
Our Vision

Nambucca Valley ~ Living at its best

Our Mission Statement

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

1.0 Policy objective

The purpose of a Local Approvals Policy is to provide exemptions from the need for approval and outline the criteria for those activities where approval is required.

The document is in three parts:

Part 1: Exemptions - outlines the circumstances in which a person is not required to obtain a particular approval. Section A covers exemptions provided for under State Government Legislation. Section B outlines local exemptions applicable only to this Council.

Part 2: Criteria - is the criteria which must be considered by Council when determining whether or not to grant approval to a particular activity. Section A covers criteria provided for under State Government Legislation. Section B outlines local criteria applicable only to this Council.

Part 3: Other matters - includes information on the processing of an application and other relevant matters.

The exemptions outlined in this document are given in the belief that those activities can function effectively without Council involvement provided that all appropriate guidelines are complied with by the operator. There are, however, other activities that require some degree of regulating and/or co-ordination. In these cases an application and approval is required.

In some cases consent may be required under the Local Government Act 1993 and the Roads Act 1993. Where both Acts apply, a single approval will be issued.

2.0 Related Legislation

2.1 Section 68 Local Government Act 1993

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
- 6 Use a standing vehicle or any article for the purpose of selling any article in a public place
- 7 Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.

Exempt works and activities

There are already some works and activities that you can do without the need to apply for approval provided that they meet certain criteria and standards. These works and activities are listed in a wide range of documents and include:

2.2 Environmental Planning & Assessment Act

- The Environmental Planning & Assessment Act 1979 calls up various exemptions. These include:
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 for building works and other activities on private land such as landscaping;
- State Environmental Planning Policy (Transport and Infrastructure) 2021 for works undertaken by public authorities such as the construction of school rooms through to the installation of street furniture, playground equipment, etc.;
- Council's Local Environmental Plan 2010 which provides exemptions for specified activities within certain zones that can be carried out without development consent such as farm dams and signage

2.3 Local Government Act

The Local Government (General) Regulation 2021 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 also specifies works or activities that are exempt.

This policy forms part of the exemptions under the Local Government Act 1993. It lists further works and activities that may under certain circumstances be carried out without requiring the approval of Council.

The policy applies to activities and works in the Nambucca Valley. It does not apply to national park areas which are subject to separate legislation and are under the jurisdiction of the National Parks and Wildlife Service.

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.

3.0 Definitions

Please refer to the Local Government Act 1993 for any definition.

4.0 Policy statement

The general aims of the policy are:

- 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 in which the Council deals with applications for approval.
- To make the Council's policies and requirements for approvals readily accessible and understandable to the community.

5.0 History

This Local Approvals Policy was created following a review of Nambucca Valley Council's procedures when handling a variety of activities which require approval under Section 68 of the Local Government Act 1993. A small number of specified activities are currently subject to Local Approvals Policies in Nambucca Valley eg footway dining.

For the sake of consistency and to provide certainty to both Council and the community it has been decided to develop one Local Approvals Policy covering a larger number of activities regularly conducted in the Valley.

This policy will be regularly reviewed and updated as appropriate.

Department:	Development and Environment	Last Reviewed	Resolution Number
Policy Category	Organisation	Oct 2019	533/19
Endorsed By:	MD&E	Oct 22	487/22
Approval Authority	General Manager		
Policy Owner	MD&E		
Contact Officer	MD&E		
Document No.	33039/2019 (was 10482/2015)		
First Adopted	29 January 2015		
Resolution No:	652/15		
Review Date:	Oct 25		

In accordance with s.165 of the Local Government Act, this Local Approvals Policy is automatically revoked 12 months after the declaration of the poll for a general election of the Council.

Section A: Legislative exemptions

The Local Government (General) Regulation and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 lists some activities that are exempt from the need for approval.

The Regulations specify conditions applicable to exemptions and reference should be made to the relevant provisions before proceeding with the proposed activity.

An outline of the legislative exemptions is below.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

Conditional Exemptions

- Clause 74 Installation of moveable dwellings and associated structures in caravan parks and camping grounds, provided the structure is designed, constructed and installed with the relevant provisions of the Regulations, the site is not liable to flooding and the installation occurs with the consent of the holder of the approval to operate the caravan park or camping ground concerned.
- Clause 77(1)(a) Installation of not more than 2 caravans or tents on any land, so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months.
- Clause 77(1)(b) Installation of not more than one caravan on land occupied by the owner of the caravan in connection with that owner's dwelling-house, so long as it is used for habitation only by the owner or by members of the owner's household and is maintained in a safe and healthy condition.
- Clause 77(1)(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.
- Clause 77(1)(d) Installation of a moveable dwelling or associated structure on land to accommodate a person who has been displaced as a result of a natural disaster if the moveable dwelling or associated structure is—
- (i) maintained in a safe and healthy condition, and
 - (ii) removed within—
 - (A) 2 years after it is installed, or
 - (B) if the relevant local approvals policy for the moveable dwelling or associated structure specifies a longer period—the longer period.

Councils Criteria

With regards to clause 77(1)(d)(ii)(B), Council sets three (3) years as the longer period subject to evidence being submitted to Council that the following has been achieved:

1. An Asset Protection Zone (APZ) must be established and maintained around the moveable dwelling or associated structure in accordance with the provisions of Planning for Bushfire Protection 2019.
2. The moveable dwelling or associated structure must not be subject to a Bushfire Attack Level of greater than BAL 29 as determined in accordance with Planning for Bushfire Protection 2019.
3. Two wheel drive access must be available to the moveable dwelling from a public road.
4. The moveable dwelling must be connected to a system of sewage management which has been approved to operate on the land under section 68 of the Local Government Act 1993 or Councils sewer infrastructure

Part 1 – Exemptions – Local Approvals Policy

Section A: Legislative exemptions

5. Documentation must be submitted to Council demonstrating that substantial progress has been made in rebuilding a lawful dwelling on the land and is on track for completion at the end of the 3 year period.

