to the use of the road.

**Applications relating to operation of public car parks**

Clause 53 of the Local Government (General) Regulation 2005 specifies that Council, in determining an application for approval to operate a public car park, must take into consideration:

1. the NSW Roads and Maritime Services Department views about the application
2. the effect of the car park on the movement of vehicular traffic and pedestrian traffic
3. 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
4. whether the means of ingress and egress and means of movement provided or to be provided within the car park are satisfactory
5. whether there will be adequate provision for pedestrian safety and access for people with disabilities
6. whether the internal design of parking facilities and system of traffic management are satisfactory
7. whether, in the case of a car park that is a building, adequate ventilation is provided or to be provided
8. the [Work Health and Safety Act 2011](https://www.legislation.gov.au/Details/F2011L02664), 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
9. whether there will be adequate provision for the management of stormwater and the minimisation of stormwater pollution

**Applications relating to approval to install or operate an amusement device**

Clause 72 of the Local Government (General) Regulation 2005 specifies that Council must not grant an application for an approval to install or operate an amusement device unless it is satisfied:

1. 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
2. that the device is registered under the [Work Health and Safety Regulation 2011](https://www.legislation.gov.au/Details/F2011L02664),and
3. 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
4. that there exists for the device a current log book within the meaning of Chapter 5 of that Regulation, and
5. that there is in force a contract of insurance or indemnity for the device that complies with clause 74 of the Regulation, which in turn requires 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.

**(b) Other applications having criteria not set under the Local Government (General) Regulation**

Criteria will be considered by Council when dealing with activity applications such as:

* Outdoor dining;
* Footpath trading;
* Community and promotional events;
* Market stalls in designated locations
* Mobile food vending vehicles;
* Water, sewage and stormwater drainage works;
* Skip bins;
* Swinging or hoisting operations; or
* Temporary barricades, devices or structures associated with worksites

as detailed under the respective headings below.

Application forms and information required to accompany applications for these activities are available on Council’s website.

**Note the following provisions apply to all activities in this section:**

1. The parties undertaking the activity must maintain 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. Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken.
2. Noise arising from the activity must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.
3. The activity must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the activity, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The activity must not give rise to the transmission of a vibration nuisance or damage other premises.

**Location of Trading Activity Zone (applies to all proposals for outdoor dining and retail trading)**

The below trading activity zone provisions apply to all section 68 applications regarding outdoor dining and footpath trading. The provisions are merit based, and seek to balance access needs whilst also supporting the Inner West as an attractive destination for outdoor dining.

1. Applications for both outdoor dining and footpath trading are subject to the specific location and setback requirements outlined in the table below.

|  |  |  |
| --- | --- | --- |
| **Total Footpath Width** | **Less than 3.5m** | **3.5 m or more** |
| Pedestrian Zone | Minimum 1.5 m wide | Minimum 1.8 m wide |
| Trading Activity Zone | Remaining area once pedestrian zone and kerbside zones are identified | Remaining area once pedestrian zone and kerbside zones are identified |
| Kerbside Zone | * Minimum 0.4 m from the kerb of the road
* Minimum 1.5 m if a mobility parking space adjoins the footpath
* Minimum 0.7 m if a loading zone adjoins the footpath
 | * Minimum 0.4 m from the kerb of the road
* Minimum 1.5 m if a mobility parking space adjoins the footpath
* Minimum 0.7 m if a loading zone adjoins the footpath
 |
| Access clearance zone | * one metre clear access will be required for every three continuous metres of trading activity zone
 | * one metre clear access will be required for every three continuous metres of trading activity zone
 |

1. The trading activity zone is determined by application to Council and is the only area of the footpath where the placement of goods, café furniture and ancillary items may be authorised. The pedestrian zone and kerbside zone is to remain free of any structures or items at all times.
2. The trading activity zone should be located beside the kerb unless there is insufficient space or footpath width, the site is adjacent to a bus stop, taxi stand or mobility parking space or where the location would adversely impact on the continuous path of travel.
3. It is acknowledged that there are some areas of the Inner West that have historically permitted trading activity zones against the building line, and in these instances, new trading activity zones located against the building line may be considered if:
	1. the pattern of activity is well established [Note: unapproved footpath activity are not to be considered as part of this pattern]
	2. there is low pedestrian activity, low vehicle traffic and a narrow road reserve
	3. users are not exposed to the drip line at the edge of awnings
	4. pedestrian ‘pinch points’ are not created and there are adequate passing areas.

