



TENTERFIELD SHIRE COUNCIL LOCAL APPROVALS POLICY

Summary:

The Purpose of this policy aims to:

- Provide a framework for dealing with applications for approvals within the Tenterfield Shire Council Area.
- To outline common and consistent requirements for approvals relevant to the policy
- To further make Council's policy requirements for approvals readily accessible to the community

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	<p>Local Government Act 1993 Section 68 Part A B C D E F</p> <p>Note 1 Some of these activities also require approvals to be issued under the Roads Act 1993.</p> <p>Note 2 In the event development requires approvals under the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979, all relevant approvals may be handled at the development application/assessment stage at the applicants request.</p>
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1. Overview

The purpose of this Policy is to provide guidance on the exemption for the need for Approvals and/or Consents, and outline criteria for activities where Approvals/Consents will be required.

2. Policy Principles

This policy has been drafted in line with Part 3, Chapter 7 of the *Local Government Act 1993* (the Act). This policy does:

- Outline approval processes that require assessment and issuing under either the *Local Government Act 1993* and/or the *Roads Act 1993*; and,
- Apply to activities and works within the Tenterfield Shire Council area.

The policy does not:

- Detail approvals required under the *Environmental Planning and Assessment Act 1979*;
- Include works overlying lands designated as National Parks, which are subject to processes administered by the National Parks and Wildlife Services NSW;
- Make reference to, or supersede, specific approvals or exemptions noted in any Development Control Plan (under the **Tenterfield Local Environmental Plan 2013**) pertaining to approvals required under the *Environmental Planning and Assessment Act 1979*; or,
- Make reference to, or supersede, specific approvals or the requirements of any other legislation.

This Local Approvals Policy is divided into three (3) separate parts:

Part 1. EXEMPTIONS – Circumstances under which an activity or development will be exempt from the need to obtain approvals.

Part 2. CRITERIA – The specific criteria that will need to be taken into consideration when determining if an approval should be issued to an activity or development.

Part 3. OTHER MATTERS – Information outlining other matters relevant to Application and Approval to Operate processes.

3. Policy Objectives

Generally, the policy aims to:

- Provide a framework for dealing with applications for approvals within the Tenterfield Shire Council area.
- To outline common and consistent requirements for approvals relevant to the policy.
- To further make Council's policy requirements for approvals readily accessible to the community.

4. Policy Statement

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5. Scope

PART 1 – EXEMPTIONS

5.1.1 Basis for exemptions.

The main basis for including exemptions in the policy are:

- The structure is of a minor or common nature and experience shows it causes no problems.
- Where building works were not the subject of building control under Part 11 of the LG Act 1919.

Where exemptions are not provided for by either this policy or by the Regulations, or, where exemption criteria cannot be met, approval issued by Tenterfield Shire Council is required.

Should any doubt exist as to whether an activity is exempt or requires an approval, consultation must be arranged with Council Officers prior to work or an activity commencing.

5.1.2 Exemption conditions.

Where a person is exempt from the need to obtain an approval due to the particulars of this policy, the exemption is subject to the condition that the activity comply with the standards referred to in clauses 31, 44, 51, 68 and 73 of the *Local Government (General) Regulation 2005*.

All exemptions under the policy are bound to this condition.

5.1.3 Exemptions provided by regulations or the policy.

The table in this section details if the regulations or the policy offer an exemption to activities specified in the Act.

ACTIVITY	Column 1 - Outlines the activity for which approval is required under Section 68 of the <i>Local Government (General) Regulation 2005</i> .
Regulations	Column 2 - Specifies if exemptions are provided for by the Regulations.
Policy	Column 3 - Specifies if exemptions are provided for by the Policy.

Note – when consulting the below table, ensure reference is also made to section 1.4 of the policy to ensure that exemptions comply with any conditions that may be applicable.