Local Government (General) Regulation 2021

Exemptions – Transport waste (C1 activity)

Clause 48(a) The transporting of waste over or under a public place for fee or reward if:

- The activity is licensed under the Protection of the Environment Operations Act 1997, or
- The activity is being carried out in the Sydney metropolitan area as defined in Part 3 of Schedule 1 of the Act, or
- The waste is being transported through the area of the Council and is not being collected or deposited in that area.

Exemptions – Place waste in a public place (C2 activity)

Clause 48(b) The placing of waste in a public place, if done in accordance with arrangements instituted by the Council. Refer to criteria outlined in Part 1: Local exemptions.

Exemptions – Install, construct or alter a waste treatment device (C5 activity)

Clause 48(e) The installation, construction or alteration of a waste treatment device, if that installation, construction or alteration is done:

- under the authority of a licence in force under the Protection of the Environment Operations Act 1997,
- in a vessel used for navigation,
- in a motor vehicle registered under the Road Transport (Vehicle Registration) Act 1997 that is used primarily for road transport.

Exemptions – Grey water diversion device (Subdivision 6) [Note: not permitted on unsewered properties]

Clause 75A Installation and operation of a system for diverting greywater generated on residential premises to a garden or lawn on those premises, but does not include the manual collection (single dwelling) and re-use of greywater. Domestic greywater diversion may be carried out without the prior approval of the council if:

- (a) it is carried out in accordance with the Plumbing and Drainage Code of Practice, and
- (b) a sewage management facility is not installed on the premises concerned, and
- (c) the following performance standards are achieved:

- (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.

Note: Greywater means waste water from washing machines, laundry tubs, showers, hand

Part 1 – Exemptions – Local Approvals Policy

Section A: Legislative exemptions

	basins and baths, but does not include waste water from a kitchen, toilet, urinal or bidet.
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Exemptions – Operate a system of sewage management (C6 activity)

Clause 48(f)	<p>So much of the operation of a system of sewage management as is limited to an action carried out:</p> <ul style="list-style-type: none">• under the authority of a licence in force under the Protection of the Environment Operations Act 1997,• in a vessel used for navigation,• in a motor vehicle registered under the Road Transport (Vehicle Registration) Act 1997 that is used primarily for road transport.
Clause 47	<p>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 s.68 of the Act for the period of 3 months after the date on which the land is transferred or otherwise conveyed to the person (whether or not an approval is in force, as at that date, in relation to the operation of a system of sewage management on that land).</p> <p>Further, if the person duly applies, within the period of 2 months after the date on which the land is transferred or otherwise conveyed to the person, for approval to operate the system of sewage management concerned, the person may continue to operate that system of sewage management without approval until the application is finally determined.</p>

Exemptions – Use of a loudspeaker or amplifying device on community land (D5 activity)

Clause 49	<p>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.</p>
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Exemptions – Domestic oil or solid fuel heating appliance (F4 activity)

Clause 70	<p>A domestic oil or solid fuel heating appliance (other than a portable appliance) may be installed without the prior approval of the council if details of the appliance are included in plans and specifications for the relevant building approved under Part 4A of the Environmental Planning and Assessment Act 1979.</p>
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Exemptions – Operation of a public car park (F1 activity)

Clause 66	<p>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.</p>
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Exemptions – Amusement devices (F5 activity)

Clause 71	<p>Amusement devices not required to be registered under the Work Health and Safety Regulation may be installed or operated without the prior approval of the council.</p>
Clause 75	<p>A small amusement device may be installed or operated without the prior approval of the council if:</p> <ul style="list-style-type: none">• the ground or other surface on which the device is to be or has been erected is sufficiently

Part 1 – Exemptions – Local Approvals Policy

Section A: Legislative exemptions

	<p>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,</p> <ul style="list-style-type: none">• the device is registered under the Work Health and Safety Regulation,• the device is erected and 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 those Regulations,• there exists for the device a current log book within the meaning of those Regulations,• in the case of a device that is to be or is installed in a building, fire egress is not obstructed,• there is in force a contract of insurance or indemnity for the device that complies with clause 74 (see below). <p>In the Regulation, small amusement device means an amusement device that is designed primarily for the use of children 12 years of age or under (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).</p>
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 \$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.</p>

Part 1 – Exemptions – Local Approvals Policy

Section B: Local exemptions

In addition to the exemptions available under the Local Government Regulations and by virtue of this Local Approvals Policy, the following activities under s.68 of the Local Government Act are exempt from the need to obtain a particular approval of the Council in the circumstances specified below.

s.68 Part B - Water supply, sewerage & stormwater

Stormwater work (s.68 Item B5)	Stormwater work is exempt from the need for approval provided that it complies with the following criteria:
Criteria - General	<ul style="list-style-type: none">➤ Only for work on a single lot associated with a single residential dwelling.➤ For the repair or replacement of existing stormwater drainage lines including guttering and downpipes.➤ Drainage lines must be connected to the street gutter/on street drainage system or an approved inter allotment drainage system. Connection to the kerb and gutter must be via a suitably manufactured kerb adaptor.➤ Drainage lines within the road reserve must be sewer class or other approved equivalent. All drainage works must be installed by a suitably qualified person and in accordance with the requirements of AS/NZS 3500.3:2003 - Plumbing and drainage, Part 3: Stormwater drainage.➤ All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. A minimum of \$20 million public liability insurance cover is to be maintained for the duration of the construction of the development. Council is to be nominated as an interested party on the policy. Council is not to be held responsible for any negligence caused by the undertaking of the works.
Advice	<ul style="list-style-type: none">– Any variation to the above will require Council consent.

s.68 Part C - Waste

Domestic / Commercial Waste (s.68 Item C2 & C3)	In accordance with the exemption given in Clause 48(b) of the Local Government Regulations, the placement of domestic/commercial waste storage containers in a public place is exempt from the need for approval provided that they comply with the following criteria:
Criteria	<p>Mixed Waste/Recycling/Organics:</p> <ul style="list-style-type: none">➤ Domestic / commercial waste must be contained in the Council's waste storage containers and only placed in a public place for the purposes of collection by the Council or agents acting on their behalf.➤ Uncontained waste for example plastics bags and loose cardboard boxes are not permitted to be placed next to or on top of containers in a public place.➤ Waste storage containers should be put out for collection the night before the scheduled collection and must be removed from the public place as soon as possible on the day of collection and stored on private property.➤ Waste storage containers must be placed immediately in front of the property and/or located at an approved service pick up point.➤ Lids of waste storage containers must remain closed, and the container surrounds be kept tidy at all times.➤ The resident is responsible for the cleanliness of their waste storage containers. They must be: free of stains, odours and debris; and in full working order with no cracks, missing wheels, lids or pins (Bin repairs should be reported to the Collection contractor).