Note: Notwithstanding the above, additional trading activity zones against the building line will **not** be permitted in these locations where there is high pedestrian activity, high vehicle traffic or wide road reserves.

1. In some areas, a combination of site specific circumstances will result in no trading activity zones being permitted. This includes classified roads and locations with very high pedestrian activity.
2. In addition to the above, the following considerations need to be made in preparing an application:
3. If the relevant footway is located within any relevant, adopted Council streetscape or urban design master plan, proposed trading activity zones are to align with these provisions.
4. Where premises are adjacent to an intersection, the Trading Activity Zone must not extend past the property line.
5. No footpath trading will be allowed beyond the ‘vehicle stop line’ on the approach side of any pedestrian crossing, and an equivalent distance on the opposite side, whether controlled by traffic lights or not.
6. A minimum clearance of 0.5 metres, or greater if deemed appropriate by Council or a relevant statutory authority, must be provided on either side of any asset permanently affixed to the footpath such as rubbish bins, parking meters, and/or bike racks.
7. A minimum clearance of 1.0 metre, or greater if deemed appropriate by Council or a relevant statutory authority, must be provided on either side of a bus stop or public seat.
8. All ancillary items including umbrella canopies must be fully contained within the Trading Activity Zone.
9. No footpath trading will be allowed between public seating and the property line, or between public seating and a road (including both roads on a corner).

*Example of kerbside trading activity zone where footpath is less than 3.5m wide*



*Example of kerbside trading activity zone where footpath is more than 3.5m wide*



**Outdoor Dining (s125 Roads Act; Subdivision 20A SEPP (Exempt and Complying Development Codes) 2008)**

All food premises that intend to provide seating on the public footway for the purpose of outdoor dining are required to submit an application to Council for approval under Section 125 of the [Roads Act 1993.](https://www.legislation.nsw.gov.au/#/view/act/1993/33)

The outdoor dining must ensure that:

* a comfortable, attractive and safe pedestrian environment is maintained;
* footpath uses are positive elements in the streetscape;
* footpath uses enrich the social function and community enjoyment of the public domain without compromising accessibility;
* pedestrians and patrons of footpath eating areas are protected from traffic and vehicle dangers;
* principles of crime prevention underpin the design of these uses within public footpaths and road reserves; and
* sufficient circulation space is provided to enable unobstructed access for patrons and staff.
1. Licensed areas are to be delineated by neat and unobtrusive markings that do not pose a safety hazard. Options include corner marking in the pavement, landscape features such as trees or bollards, or corner markings fixed to an existing or proposed awning directly above the area.
2. Tables and chairs are to be located directly in front of the premises. Use of an adjoining footpath area requires ongoing consent from the land owner and tenant/s of the affected premises.
3. Outdoor dining areas are to be sensitive to, and enhance urban character, heritage and streetscape qualities.
4. Tables and chairs, umbrellas, screens, planter boxes, barriers, gas heaters, display stands and advertising devices are required to be of commercial grade, clean, undamaged, level, safe and sturdy and a suitable size in relation to the available area.
5. The number of tables and chairs, display and /or advertising devices within the outdoor dining area must provide unobstructed access and circulation for patrons and staff.
6. Freestanding umbrellas are to be safely anchored and secured for stability and have a clearance height of 2.1m to the footpath.
7. Outdoor dining areas can use vertical barriers in conjunction with planter boxes provided they are not higher than 900mm, do not pose a trip hazard to pedestrians or clutter the streetscape. Screens including blinds are not to be permanent or to enclose the public space.
8. Consideration will only be given to umbrellas and other such temporary structures where the awning does not extend to the kerb.
9. Clear sight lines are to be maintained from the indoor premises across the outdoor dining area to ensure public safety and crime prevention.
10. Any request to move (or remove) rubbish bins, parking meters, public seating and /or bike racks, or other public infrastructure must only be approved at Manager level. Traders should take this into account when selecting a site. The approval for relocating these items will only be considered if all costs associated with these works are at the applicant’s expense and the items may be relocated nearby. A deposit against such relocation costs may be required.
11. Temporary barrier screens must not exceed a height of 1.2 metres above the footpath. Existing licensed barrier screens which exceed the 1.2 metre height requirement may be allowed to remain at the discretion of an Authorised Officer. This permission will be reviewed by Council when there is a request to renew or transfer a licence.