ACTIVITY	EXEMPTIONS	
	Regulations	Policy
Part A - Structures		
1. Install a manufactured home, movable dwelling or associated structure on land.	Yes	No
Part B – Water Supply, Sewerage and Stormwater - Drainage Work		
1. Carry out water supply work.	Yes	Yes
2. Draw water from a Council water supply or a standpipe or sell water so drawn.	Yes	Yes
3. Install, alter, disconnect or remove a meter connected to a service pipe.	No	No
4. Carry out sewerage work.	No	Yes
5. Carry out stormwater drainage work.	No	Yes
6. Connect a private drain or sewer with a public drain or sewer under the control of a Council or with a drain which connects with such a public drain or sewer.	No	No
Part C – Management of Waste		
1. For fee or reward, transport waste over or under a public place.	Yes	Yes
2. Place waste in a public place.	Yes	Yes
3. Place waste storage container in a public place.	No	Yes
4. Dispose of waste into a sewer of Council.	Yes	No
5. Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.	Yes	No
6. Operate a sewage management facility (in accordance with Section 68A of the Act).	Yes	No
Part D – Community Land		
1. Engage in a trade or business.	No	No
2. Direct or procure a theatrical, musical or other entertainment for the public.	No	No
3. Construct a temporary enclosure for the purpose of entertainment.	No	No
4. For fee or reward, play a musical instrument or sing.	No	Yes

5. Set up, operate or use a loudspeaker or sound amplifying device.	Yes	Yes
6. Deliver a public address or hold a religious service or public meeting.	No	No

ACTIVITY	EXEMPTIONS	
	Regulations	Policy
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.	No	No
2. Expose, or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.	No	No
Part F – Other Activities		
1. Operate a public car park.	Yes	Yes
2. Operate a caravan park or camping ground.	No	No
3. Operate a manufactured home estate.	No	No
4. Install a domestic oil or solid fuel heating appliance, other than a portable appliance.	Yes	No
5. Install or operate amusement devices.	No	No
6. (Repealed)		
7. Use a standing vehicle or any article for the purpose of selling any article in a public place.	No	No
8. (Repealed)		
9. (Repealed)		
10. Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations.	No	No

1.4 Part A Exemptions (Structures)

1.4.1 – Install a manufactured home, movable dwelling or associated structure on land.

Exemptions provided by the regulations:

Activity	Regulation
Installation of relocatable home, caravan, tent or annexe and campervan on a "dwelling site" or "camp site" within an approved caravan park or camping ground.	Clause 74 of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i> .
Installation of not more than 2 caravans, campervans or tents on any land, so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months.	Clause 77(a) of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i> .
Installation of not more than one caravan or campervan on land occupied by the owner of the caravan or campervan in connection with that owner's dwelling-house, so long as it is used for habitation only by the owner or by members of the owner's household and is maintained in a safe and healthy condition.	Clause 77(b) of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i> .
Installation of a caravan or campervan on pastoral or agricultural land, so long as it is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land.	Clause 77(c) of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i> .
Installation of a caravan, campervan or tent on Crown reserves or on land that is reserved or dedicated under the Forestry Act 1916.	Clause 78 of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i> .

Exemptions provided by the policy:

No exemptions are provided for this activity under the policy.

Note that under the *Crown Lands Regulation 2006*, camping is not permitted on public land.

1.5 Part B Exemptions (Water Supply, Sewerage and Stormwater Drainage Works)

1.5.1 – Carry out water supply work.

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

Activity	Conditions
Carry out water supply work.	Water supply work may be carried out, wholly within a property boundary on the private side of a water meter, if the work is permitted by, and undertaken in accordance with the NSW Code of Practice – Plumbing and Drainage.

1.5.2 – Draw down from a Council water supply or a standpipe or sell water so drawn.

Exemptions provided by the regulations:

Activity	Regulation
A Council employee acting in the course of his or her employment may draw water from a water supply system or standpipe without the prior approval of Council.	Clause 24 of the <i>Local Government (General) Regulation 2005</i> .

Exemptions provided by the policy:

Activity	Conditions
Draw down from a Council water supply or a standpipe or sell water so drawn.	Water may be drawn from Council's water supply if undertaken in accordance with Council Policy " Water – Service Connections – 2.231 ", and the water is passed through an independent service pipe and meter connected to that system

1.5.3 – Install, alter, disconnect or remove a meter connected to a service pipe.

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity, and approval is required from Council.

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity, and approval is required from Council.

1.5.4 – Carry out sewerage work.

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

Activity	Conditions
Carry out sewerage work.	Sewerage work may be carried out, wholly within a property boundary on the private side of a junction to sewer main, if the work is permitted by, and undertaken in accordance with the NSW Code of Practice – Plumbing and Drainage. Note - this does not apply to Onsite Sewerage Management Facilities (see s. 1.6.5 of policy).