Part 1 – Exemptions – Local Approvals Policy

Section B: Local exemptions

	<p>Bulky Goods Collections:</p> <ul style="list-style-type: none"> ➤ Only general household items booked or scheduled for a clean-up with the Council can be placed in a public place two weeks before the collection is scheduled to take place as specified or directed by the Council. ➤ General household items must be stored on the nature strip in a neat pile, not exceeding 3 cubic metres. The items must not block any road or footway and must not endanger pedestrian or vehicle traffic or the environment. ➤ Items must be capable of being lifted by 2 people. ➤ Loose items must be bagged or bundled together to prevent littering and hazards. ➤ Bulky waste must be placed immediately in front of the resident's property and kept clear of paths and driveways. ➤ Rejected general household items must be removed promptly by the resident. ➤ Doors to refrigerators, freezers or the like are to be removed to prevent entrapment of children.
	<ul style="list-style-type: none"> - Any variation to the above will require Council consent. - Reference should be made to the guides on waste management which detail types of materials collected. This Information is available on www.nambucca.nsw.gov.au
Bulk Bins/Skips (s.68 Item C3)	In accordance with the exemption given in Clause 48(b) of the Local Government Act, the placement of a bulk bins/skip bin containers in a public place is exempt from the need for approval provided that it complies with the following criteria:
Criteria	<ul style="list-style-type: none"> ➤ Associated with residential and commercial dwelling development. ➤ Can only be located on the road reserve where constraints are such that the container cannot be kept within the property boundary of the site. ➤ Not on a classified road (Pacific Highway). ➤ Maximum container size of 2.5 cubic metres. ➤ Must be placed immediately adjacent to the premises. If the bin is placed beyond the user's property, prior consent is required from the adjacent owner. ➤ Must be located so as to not disturb traffic flow, impede or endanger pedestrian movement, restrict driver sight lines or vehicle access or impede public utility access or drainage pits. ➤ Must be in place for a period no more than 5 days and not more than 3 occasions in any one year. ➤ Must not be used for putrescible waste, dangerous or hazardous waste. ➤ Must be secured to prevent waste being dislodged by wind and other forces including animals. ➤ Bulk bins must be: light in colour; have reflectors or warning lights on outer corners and covered outside working hours and during transport; bear legibly the name, address and all hours' phone number of the owner/supplier. ➤ All requirements of the Work Health and Safety Act, as administered by WorkCover NSW must be met.
	<ul style="list-style-type: none"> - Any variation to the above will require Council consent. - This section does not apply to shipping containers. Shipping containers require approval. - Council reserves the right to order the removal of any waste container, if such container, or the activity associated with it in the opinion of Council, causes a

Part 1 – Exemptions – Local Approvals Policy

Section B: Local exemptions

	<p>nuisance.</p> <ul style="list-style-type: none">– Specific arrangements are required for the removal and disposal of asbestos. Refer to www.nambucca.nsw.gov.au
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s.68 Part D - Community land

Street stalls for political purposes (s.68 Item D1)	Street stalls for political purposes are exempt from the need for approval provided that they comply with the following criteria:
Criteria	<ul style="list-style-type: none">➤ Written permission from the local Chamber of Commerce is required if there is one operational.➤ Not within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.➤ Only one table 2 metres x 1 metre to be used.➤ No more than three representatives to be in attendance at any one time.➤ No fund raising activities are to be carried out.➤ If located outside any shop must have the permission of the shop owner.➤ No public address system or the like nor cause offensive noise.➤ The organisation conducting the stall must display a sign on the stall, not on the footpath, indicating its name. No other signage will be permitted.➤ A minimum 1800mm (except River Street, where the minimum is 1200mm) wide unobstructed section of footpath is to be maintained at all times.➤ In some instances this distance may be reduced where the applicant can demonstrate that there is an accessible path of travel and that there will be no increased impact on pedestrian access when the stall is in place.
Advice	<ul style="list-style-type: none">– Any variation to the above will require Council consent.– For details on political signage refer to State Environmental Planning Policy (Exempt & Complying Development Codes) 2008. Political signs for election campaigns are regulated under the Parliamentary Electorate and Elections Act 1912.
Street stalls for the sale of goods or service by non-profit community groups	Street stalls for the sale of goods or service by non-profit community groups are exempt from the need for approval provided that they comply with the following criteria:
Criteria	<ul style="list-style-type: none">➤ Written permission of the Local Chamber of Commerce is required if there is one operational.➤ Limited to no more than 2 street stalls on any one day in the same township.➤ Limited to no more than one stall per month in any township per community group.➤ The name of the organisation must be prominently displayed on the stall, not on the footpath. No other signage is permitted.➤ The stall must be “manned” at all times.➤ Must have the consent of the business or organisation outside which the stall is to be situated.➤ A minimum 1800mm (except River Street, where the minimum is 1200mm) wide unobstructed section of footpath is to be maintained at all times.➤ In some instances this distance may be reduced where the applicant can