**Retail Trading (s68 Item E2)**

Retail trading and merchandise stalls are permitted subject to approval by Council under Section 68 Part E Public Roads Paragraph 2 of the Local Government Act 1993 subject to the following provisions:

1. Goods displayed must relate to the business conducted at the premises; be contained within the property side boundary; and be located so as not to obstruct any doorway.
2. Any food including tin and packaged goods displayed shall be at a height not less than 750mm above the footpath level.
3. Perishable food such as meat, fish, poultry, dairy products, eggs, cooked rice or shellfish cannot be displayed however fresh fruit and vegetables, flowers and tinned or packaged goods are permitted subject to compliance with NSW Food Authority food handling regulations.
4. Goods and / or display stands must not be more than two metres above footpath level.
5. All goods and / or display stands shall be secured to prevent them from being moved by wind or other forces and finished with no part protruding beyond the main body of the stand with no sharp corners or trip hazards.
6. All goods and / or display stands must be removed from the footpath when premises are closed.
7. The area is to be maintained in a clean condition at all times. Waste generated is to be disposed of via the host premises and not into the gutter or street bins.
8. No spruiking of goods or touting is permitted.
9. Fixed or temporary shop awnings to protect goods may only be installed with appropriate permission from Council. Awnings must be kept in a state of good repair. Council may direct that they be removed.
10. An item approved for footpath trading or display may in appropriate circumstances be secured to the footpath by a lock-in device provided that pre-approval is given by Council’s Regulatory Services. Lock-in devices will only be approved where the device lies flush with the footpath when the items are not displayed. If a lock-in device is fitted without Council approval, an Authorised Officer may require the lock-in device to be removed and the footpath reinstated to its original condition at the expense of the licence holder.

**A-frame signage (s68 Item E2)**

A frame signs are not permitted on the public footway within the Inner West Local Government Area.

**Install a domestic oil or solid fuel heating appliance, other than a portable appliance (s68 Item F4)**

Installing a domestic oil or solid fuel heating appliance, other than a portable appliance are not permitted within the Inner West Local Government Area.

**Community and Promotional Events (s.68 Item E2 and F7; s139A Roads Act)**

Activities covered by Community and Promotional Events

These provisions govern applications involving events in a designated area (usually in front of a shop on a Council owned footpath) by:

* Non-profit community based organisations seeking to raise funds by selling products or raffle tickets
* Local businesses undertaking free giveaways of products or promotional material
* Political or religious groups

It does not include market stalls. This is covered by ‘market stalls in designated locations.’