1.5.5 – Carry out stormwater drainage work.

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

Activity	Conditions
Carry out stormwater drainage work.	Stormwater drainage work may be carried out, wholly within the property boundary, if the work is permitted by, and undertaken in accordance with the NSW Code of Practice – Plumbing and Drainage. Any works within Councils road reserve must be approved through submission of Council's " Application to Carry Out Works Within a Road Reserve " form.

1.5.6 – Connect a private drain or sewer with a public drain or sewer under the control of a Council or with a drain which connects with such a public drain or sewer.

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

Activity	Conditions
Connect a private drain or sewer with a public drain or sewer under the control of a Council or with a drain which connects with such a public drain or sewer.	Sewerage drainage work may be carried out if the work is permitted by, and undertaken in accordance with the NSW Code of Practice – Plumbing and Drainage.

	Works must be approved through submission of Council's "Sewer Application" form.
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1.6 Part C Exemptions (Management of Waste)

1.6.1 – For fee or reward, transport waste over or under a public place.

Exemptions provided by the regulations:

Activity	Regulation
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 waste is being transported through the area of the Council and is not being collected or deposited in that area.	Clause 48 (a) of the <i>Local Government (General) Regulation 2005</i> .

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity.

1.6.2 – Place waste in a public place.

Exemptions provided by the regulations:

Activity	Regulation
The placing of waste in a public place, if it is done in accordance with arrangements instituted by Council.	Clause 48 (b) of the <i>Local Government (General) Regulation 2005</i> .

Exemptions provided by the policy:

Activity	Conditions
The placing of waste in a public place, if it is done in accordance with arrangements instituted by Council.	The only arrangements instituted by Council are: 1. To allow residents to place mobile garbage bins on the footpath for collection by Council; and, 2. To provide street litter bins into which the public may deposit litter that is not household waste; and, 3. Any other specific clean-up projects or arrangements instituted or arranged by Council.

1.6.3 – Place waste storage container in a public place.

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

Activity	Conditions
The placing of waste storage container in a public place.	The only arrangements instituted by Council are: 1. To allow residents to place mobile garbage bins on the footpath for collection by Council; and, 4. To provide street litter bins into which the public may deposit litter that is not household waste; and, 2. Any other specific clean-up projects or arrangements instituted or arranged by Council.

1.6.4 – Dispose of waste into a sewer of the Council.

Exemptions provided by the regulations:

Activity	Regulation
The discharge of sewage of a domestic nature into a sewer of the Council, if it is done in accordance with arrangements instituted by the Council.	Clause 48 (c) of the <i>Local Government (General) Regulation 2005</i> .
The disposal of septic tank effluent into a sewer of the Council, if the premises are within a Common Effluent Drainage District declared by Council.	Clause 48 (d) of the <i>Local Government (General) Regulation 2005</i> .

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity.

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

Exemptions provided by the regulations:

Activity	Regulation
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, or in a vessel used for navigation, or in a motor vehicle registered under the Road Transport (Vehicle Registration) Act 1997 that is used primarily for road transport.	Clause 48 (e) of the <i>Local Government (General) Regulation 2005</i> .

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity.

1.6.6 – Operate a system of sewerage management (in accordance with section 68A of the Act).

Exemptions provided by the regulations:

Activity	Regulation
So much of the operation of a system of sewage management as is limited to an action carried out: under the authority of a licence in force under the Protection of the Environment Operations Act 1997, or in a vessel used for navigation, or in a motor vehicle registered under the Road Transport (Vehicle Registration) Act 1997 that is used primarily for road transport.	Clause 48 (f) of the <i>Local Government (General) Regulation 2005</i> .
Despite the other provisions of this Regulation, a person who purchases (or otherwise acquires) land on which any sewage management facilities are installed or constructed may operate a system of sewage management without the approval required under section 68 of the Act for the period of 3 months after the date on which the land is transferred or otherwise conveyed to the person (whether or not an approval is in force, as at that date, in relation to the operation of a system of sewage management on that land). 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.	Clause 47 of the <i>Local Government (General) Regulation 2005</i> .

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity.

1.7 Part D Exemptions (Community Land)

1.7.1 – Engage in a trade or business.