Part 1 – Exemptions – Local Approvals Policy

Section B: Local exemptions

Advice	<p>demonstrate that there is an accessible path of travel and that there will be no increased impact on pedestrian access when the stall is in place.</p> <ul style="list-style-type: none"> ➤ Must not hinder the passage of pedestrians or create a nuisance or objectionable noise. ➤ The immediate surrounding area is to be left in a clean and tidy condition and kept clear of hazards. ➤ Street stalls involving the selling of food must comply with the requirements of the NSW Food Safety Regulations. – An individual or group carrying out these activities should be aware that they are to exercise good risk management practices at all times so as to avoid injury or loss to others. – Any institution seeking to raise public funds must check to see if an authority issued by the NSW Office of Liquor, Gaming and Racing is required and obtain one if necessary.
“Crazy Day” sales	<p>"Crazy Day" sales are exempt from the need for approval provided that they comply with the following criteria:</p>
Criteria	<ul style="list-style-type: none"> ➤ A “Crazy Day” sale is considered to be a sale held on one particular day for no more than four days in one calendar year where trading tables, clothing racks and the like (in addition to those which exist under this policy) are placed on the public footpath and usually display discounted goods. The crazy day sale may or may not be held in conjunction with a general promotion of the town or a particular time of year (for example, Christmas). ➤ A minimum of 1800mm width of unimpeded pedestrian footpath is to be maintained (except River Street, Macksville, where a minimum 1200mm must be maintained). ➤ No signs are permitted along the front property boundary of the approved business. ➤ A maximum of two trading tables or the like are permitted for any one business with a maximum size of 2000mm long by 600mm wide. ➤ The trading table is to be located in front of the business to which it relates. ➤ The business operating the trading table is responsible for ensuring the area is maintained in a clean and tidy manner. ➤ The table must only be placed on the public footpath during the hours of operation of the business that it relates to and only on the day of the crazy sale. ➤ The local Chamber of Commerce is responsible for the co-ordination and operation of each crazy day sale. ➤ The proprietor of the related business must hold evidence of public liability insurance specifically indemnifying and listing Nambucca Valley Council on the policy as an interested party is required. The policy must be held in the name of the applicant. The policy must be for a minimum of \$ 20M..
Other street vending relating to arts and crafts:	<p>Other street vending relating to arts and crafts are exempt from the need for approval provided that they comply with the following criteria:</p>
Criteria	<ul style="list-style-type: none"> ➤ Written permission of the Local Chamber of Commerce is required if there is one operational. ➤ Applies only to local artists and artisans with residency in the Nambucca Valley Council area. ➤ Not within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.

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	<ul style="list-style-type: none"> ➤ An 1800mm wide unobstructed section of footpath is to be maintained at all times (except River Street, Macksville, where a minimum 1200mm must be maintained). ➤ Goods displayed must be contained and located so as not to obstruct any doorway. ➤ Where located outside a business premise must have the permission of the proprietor. ➤ 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. ➤ 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. ➤ No amplified music, loud hailers or megaphones are permitted. ➤ May involve the sale of any food items. ➤ Must not involve spruiking of goods or services. ➤ Evidence of public liability insurance specifically indemnifying and listing Nambucca Valley Council on the policy as an interested party is required. The policy must be held in the name of the applicant. The policy must be for a minimum of \$ 20M.
Busking or street theatre (s.68 Item D2 & D4)	Busking or street theatre is exempt from the need for approval provided that it complies with the following criteria:
Criteria	<ul style="list-style-type: none"> ➤ Written permission of the Local Chamber of Commerce is required if there is one operational. ➤ Not within 5 metres of a bus stop, pedestrian crossing, taxi stand, dwelling or intersection. ➤ Must not occur in any area adjacent to an educational establishment or place of public worship or in any park or reserve. ➤ An 1800mm wide unobstructed section of footpath is to be maintained at all times (except River Street, Macksville, where a minimum 1200mm must be maintained). ➤ The activity must not create any nuisance or offensive noise. ➤ The performance must not involve the use of dangerous materials and implements nor include drawing or marking the footpath or affixing any matter or structure to the footpath paving. ➤ If located outside any shop must have the permission of the shop owner. ➤ Must not use a public address, sound system or amplified equipment. ➤ Performers may receive voluntary donations from the audience but may not solicit funds. ➤ Performers may only perform in the Valley for a maximum of 3 hours per day. ➤ Performers are not permitted when special events are in progress (unless approval given as part of the event). ➤ Performers must not advertise goods for sale or associate themselves with such advertising in conjunction with their performance, other than recordings consisting of the performers' own work.
Advice	– Any variation to the above will require Council consent.

Part 1 – Exemptions – Local Approvals Policy

Section B: Local exemptions

Use of loudspeaker or sound amplifying device (s.68 Item D5)	In accordance with the exemption given by Clause 49 of the Local Government Act the use of a loudspeaker or sound amplifying device is exempt from the need for approval provided that it complies with the following criteria:
Criteria	<ul style="list-style-type: none"> ➤ Only for major events such as fairs/festivals or sports events that have the approval of the Council. ➤ Must not create a nuisance or cause offensive noise.
Advice	<ul style="list-style-type: none"> – Any variation to the above will require Council consent.

Preaching and religious services (s.68 Item D6)	Weddings, baptisms, naming ceremonies, preaching and religious services are exempt from the need for approval provided that they comply with the following criteria:
Criteria	<ul style="list-style-type: none"> ➤ No infrastructure to be set up on Council land ➤ Not within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection. ➤ Must not occur adjacent to residential premise. ➤ Must not occur in any area adjacent to an educational establishment or place of public worship (unless permission given from the occupant). ➤ An 1800mm wide unobstructed section of footpath is to be maintained at all times (except River Street, Macksville, where a minimum 1200mm must be maintained). ➤ The activity must not cause nuisance, offense or obstruction. ➤ If located outside any shop must have the permission of the shop owner. ➤ No public address system or the like nor cause offensive noise.
Advice	<ul style="list-style-type: none"> – Any variation to the above will require Council consent.