Applications for community and promotional (for profit) events

Temporary uses in the public domain, including commercial events such as product launches and sampling in the retail centres (covered by B1 – Neighbourhood Centre , B2 – Local Centre and B4 – Mixed Use and B5 – Business Development zoning under the relevant local environmental plan), are permitted subject to approval under Section 68 Part E Public Roads Paragraph 2 and Part F Other Activities Paragraph 7 of the Local Government Act 1993 subject to the following conditions:

1. The period of the use must be for not more than 2 consecutive days, from the start of set-up to the completion of clean-up for the use, and the location must not be used for more than 12 days in any calendar year, except in the instance of:
* Loyalty Square Balmain
* Outside Balmain and Leichhardt Town Halls
* Orange Grove Plaza
* Inner West Council forecourt (outside 260 Liverpool Road Ashfield)
* Summer Hill Plaza (Lackey Street)
* Federation Plaza (Ramsay Street Haberfield)
* Alex Trevallion Plaza (Marrickville Road Marrickville)
* outside Newtown Neighbourhood Centre (1 Bedford Street Newtown)
* Hercules Street, Ashfield
* public plaza at The Esplanade, Ashfield.
1. There must be no permanent physical change to the fabric of the location where the use occurs,
2. Emergency vehicle access must be maintained to and around the location at all times,
3. Pedestrian access must be maintained along existing footpaths at the location or barriers must be erected between alternative pedestrian pathways and traffic on any adjoining road,
4. The use must not occur before 7.30 am or after 10pm on any day.
5. Set-up time for the use must not start earlier than 6.00 am, or end later than midnight, on any day,
6. Clean up time for the use must end no later than 2 hours after the use was to stop occurring,
7. Must be a business registered within the Inner West Local Government Area,
8. No spruiking or touting is permitted.
9. Temporary signs (including freestanding banners):
10. must not be more than 2.5m in height, and
11. must not be larger than 1.2m by 2.4m, and
12. must not be displayed for more than 7 days before the use starts, and
13. must be removed immediately after the use ends.
14. Any mobile structures or equipment installed as part of the event, such as video screens, communications equipment are to be erected or installed on level ground with secure footings and are to be located so as not to obstruct pedestrian paths of travel.
15. A clear path of travel of a minimum of 1.5m must be provided for pedestrian circulation if this activity is proposed on a footpath.

**Market stalls in designated locations (s.68 Item E2 and F7; s139A Roads Act)**

Market stalls specifically involve the selling of articles in a designated public place. They do not include activities covered by ‘community and promotional events’ section of the policy.

These provisions govern applications involving the establishment of a market stall in designated areas (listed below) which are permitted subject to approval under Section 68 Part E Public Roads Paragraph 2 and Part F Other Activities Paragraph 7 of the Local Government Act 1993 subject to the following conditions:

1. The period of the use must be for not more than 2 consecutive days, from the start of set-up to the completion of clean-up for the use, and the location must not be used for more than 12 days in any calendar year.
2. Goods and / or display stands must not be more than two metres above footpath level.
3. All goods and / or display stands shall be secured to prevent them from being moved by wind or other forces and finished with no part protruding beyond the main body of the stand with no sharp corners or trip hazards.
4. All goods and / or display stands must be removed from the footpath when premises are closed.
5. The area is to be maintained in a clean condition at all times. Waste generated is to be disposed of via the host premises and not into the gutter or street bins.
6. No spruiking of goods or touting is permitted.
7. Perishable food such as meat, fish, poultry, dairy products, eggs, cooked rice or shellfish cannot be displayed however fresh fruit and vegetables, flowers and tinned or packaged goods are permitted subject to compliance with NSW Food Authority food handling regulations.
8. Designated areas include the following:
	1. Loyalty Square Balmain
	2. Outside Balmain and Leichhardt Town Halls
	3. Orange Grove Plaza
	4. Inner West Council forecourt (outside 260 Liverpool Road Ashfield)
	5. Summer Hill Plaza (Lackey Street)
	6. Federation Plaza (Ramsay Street Haberfield)
	7. Alex Trevallion Plaza (Marrickville Road Marrickville)
	8. outside Newtown Neighbourhood Centre (1 Bedford Street Newtown)
	9. public plaza at The Esplanade, Ashfield.
9. There must be no permanent physical change to the fabric of the location where the use occurs,
10. Emergency vehicle access must be maintained to and around the location at all times,
11. Pedestrian access must be maintained along existing footpaths at the location or barriers must be erected between alternative pedestrian pathways and traffic on any adjoining road,
12. The use must not occur before 7.30 am or after 10pm on any day.
13. Set-up time for the use must not start earlier than 6.00 am, or end later than midnight, on any day,
14. Clean up time for the use must end no later than 2 hours after the use was to stop occurring,
15. A clear path of travel of a minimum of 1.5m must be provided for pedestrian circulation around the stall location.