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity.

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

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity.

1.7.3 – Construct a temporary enclosure for the purposes of entertainment.

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity.

1.7.4 – For fee or reward, play a musical instrument or sing.

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

Activity	Conditions
Busking in a public place.	Must be undertaken in accordance with Council's " Busking Policy ".

1.7.5 – Set up, operate or use a loudspeaker or sound amplifying device.

Exemptions provided by the regulations:

Activity	Regulation
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.	Clause 49 of the <i>Local Government (General) Regulation 2005</i> .

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity. Council currently has no Notices on any public land relating to the use of loudspeakers and/or amplifying equipment.

1.7.6 – Deliver a public address or hold a religious service or public meeting.

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity.

1.8 Part E Exemptions (Public Roads)

1.8.1 – 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.

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity.

1.8.2 – 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 outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road.

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity.

Council's Local Environmental Plan (LEP), schedule 2, notes other exemption requirements for signage.

1.9 Part F Exemptions (Other Activities)

1.9.1 – Operate a public car park.

Exemptions provided by the regulations:

Activity	Regulation
A public car park may be operated without the prior approval of Council if approval for its erection has already been given by the Council in conjunction with another approval or development consent, and the car park complies with any applicable conditions of that approval or development consent.	Clause 66 of the <i>Local Government (General) Regulation 2005</i> .

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity.

1.9.2 – Operate a caravan park or camping ground.

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity

1.9.3 – Operate a manufactured home estate.

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity.

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

Exemptions provided by the regulations:

Activity	Regulation
A domestic oil or solid fuel heating appliance (other than a portable appliance) may be installed without the prior approval of Council if details of the appliance are included in plans and specifications for the relevant building approved under the <i>Environmental Planning and Assessment Act 1979</i> .	Clause 70 of the <i>Local Government (General) Regulation 2005</i> .

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity.

1.9.5 – Install or operate amusement devices.

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity.

Note - Exemptions may be given on a case by case basis to Community Organisations only. Organisations must contact Council prior to assuming an exemption has been issued.

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

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity.

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

Exemptions provided by the regulations:

No exemptions are provided by the regulations for this activity.

Exemptions provided by the policy:

No exemptions are provided by the policy for this activity.

PART 2 – CRITERIA

2.1 Criteria to be applied in determining approvals

This part aims to provide criteria applied by Council in determination of an application, and whether approval or refusal to an application should be issued for activities under:

- Section 68 of the *Local Government Act 1993*.
- Sections 125, 138 or 139A of the *Roads Act 1993*.

In determining an application the Council:

- will not approve an application if the activity or carrying out of the activity cannot comply with requirements of relevant legislation;
- will account for criteria specified in other local Council Policy to which the application relates;
- will take into consideration the principles of Ecologically Sustainable Development for the activity or carrying out of the proposed activity;
- will seek to effect the applicants approval to the extent that it is compatible with the greater public interest;
- will uphold protection of the environment;
- will uphold protection of public health, safety and convenience; and,
- will account for any heritage items and/or items of cultural significance that may be affected by the proposal.

The *Local Government (General) Regulation* and the *Local Government (Manufactured Home Estates, Caravan parks, Camping Grounds and Movable Dwellings) Regulation* stipulate a number of criteria that must be considered by Council in assessment of an application.

To enable this Part of the policy to be interpreted with ease, parts of legislative criteria and considerations have been paraphrased. Reference to relevant Regulations should be made directly where specific details are required. Due to the size and scope of regulations and activities requiring approvals, criteria has only been stated for activities more commonly undertaken in the Tenterfield Shire Council area.

2.2 Other Council policy related to this policy.

Council policy which contain standards related to the implementation of this policy include:

- Aerated Wastewater Treatment Systems – 3.011
- Fund Raising Stalls – 1.060
- Enforcement of Unlawful Activities – 1.051
- School of Arts – Use for Weddings and Other Activities – 1.195
- On-site Sewage Management – 3.150
- Water – Service Connections – 2.231

All Council policies can be accessed via www.tenterfield.nsw.gov.au or obtained/viewed at Council's main office front counter.