s.68 Part E - Public Roads

Display of potted plants (s.68 Item E2)	Potted plants are exempt from the need for approval provided that they comply with the following criteria:
Criteria	<ul style="list-style-type: none"> ➤ Written permission from the local Chamber of Commerce is required if there is one operational. ➤ Must not impede access to under/above ground utilities services. ➤ Plants are to be displayed for decorative purposes and not for sale. ➤ Maximum of 2 pots per premise. ➤ Must be located immediately adjacent to and extending no further than 700mm from the front of the shop or business. ➤ Pots must be at least 450mm x 450mm and securely fixed to prevent vandalism and expected wind forces. ➤ An 1800mm wide unobstructed section of footpath is to be maintained at all times (except River Street, Macksville, where a minimum 1200mm must be maintained). ➤ Pots are to be removed from the footpath when the premises are closed. ➤ The proprietor of the related business must hold evidence of public liability insurance specifically indemnifying and listing Nambucca Valley Council on the policy as an interested party is required. The policy must be held in the name of

Part 1 – Exemptions – Local Approvals Policy

Section B: Local exemptions

	the applicant. The policy must be for a minimum of \$ 20M.
Advice	<ul style="list-style-type: none"> – Any variation to the above will require Council consent. – Consider the type of plant and the locality. Do not use thorny plants such as roses and some citrus species.
Information display stands (s.68 Item E2)	Informational display stands are exempt from the need for approval provided that they comply with the following criteria:
Criteria	<ul style="list-style-type: none"> ➢ Limited to 'A3' size and only for information (eg.,booklets or menu stands). ➢ Information should not cause any litter. ➢ Must be located immediately adjacent to and extending no further than 700mm from the front of the shop or business. ➢ Must be securely fixed to prevent vandalism and expected wind forces. ➢ An 1800mm wide unobstructed section of footpath is to be maintained at all times (except River Street, Macksville, where a minimum 1200mm must be maintained). ➢ Displays must be removed from the footpath when the premises are closed. ➢ The proprietor of the related business must hold evidence of public liability insurance specifically indemnifying and listing Nambucca Valley Council on the policy as an interested party is required. The policy must be held in the name of the applicant. The policy must be for a minimum of \$ 20M.
Advice	<ul style="list-style-type: none"> – Any variation to the above will require Council consent.
A-framed/sandwich board signs (s.68 Item E2)	A-framed/ sandwich board signs are exempt from the need for approval provided that they comply with the following criteria:
Criteria	<ul style="list-style-type: none"> ➢ Applies to commercial premises, refreshment rooms, shops or take away food outlets, bed and breakfast establishments. ➢ Must be A-frame or self-standing single or double sided sign. ➢ Maximum 1 sign per business positioned no nearer than 3 metres from a similar sign. ➢ The sign must be located within one (1) metre of the shop front (unless due to specific circumstances it is required to be sited elsewhere). ➢ Must relate to an existing approved and lawful use. ➢ Must not contravene any development consent applying to the property. ➢ Not permitted within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection. ➢ Must not display offensive, violent, obscene or include discriminatory text or graphics. ➢ Text of sign must relate to the business conducted on the premises or goods/services sold at the premises. ➢ Signs must not be illuminated or incorporate any moving components. ➢ The sign is to have a maximum height of 1 metre with each advertising panel being maximum 900mm high by 600mm wide. ➢ A minimum of unobstructed footpath width of 2.5 metres is to be maintained between the A-frame sign and any other articles, dining area or display otherwise permitted. ➢ Must be safely constructed and secured to prevent a public hazard. ➢ Signs must be removed during inclement or windy weather or when the related

Part 1 – Exemptions – Local Approvals Policy

Section B: Local exemptions

	<p>business is not open for trading.</p> <ul style="list-style-type: none"> ➤ The sign/s is/are not to obstruct or pose a risk to pedestrian or vehicular traffic. ➤ The proprietor of the related business must hold evidence of public liability insurance specifically indemnifying and listing Nambucca Valley Council on the policy as an interested party is required. The policy must be held in the name of the applicant. The policy must be for a minimum of \$ 20M.
s.68 Part F - Other activities	
Street collections & information distribution (s.68 Item F7)	Street collections (including badge/pin days) and distribution of promotional information by individuals are exempt from the need for approval provided that they comply with the following criteria:
Criteria	<ul style="list-style-type: none"> ➤ Written permission from the local Chamber of Commerce is required if there is one operational. ➤ Must not occur within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection. ➤ Must not occur in any area adjacent to an educational establishment or place of public worship or in any park or reserve. ➤ An 1800mm wide unobstructed section of footpath is to be maintained at all times (except River Street, Macksville, where a minimum 1200mm must be maintained). ➤ The activity must not cause nuisance, offence or obstruction. ➤ If located for any period of time outside any shop must have the permission of the shop owner; otherwise must be roaming. ➤ Must not include a public address system or the like. ➤ In the case of street collections must be for a registered charity where monies are channelled direct to the charity.
Install a domestic oil or solid fuel heating appliance, other than a portable appliance (s.68 Item F4)	The installation a domestic oil or solid fuel heating appliance is exempt from the need for approval provided that they comply with the following criteria:
	<ul style="list-style-type: none"> ➤ The solid fuel heater and flue shall be installed in accordance with the provisions of <i>AS2918 – Domestic Solid Fuel Burning Appliances – Installation</i>, the manufacturer's specifications, and Councils '<i>Domestic Solid Fuel/Wood Fire Heater Policy</i>'. ➤ The installation must be undertaken by a person who is licensed and competent in such work. ➤ The installation must be within either the RU1, RU2, RU3, R5, C2, C3, or C4 zones under the Nambucca Local Environmental Plan 2010.
Advice	<ul style="list-style-type: none"> – Any variation to the above will require Council consent.