**Mobile Food Vending Vehicles (s.68 Item F7; s139A Roads Act)**

Mobile Food Vending is permitted subject to approval by Council under Section 68 Part F of the Local Government Act 1993 subject to the following provision:

Prohibited locations

Allowing mobile food vending vehicles to operate in the areas listed below would reduce the commercial viability of existing centres and established commercial uses. Mobile Food Vending Vehicles (MFVVs) are prohibited from operating in the following locations:

* Within 250 metres of any land zoned B1- Neighbourhood Centre, B2 – Local Centre, B4 – Mixed Use, B5 – Business Development, R1 – General Residential, R2 – Low Density Residential, R3 – Medium Density Residential and R4 – High Density Residential under the applicable local environmental plan.
* Classified road corridors within the LGA (note this covers all of Council’s B6 – Enterprise Corridor zone locations).
* Within 250 metres of an existing food and drink premises.
* Within 250 metres of a Council recreational facility that includes a retail food and drink premises (e.g. Aquatic Centre).

General provisions

1. MFVVs must pull up to a kerb, into a lawful parking spot or designated impervious area, trade onto the footpath and abide by the same parking restrictions as other vehicles.
2. Vehicles must not park on footpaths or on driveways.
3. The area is to be maintained in a clean condition at all times. Waste generated is to be disposed of via the host premises and not into the gutter or street bins.
4. No spruiking of goods or touting is permitted.
5. There must be no permanent physical change to the fabric of the location where the use occurs,
6. Emergency vehicle access must be maintained to and around the location at all times,
7. MFVVs cannot be parked on any pervious surfaces, for example grass or gardens.
8. MFVVs must be parked in designated hard stand areas.

*Industrial zones*

The operation of MFVVs in IN1 – General Industrial and IN2 – Light Industrial zones under the applicable local environmental plan is suitable when there are no other food and drink alternatives available for workers, particularly in early morning and evenings. MFVVs will be assessed on a case-by-case basis to ensure these uses thrive in appropriate areas. Indicators such as the number of employees, size of the area and any current street activation will be considered for specific industrial locations where MFVVs may operate when they comply with the policy. If located within 100 metres of a residential use, the operating hours are limited to between 7am and 5pm.

*Recreational zones*

These areas tend to be located outside of commercial precincts and are often not within accessible walking distance. Whilst MFVVs are encouraged in these areas, operational restrictions in recreational zones include:

1. MFVVs may only be parked in lawful parking spots.
2. Council may limit the quantity of MFVVs in recreational zones.
3. Traders must not be located within 250 metres of a food and drink premises that are part of organised recreation or sport to protect the financial viability of these clubs and associations.
4. Traders must not be located within 100 metres of a residential use.
5. The operating hours are limited to between 7am and 5pm.
6. Consideration given to safety and accessibility, community amenity and appropriate locations.

Advisory Note: MFVV operators have obligations (including under the Disability Discrimination Act) to consider accessibility in the manner in which they operate and or provide a service to the public.

**Water, Sewage or Stormwater Drainage works in Public Places (s.68 Items B1, B2 and B5; s138 Roads Act)**

This Policy regulates water, sewage or stormwater drainage works in public places.

Such works are only permitted in public places subject to submitting an application and receiving approval by Council under Section 68 Part B of the Local Government Act 1993 and Section 138 of the Road Act 1993.