2.3 Part A Criteria (Structures)

In assessing applications for installations of manufactured homes, movable dwellings or associated structures (including the operation of a caravan park or camping and primitive camping grounds), Council will evaluate the application in accordance with the Act, and the *Local government (Manufactured Home Estates, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, and the following criteria:

- Supporting plans and documents clearly demonstrate an intention to comply with the requirements of the regulation.
- 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.

This includes, but is not limited to, the following assessments.

Primitive Camping Grounds

- Limit of two (2) per hectare;
- Clear designation of grounds and sites to be occupied;
- No placement of caravans, annexures or campervans within 6 metres of one another, or any other tent;
- No placement of tents within 3 metres of any other tent;
- Adequate provision of toilet, refuse disposal and water supply;
- Record keeping for users/group registers and fee payments;
- Evidence of relevant Public Liability Insurances;
- Firefighting facilities; and,
- Provision that structures are not to be left unoccupied for longer than twenty-four (24) hours.

Caravan Parks

- Land and site requirements, including site identification are suitable;
- Setbacks, separation distances and road frontages are suitable;
- Road access, surfaces, speed limits, lighting and parking facilities are suitable;
- Adequate potable water supply (mains or appropriate alternative) is provided for users;
- Adequate sewerage disposal (mains or appropriate alternative) is provided for short-term sites, in addition to a soil waste dump point and sullage disposal point;
- Adequate stormwater drainage for the site;
- Electricity provision to dwelling sites;
- Adequate provision of shower and toilet facilities;
- Adequate provision of laundry facilities;
- Adequate garbage facilities;
- Record keeping for users/group registers and fee payments;
- Firefighting facilities; and,

- Provision of vehicle wash-down facilities.

2.4 Part B Criteria (Water supply, Sewerage and Stormwater Drainage)

In assessing applications for water supply, sewerage and stormwater drainage, Council will evaluate the application in accordance with the Act, and the *Local government (General) Regulation 2005*, and the following criteria:

- the protection and promotion of public health;
- the protection of the environment;
- the safety of its employees;
- the safeguarding of its assets; and,
- any other matter that it considers to be relevant in the circumstances.

This includes, but is not limited to, the following assessments.

Stormwater and Sewage Drainage – Connections to Mains

- Carried out by person authorised by Council or under control of a Council Officer;
- Due notice to be given to Council of intention to start works;
- The activity approved and any building work carried out in association with the activity complies with the *Plumbing and Drainage Act 2011*, the National Construction Code, and the NSW Code of Practice – Plumbing and Drainage; and,
- Not cover works until such time as Council inspects and certifies works;

Install Water Meter

- Premises are to be connected by an independent service pipe;
- Chemical dispensing units are not permitted to be installed;
- Installations to be of a Council provided meter, or, of a size and type approved by Council; and,
- Ensure accessibility by Council to the installation at any time.

Stormwater Drainage

- The activity approved and any building work carried out in association with the activity complies with the *Plumbing and Drainage Act 2011*, the National Construction Code, and the NSW Code of Practice – Plumbing and Drainage.

Sewage Drainage

- Ensure there are no joint sewage services; and,
- The activity approved and any building work carried out in association with the activity complies with the *Plumbing and Drainage Act 2011*, the national Construction Code, and the NSW Code of Practice – Plumbing and Drainage.

2.5 Part C Criteria (Management of Waste)

In assessing applications for management of wastes (including the operation of an onsite sewage management facility), Council will evaluate the application in accordance with the Act, and the *Local government (General) Regulation 2005*, and the following criteria:

- the protection and promotion of public health;
- the protection of the environment;
- the safety of its employees;
- the safeguarding of its assets; and,
- any other matter that it considers to be relevant in the circumstances.

This includes, but is not limited to, the following assessments.

Onsite Sewage Management Facility

- Be of a kind which has a certificate of accreditation issued by the Department of NSW Health;
- Prevent the spread of disease by micro-organisms;
- Prevent the spread of foul odours;
- Prevent the contamination of waters (both surface and ground water);
- Prevent the degradation of vegetation and soils;
- Discourage vermin and insects;
- Ensure persons do not come into contact with sewage or effluent;
- Re-use of resources (including nutrients, organic matter and water);
- Minimisation of adverse impacts to the amenity of land, including adjoining lands; and,
- Operate in accordance with relevant guidelines and standards.
- Approval and operation in accordance with Councils **Onsite Sewage Management** Policy and **Aerated Wastewater Treatment Systems** Policy.