Part 2 – Criteria – Local Approvals Policy

<p>Use a standing vehicle or any article for selling articles in a public place (s.68 Item F7 LGA) (s.139A Roads Act)</p>	<p>Mobile food vendors are exempt from the need for approval from Nambucca Valley Council provided that they comply with the following criteria:</p>
<p>Criteria</p>	<ul style="list-style-type: none"> ➤ They have obtained an approval in another Local Government Areas (LGA) and that approval is still valid, or they are operating at a market or event permitted without consent under the Nambucca Local Environmental Plan 2010. ➤ All vehicles must be registered as per the requirements of the Motor Traffic Act. ➤ Must not operate as a roadside stall or to sell food to the public on any site that requires development consent for that use. ➤ No additional flashing or rotating lights, except those required under Motor Traffic legislation are permitted. ➤ The vehicle is not permitted to operate within 50 metres of any retail food outlet selling a similar food product if that outlet is open (except markets or events). ➤ The vehicle is not permitted to 'set up stand' nor remain at any one selling point for more than 15 minutes unless authorised to do so under a licence issued by Council under the Roads Act 1993 or if it is located at a market or event. A vehicle must move a minimum of 500 metres between each selling point. ➤ The vehicle is not permitted to use chimes or like devices to attract attention between the hours of 8pm and 8am or to operate within 90 metres from any hospital, churches in service or schools during school hours. ➤ The vehicle is not permitted to trade on main roads and through streets with a speed limit of greater than 50km/h. ➤ Must not stop on a hill or bend where sight distance is limited nor located in front of driveways or entrances to properties. ➤ Not to trade in locations where motorists are forced to park on kerbside land, where parking/standing restrictions apply. ➤ The vehicle is not to create a traffic hazard, obstruction or dangerous situation. ➤ Not permitted to operate during hours of darkness. ➤ Litter bins are to be provided by the operator for the convenience of customers. ➤ Wastewater is to be contained within the vehicle for later disposal to the sewerage system. ➤ The vehicle must be made available for inspection by a Council Environmental Health Officer and be a registered food business under the Food Act. ➤ Mobile vending in locations adjacent to a classified road (Pacific Highway) will only be considered after the applicant has obtained the written approval of the Roads and Maritime Services.
<p>Advice</p>	<p>Mobile food vending vans must be registered with the Council. Annual inspection fees apply.</p>

Part 2 – Criteria – Local Approvals Policy

Part 2 of the Local Approvals Policy focuses on the considerations and criteria applied by the Council in determining whether to give or refuse an approval of a particular kind of activity under s.68 of the Local Government Act or where required under the s.125, 138 or 139A of the Roads Act.

In order to achieve the objectives of the policy in terms of creating an atmosphere which provides for activities which do not adversely impact on the amenity of residents and visitors, the following requirements outlined in s.89 of the Local Government Act will be taken into consideration in the assessment of all applications.

In determining an application, the council:

- (a) 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
- (b) must take into consideration any criteria in a local policy adopted by the council which are relevant to the subject-matter of the application, and
- (c) must take into consideration the principles of ecologically sustainable development.

If no requirements are prescribed and no criteria are adopted, the council in determining an application:

- (a) is to take into consideration, in addition to the principles of ecologically sustainable development, all matters relevant to the application, and
- (b) is to seek to give effect to the applicant's objectives to the extent to which they are compatible with the public interest.

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

- (a) protection of the environment, and
- (b) protection of public health, safety and convenience, and
- (c) any items of cultural and heritage significance which might be affected.

The Local Government (General) Regulation 2021 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 prescribe a number of matters that must be considered by the Council when dealing with an application.

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

Local considerations and criteria have also been referenced in this part for the following activities:

- Construction waste
- On-site sewage systems
- Commercial recreation activities
- Ceremonies (weddings, naming, christening)
- Use of a crane
- Use of footpath by shopkeepers
- Community events (fairs/festivals/ markets)
- Selling articles in a public place (mobile food vending; street stalls; other street vending)
- Footpath dining

A single approval will be issued where consent is required under both the Local Government Act 1993 and the Roads Act 1993.

Part 2 – Criteria – Local Approvals Policy

Section A Legislative criteria

The Local Government (General) Regulation 2021 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 prescribe a number of matters that must be considered by the Council when dealing with an application. Reference should be made to Regulations for specific details.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

Consideration criteria – operate a caravan park or camping ground or manufactured home estate (F2 & F3 Activity)

Part 2 & 3	<p>Council will evaluate all relevant activity applications to ensure that:</p> <ul style="list-style-type: none">(a) Supporting plans and documents clearly demonstrate an intention to comply with the requirements of the regulation. This includes all works/installations on dwelling sites have been undertaken in accordance with the relevant provisions of the regulation (Parts 2 & 3 – Division 4).(b) Where such an intention is not demonstrated, an assessment will be made of whether it is feasible for the applicant to comply and hence whether it is appropriate to issue a conditional approval or hold the application pending the supply of the necessary information.
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Consideration criteria – relocatable homes and associated structures (A1 Activity)

Part 2 & 3	<p>Council will evaluate applications for relocatable homes and associated structures in accordance with the design, installation, construction and general provisions outlined in the Regulation.</p>
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Local Government (General) Regulation 2021

Consideration criteria – stormwater drainage (B5 Activities)

Clause 15	<p>In determining an application for an approval the council must have regard to the following considerations:</p> <ul style="list-style-type: none">(a) the protection and promotion of public health,(b) the protection of the environment,(c) the safety of its employees,(d) the safeguarding of its assets,(e) any other matter that it considers to be relevant in the circumstances. <p>Part 2 of Schedule 1 of the Local Government (General) Regulation 2021 specifies mandatory standards for stormwater drainage work, including that such works must comply with the New South Wales Code of Practice—Plumbing and Drainage (also known as the Plumbing and Drainage Code of Practice).</p>
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Consideration criteria – place building waste storage container on a road (C3 Activity)

Clause 27	<p>In determining an application for approval to place on a road a building waste storage container, the council is to take into consideration any requirements or guidelines relating to the location, size and visibility of building waste storage containers that are notified to the council from time to time by Transport for NSW.</p>
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Part 2 – Criteria – Local Approvals Policy

Section A Legislative criteria

Consideration criteria – sewage management facilities (C5 Activity)