One of the principal aims of this policy is to ensure that physical works/activities in public places have minimal impact on the safe and convenient passage of pedestrians, bicycle riders and vehicles past worksites including accessible pathways for pedestrians.

**Skip Bins in Public Places (s.68 Item C3; s138 Roads Act)**

This Policy regulates the placement of skip bins in public places.

Skip bins are permitted to be placed in public places subject to submitting an application and receiving approval by Council under Section 68 Part C of the Local Government Act 1993 and Section 138 of the Road Act 1993.

One of the principal aims of this policy is to ensure that physical works/activities in public places have minimal impact on the safe and convenient passage of pedestrians, bicycle riders and vehicles past worksites including accessible pathways for pedestrians.

Skip Bins left in a Public Place that do not clearly identify the supplying company or meet the required safety provisions set out in this policy and the related guidelines may be removed and impounded by the Council in accordance with the Impounding Act 1993. This will also apply where the owner of the bin has been given notice to remove the bin, but has failed to do so in a timely manner.

**Swinging or Hoisting Operations in Public Places (s.68 Item E1; s138 Roads Act)**

This Policy regulates swinging or hoisting operations in, on or above public places using equipment or devices such as:

* site-based cranes;
* mobile cranes;
* boom-lifts,
* scissor-lifts;
* truck-mounted hoists (Hiabs);
* swinging stages;
* building maintenance units (BMUs);
* rope access operations (abseiling); and
* other equipment used to undertake any form of hoisting operation.

Such operations are permitted in public places subject to submitting an application and receiving approval by Council under Section 68 Part E1 of the Local Government Act 1993 and Section 138 of the Road Act 1993.

One of the principal aims of this policy is to ensure that physical works in public places have minimal impact on the safe and convenient passage of pedestrians, bicycle riders and vehicles past worksites including accessible pathways for pedestrians.

**Temporary Barricades, Devices or Structures associated with Worksites in Public Places (s.68 Item E2; s138 Roads Act)**

This Policy regulates the following activities in, on or above public places:

1. Installation of temporary barricades and devices associated with worksites including:
* road openings;
* mobile scaffolds/ladders;
* pedestrian exclusion zones (barricading) associated with hoisting operations; and
* other minor works undertaken in public places;
1. Installation of temporary structures such as:
* hoardings and scaffolding;
* pedestrian ramps over concrete pumping lines placed on footways;
* work compounds; and
* other temporary structures.

Such activities are permitted in public places subject to submitting an application and receiving approval by Council under Section 68 Part E2 of the Local Government Act 1993 and Section 138 of the Road Act 1993.

One of the principal aims of this policy is to ensure that physical works in public places have minimal impact on the safe and convenient passage of pedestrians, bicycle riders and vehicles past worksites including accessible pathways for pedestrians.

# PART 3 – OTHER MATTERS RELATING TO APPROVALS

**Standard conditions**

The Local Government (General) Regulation 2005 prescribes standard conditions for activity approvals involving public entertainment, sewage and stormwater drainage.

The Local Government (Manufactured Home Estate, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005 prescribes standard conditions for approvals for caravan parks and camping grounds.

The standard conditions prescribed by the Regulations are detailed and have not been reproduced within this document. Copies of the Regulations are available at <http://www.legislation.nsw.gov.au/>

**When does an approval or exemption lapse?**

An approval under Section 68 of the Local Government Act 1993 or Section 92 of the Environmental Planning and Assessment Act, 1979 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.

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.

**Exemptions**

Any exemption under this Local Approvals Policy or the regulations, has no effect unless all the specified conditions of the exemption are met. Any breach of the conditions would mean that the exemption provisions no longer apply to the activity or activities involved.

Exemption provisions within the Local Approvals Policy cease to have effect once the policy lapses.

# POLICY REVIEW

Pursuant to Section 165(4) of the Local Government Act 1993, this Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for a general election.