Note – Approvals are valid for a maximum of five (5) years, or less where expiry is directly noted on an approval due to location specific risks.

Liquid Trade Waste

- Details noted in Council's **Liquid Trade Waste Regulation**.

Waste Storage in a Public Place

- 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 the Roads and Traffic Authority.

Construction Waste

- Every effort must be made to contain construction waste within the building site, and consideration otherwise will only be given where this is not possible.

2.6 Part D Criteria (Community Land)

In assessing applications for activities on Community Land, Council will evaluate the application in accordance with the Act, and the *Local government (General) Regulation 2005*, and the following criteria:

- the protection and promotion of public health;
- the protection of the environment;
- the safety of its employees;
- protection of public health, safety and convenience;
- any items of cultural and heritage significance which might be affected;

- the safeguarding of its assets; and,
- any other matter that it considers to be relevant in the circumstances.

This includes, but is not limited to, the following assessments.

Commercial Recreation Activities

- Recreation and tourism uses are permitted only in or locations considered acceptable to the type and scale of use;
- All requirements of Work Health & Safety Act must be met which includes assessment of risks related to the use / activity; and,
- Evidence of public liability insurance specifically indemnifying and listing the Tenterfield Shire Council on the policy as and interested party is required. The policy must be held in the name of the applicant, and a copy included with the application to Council for the proposed activity.

Ceremonies

- For wedding, naming or christening ceremonies and only for the ceremony not the reception;
- The area to be used must remain accessible by the public. It is not to be roped off;
- Vehicles must be parked in parking areas, 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 without prior approval;
- The site is to be kept clean and tidy. The use of confetti, rice, flower petals or the like is not permitted; and,
- Applicants are required to complete an '**Application for an Event at a Council Park, Oval or Reserve**' form that assumes liability should any damages, acts or incidents occur as a result of the ceremony.

2.7 Part E Criteria (Public Roads)

In assessing applications for activities on (or Over), Public Roads, Council will evaluate the application in accordance with the Act, and the Local Government (General) Regulation 2005, and the following criteria:

- The provisions of the roads Act 1993; and,
- Any standards and policy of public authorities applying to use of the road.

This includes, but is not limited to, the following assessments.

Use of Cranes

- Must be 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; and,
- Footway surfaces must be maintained in a safe condition.

Note – approvals are issued only for a nominated timeframe. Where works do not occur in that timeframe, a new application will be required.

Use of Footpaths by Shops (Refer to Footpath Activities Policy)

2.8 Part F Criteria (Other Activities)

In assessing applications for any other activities specified by the regulations, Council will evaluate the application in accordance with the Act, and the *Local government (General) Regulation 2005*, and the following criteria:

- the provisions of the *Roads Act 1993*;
- relevant standards, guidelines and regulations;
- protection of the environment;
- protection of public health, safety and convenience; and,
- any items of cultural and heritage significance which might be affected.

This includes, but is not limited to, the following assessments.

Market, Festival or Community Event in Public Places

- Temporary Food Premises to comply with requirements/guidelines issued by the NSW Food Authority, organisers responsible to provide instructions on food handling;
- Full clean up arrangements responsibility of organisers;
- Relevant permits (WorkCover, Police, RMS) if applicable;
- Temporary structures (some may require Development Consent) to be structurally sound and capable of handling loads imposed on them, comply with WorkCover NSW requirements and incorporate essential fire safety provisions in the event of an emergency;
- Adequate provision of toilet facilities;
- Disabled access arrangements;
- Impacts on traffic/roads;
- Ensure noise emissions comply with relevant legislation;
- Health and Safety requirements must be met including assessment of risks related to the event;
- Must be undertaken by public authority, institution, organisation of the Council, charity, Schools or not-for-profit organisations; and,
- Event to run for no more than 48 hours.

Solid Fuel Heaters

- Installation and maintenance of heaters must be undertaken in accordance with requirements of AS4013, AS2918 and the Building Code of Australia section 3.7.3;
- Operation in accordance with guidelines from the NSW EPA;
- Compliance with Air Pollution requirements of the *Protection of the Environment Operations Act 1997*;
- Matters stated on Council's '**Application to Install a Domestic Solid Fuel Burning Device**' form; and,
- Council is to be informed of all new installations to satisfy an exemption from approval to operate on an ongoing basis.