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 following matters:</p> <p>Environment and health protection matters - The council must consider whether the proposed sewage management facility (or the proposed sewage management facility as altered) and any related effluent application area will make appropriate provision for the following:</p> <ul style="list-style-type: none">(a) preventing the spread of disease by micro-organisms,(b) the prevention of the spread of foul odours,(c) preventing contamination of water,(d) preventing degradation of soil and vegetation,(e) the discouragement of insects and vermin,(f) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,(g) the re-use of resources (including nutrients, organic matter and water),(h) the minimisation of any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land. <p>Guidelines and directions - The council must consider any matter specified in guidelines or directions issued by the Director-General in relation to the matters any environmental and health protection matters.</p>
Clauses 43 & 44	<p>In determining an application for an approval to operate a system of sewage management the Council will consider the similar matters as those outlined above.</p> <p>Note: These matters are also considered on applications for the installation of a grey water treatment device. Devices must however be accredited by NSW Health.</p>

Consideration criteria – applications relating to public roads (E1 & E2 Activities)

Clause 50	<p>In determining an application for an approval under Part E of the Table to s. 68 of the Act the 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.</p>
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Consideration criteria – operation of a public car park (F1 Activity)

Clause 53	<p>In determining an application for approval to operate a public car park the council is to take the following matters into consideration:</p> <ul style="list-style-type: none">(a) Transport for NSW views about the application,(b) the effect of the car park on the movement of vehicular traffic and pedestrian traffic,(c) whether the number of vehicles proposed to be accommodated is appropriate having regard to the size of the car park and the need to provide off-street parking facilities within the car park for the temporary accommodation of vehicles,(d) whether the means of ingress and egress and means of movement provided or to be provided within the car park are satisfactory,(e) whether there will be adequate provision for pedestrian safety and access for people with disabilities,(f) whether the internal design of parking facilities and system of traffic management are satisfactory,(g) whether, in the case of a car park that is a building, adequate ventilation is provided or to be provided,(h) the 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
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Part 2 – Criteria – Local Approvals Policy

Section A Legislative criteria

	persons who will go there, (i) whether there will be adequate provision for the management of stormwater and the minimisation of stormwater pollution.
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Roads Act 1993

Consideration criteria - street vending

Section 139F	When considering whether to grant, extend or transfer a street vending consent, or other consent under this Division permitting the use of a structure in, on or over a public road not in a built-up area, for the purpose of selling any article or service, the roads authority must comply with guidelines relating to street vending jointly issued by Transport for NSW and the Office of Local Government. A street vending consent may not be granted if a structure is subject to a lease under Section 149 of the Roads Act 1993.
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In addition to the legislative considerations, the following criteria for the activities specified are considered in determining whether to give approval. Where an activity is not specified then the provisions of s.89 of the Local Government Act are considered.

s.68 Part D - Community land and Section 355 Committees

Commercial activities (s.68 Item D1 LGA)	The following criteria will be considered in determining an application for commercial activities undertaken by professional operators for commercial gain. For example: surf schools; boot camps; boat and board hire; health and fitness classes.
Criteria	<ul style="list-style-type: none">➤ Commercial (Recreation and tourism) uses are permitted only in locations considered acceptable to the type and scale of use.➤ All requirements of Work Health and Safety Act must be met which includes assessment of risks related to the use/activity.➤ Evidence of public liability insurance specifically indemnifying and listing Nambucca Valley Council on the policy as an interested party is required. The policy must be held in the name of the applicant. The policy must be for a minimum of \$ 20M.➤ Council is the Authority to determine the regulation of the number of commercial events on any particular location.
Advice	<ul style="list-style-type: none">➤ Approvals are issued for either 12 months, 3 years or for a maximum period of 5 years and the applicant is to provide evidence of public liability insurance annually, specifically indemnifying and listing Nambucca Valley Council on the policy as an interested party is required. The policy must be held in the name of the applicant. The policy must be for a minimum of \$ 20M. On expiration of the approval a new application is required. Fees are not refundable.➤ Applications must include information on the type of activity being carried out and an assessment of risk.➤ Recreation and tourism uses on private land will require the submission of a development application.➤ All applications must be made on the appropriate form found on www.nambucca.nsw.gov.au

Part 3 – Other Matters – Local Approvals Policy

Ceremonies (s.68 Item D6 LGA)	<ul style="list-style-type: none"> ➤ The following criteria will be considered in determining an application to hold a ceremony in a public place.
Criteria	<ul style="list-style-type: none"> ➤ Ceremonies which entail infrastructure being introduced onto Council land are not exempt and will need approval under Events on Council Land. ➤ Vehicles must be legally parked. Vehicles will not be permitted in parks /reserves unless prior arrangement and approval has been obtained. ➤ No amplification of any kind is to be used including loud hailers and/or megaphones. ➤ The site is to be kept clean and tidy. The use of confetti is not permitted. ➤ Applicants are required to complete a 'Hold Harmless Agreement' form that assumes liability should any damages, acts or incidents occur as a result of the ceremony.
Advice	<ul style="list-style-type: none"> - An approval is issued only for the nominated day of the event. Should the event not proceed a new application is required. Booking application forms and details are available on www.nambucca.nsw.gov.au. Fees and cancellation fees apply.

s.68 Part E - Public Roads

Use of crane (s.68 Item E1 LGA)	The following criteria will be considered in determining an approval for the use of a crane over public land.
Criteria	<ul style="list-style-type: none"> ➤ Located within the boundaries of the property otherwise a Roads Act approval will be required. ➤ Must ensure the safety of the public and the protection of property. ➤ The effect that the enclosure of the portion of the road over which the goods will be lifted will have on pedestrian movements in the vicinity of the proposed enclosure, and whether adequate provision has been made for pedestrian access to nearby premises. ➤ The effect that the enclosure of the portion of the road over which the goods will be lifted will have on vehicular parking in the vicinity of the proposed enclosure. ➤ The period during which it is proposed to keep the public place enclosed. ➤ Footway surfaces must be maintained in a safe condition.
Advice	<ul style="list-style-type: none"> - An approval is issued only for the nominated day/period. Should the work not proceed a new application is required. Application forms are found on www.nambucca.nsw.gov.au. Application and use fees apply. - Roads and Maritime Services requirements to be adhered to.
Use of footpath by shopkeepers (s.68 Item E2 LGA)	The following criteria will be considered in determining an application by a shopkeeper for the use of the footpath outside the premises for the display of goods for sale.
Criteria	<ul style="list-style-type: none"> ➤ An 1800 wide unobstructed section of footpath is to be maintained at all times (except River Street, Macksville where a minimum of 1200mm must be maintained). ➤ A maximum of one trading table or other structure is permitted for any one business with a maximum size of 2000mm long by 600mm wide. ➤ Goods displayed must relate to the business conducted at the premises; be contained within the property side boundary; extend no further than

Part 3 – Other Matters – Local Approvals Policy

	<p>700mm from the shopfront and located so as not to obstruct any doorway.</p> <ul style="list-style-type: none"> ➤ Any food including tin and packaged goods displayed shall be at a height not less than 750mm above the footpath level. Displayed fruit and vegetables must be protected from contamination. ➤ Goods and/or display stands must not be more than 2 metres above footpath level. ➤ 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. ➤ All goods and/or display stands must be removed from the footpath when premises are closed. ➤ The location of the trading table or other structure must not obstruct the operation of public amenities (such as bus stops, taxi ranks, pram/wheelchair ramps, pedestrian crossings, parking spaces, etc). ➤ 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. ➤ No spruiking of goods is permitted. ➤ Cash registers or counter facilities are prohibited. ➤ Evidence of public liability insurance specifically indemnifying and listing Nambucca Valley Council on the policy as an interested party is required. The policy must be held in the name of the applicant. The policy must be for a minimum of \$ 20M. ➤ An application for the use of the footpath in locations adjacent to a classified road (Pacific Highway) will only be considered after the applicant has obtained the written approval of the Roads and Maritime Services.
Advice	<ul style="list-style-type: none"> - Approvals are for 12 months after which time the approval may be renewed. Application and occupation fees apply. Fees are not refundable. - The application must include a plan drawn to scale showing pedestrian areas, property boundaries and structures. Include details on the type of goods for sale. - Approvals may be transferred to a new proprietor upon notification to Council and production of the appropriate public liability insurance cover.

s.68 Part F - Other activities

<p>Use a standing vehicle or any article for selling articles in a public place (s.68 Item F7 LGA) (s.139A Roads Act)</p>	<p>The Council is unlikely to approve the use of a standing vehicle or any article for the selling of articles in a public place other than in the following circumstances. In determining an application consideration will be given to the relevant criteria.</p>
Criteria	<ul style="list-style-type: none"> ➤ <u>Mobile vending:</u> ➤ All vehicles must be registered as per the requirements of the Motor Traffic Act. ➤ Must not operate as a roadside stall or to sell food to the public on any site that requires development consent for that use. ➤ No additional flashing or rotating lights, except those required under Motor Traffic legislation are permitted. ➤ The vehicle is not permitted to operate within 50 metres of any retail food

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	<p>outlet selling a similar food product if that outlet is open.</p> <ul style="list-style-type: none"> ➤ The vehicle is not permitted to 'set up stand' nor remain at any one selling point for more than 15 minutes unless authorised to do so under a licence issued by Council under the Roads Act 1993. A vehicle must move a minimum of 500 metres between each selling point. ➤ The vehicle is not permitted to use chimes or like devices to attract attention between the hours of 8pm and 8am or to operate within 90 metres from any hospital, churches in service or schools during school hours. ➤ The vehicle is not permitted to trade on main roads and through streets with a speed limit of greater than 50km/h. ➤ Must not stop on a hill or bend where sight distance is limited nor located in front of driveways or entrances to properties. ➤ Not to trade in locations where motorists are forced to park on kerbside land, where parking/standing restrictions apply. ➤ The vehicle is not to create a traffic hazard, obstruction or dangerous situation. ➤ Not permitted to operate during hours of darkness. ➤ Litter bins are to be provided by the operator for the convenience of customers. ➤ Wastewater is to be contained with the vehicle for later disposal to the sewerage system. ➤ The vehicle must be made available for inspection by a Council Environmental Health Officer for registration under the Food Act prior to the issue of approval. ➤ Mobile vending in locations adjacent to a classified road (Pacific Highway) will only be considered after the applicant has obtained the written approval of the Roads and Maritime Services.
Advice	<p>Mobile vending:</p> <ul style="list-style-type: none"> - Approvals are for 12 months after which time a new application is required. Application fees apply. Fees are not refundable. - Mobile food vending vans must be registered with the Council. Annual inspection fees apply.

Part 3 of the Local Approvals Policy covers other matters, mostly administrative, relating to the processing of an application.

The application process is primarily established by legislation and whilst it can vary according to the type of works/activities proposed there is a fundamental process that is followed. This process is outlined below.

Lodgement 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.

An application may be rejected within 7 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.

Assessment of an application

Part 3 – Other Matters – Local Approvals Policy

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. Due to the nature and type of works/activities requiring approval under the Local Government Act 1993 and the Roads Act 1993 are not generally notified.

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

Determination

Once determined a notice will be issued advising whether the application has been approved 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.

Review of determination

A determination can be reviewed under s.100 of the Local Government 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.

Refunds

Limited refunds may apply depending on the level of assessment associated with the application. Cancellation fees also apply for some bookings.

Record of approvals

A record of approvals is required to be kept under s.113 of the Local Government Act. This record is available to the public.

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 this Act relating to the subject of the approval,
- (d) for any failure to comply with a condition of the Approval Reference should be made to Council's Local Orders Policy and Enforcement Policy for details on enforcement processes and actions.

NOTE

Part 3 – Other Matters – Local Approvals Policy

- 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 Environmental Planning and Assessment Act 1979.
- Any applications involving the preparation of food, the operation of a temporary food premise must comply with the NSW Food Code.