Street Stalls

With regards to s139 of the *Roads Act 1993*.

- 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 Roads and Maritime Services and the Department of Local Government;
- Only operated by not-for-profit community groups or charity;
- A minimum 1.8 metre unobstructed section of footpath with a minimum distance of 600mm from the kerb 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 street furniture is in place;
- Preference is given to placement of items directly against the shop front;
- Evidence of public liability insurance specifically indemnifying and listing Tenterfield Shire Council on the policy as an interested party is required. The policy must be held in the name of the applicant;
- Stalls involved in selling of food must comply with requirements/guidelines issued the NSW Food Authority, organisers responsible to provide instructions on food handling;
- Name of organisation displayed on stall only, and no other advertising evident; and,
- Must be located in Council's pre-determined locations.

PART 3 – OTHER MATTERS

3.1 Application process

Application processes are governed by the need for assessment in line with Legislative requirements, and although generally they will differ in detail and time

taken according to the type of work/activity proposed, there are a few fundamental processes followed.

3.2 Lodgement of an application

Most applications and bookings have a specific form for the lodgement of an application. Dependent upon the nature of the proposal, fees may apply and where a fee is required, it must be paid at the time of lodgement.

Council's fees are detailed in our **Fees and Charges**

An application may be rejected within seven (7) days of receipt if it is not clear as to the nature of the approval sought, or if the application is not legible. Therefore, it is prudent that applications contain all of the information relevant to the proposal

3.3 Assessment process

- Where an application has been accepted by Council, but the proposal is of a complex nature, more information may be sought from the applicant to ensure that Council's assessment can account for relevant areas.
- Where more information is required, Council will usually contact the applicant directly (by means of details provided with the application) within twenty-one (21) days of lodgement.
- Applications can be amended by the applicant prior to determination, provided the variations are only minor in nature. Should a major variation be required, the applicant may be instructed to submit a new application.
- Applications under the *Roads Act 1993* and *Local Government Act 1993* are not required to be publicly notified, and generally will not be.

3.4 Determination

- Once assessed by Council, a notice will be issued to the applicant noting whether the application has been approved or refused.
- The period of approval is dependent upon the nature of the proposal.
- Where works/activities have not commenced, or where the activity is not held in the nominated/approved time, the approval may lapse. In such cases, and depending upon circumstances, the applicant can seek to lodge a new application with Council.

3.5 Review

- Determinations made by Council can be reviewed under Section 100 of the Act. A request to review must be made in writing within twenty-eight (28) days from the date of Council's determination.
- Review of determinations is final.

3.6 Enforcement of approvals

Where a person, persons or a commercial business is acting in contravention with an issued approval, or in non-accordance with specific Acts or Regulations, Council may take enforcement action in the interest of preserving public health and the environment.

Approvals issued under this policy may be modified, revoked or suspended by Council where:

- the approval is deemed to have been obtained by fraud, misinformation or concealment of facts;
- for any matter arising after the granting of the approval, that may have caused Council to have rejected the approval had it arisen prior to the approval being issued;
- for failure to comply with a condition of the approval; and,
- for failure to comply with any requirements of legislation enforceable by Council.

3.7 Building works

This policy does not include applications, consents and approvals for the undertaking of building works, which are subject to approvals processes under the *Environmental Planning and Assessment Act 1979*.

3.8 Approvals related to food premises

Any applications/proposals under the provisions of this policy, and related to operations of a food premises (mobile or otherwise) must comply with the NSW Food Authority "Food Safety Standards Code", the Food Act 2003, and be related to a business registered with the NSW Food Authority.

4. Accountability, Roles & Responsibility

Elected Council

Council is legally responsible for regulating and managing local approvals.

General Manager, Executive and Management Teams

The Chief Executive, Open Spaces Regulatory and Utilities Manager, Executive Management Team and Managers are responsible for the Development, approval and maintenance of procedures/protocols that support the Council Policies.

5. Related Documents, Standards & Guidelines

Local Government Act 1993 Section 68 Part A, B, C, D, E & F.

6. Version Control & Change History

Version	Date	Modified by	Details
V1.0	23 August 2017	Council	Adoption of Original Policy
V2.0	25 September 2019	Council	Amendment of Original Policy

