



## Council Policy

# Local Approvals Policy

Version 6 - 12 December 2022

02 4921 0333 | [COUNCIL@LAKEMAC.NSW.GOV.AU](mailto:COUNCIL@LAKEMAC.NSW.GOV.AU)

126-138 MAIN ROAD SPEERS POINT NSW 2284 | BOX 1906 HUNTER REGION MAIL CENTRE NSW 2310

[LAKEMAC.COM.AU](http://LAKEMAC.COM.AU)

## Table of Contents

<b>Table of Contents .....</b>	<b>2</b>
<b>Preliminary .....</b>	<b>5</b>
Purpose .....	5
Scope.....	5
Objectives .....	5
Application .....	5
Commencement .....	5
<b>How to read this policy .....</b>	<b>6</b>
Activities covered by the Policy .....	6
Related documents.....	8
Notes in the text and additional guides for the public .....	8
<b>Definitions .....</b>	<b>8</b>
<b>1 Part 1: Activities that are exempt approval .....</b>	<b>11</b>
1.1 Movable dwellings; manufactured homes, tents, caravans and campervans .....	12
1.1.1 Manufactured homes <i>in a manufactured home estate</i> .....	12
1.1.2 Manufactured homes <i>on a site that is not in a manufactured home estate or caravan park</i> .....	12
1.1.3 Moveable dwellings <i>in caravan park or camping ground</i> .....	12
1.1.4 Movable dwellings <i>on a site that is not in a caravan park or camping ground</i> .....	13
1.2 Management of waste .....	15
1.2.1 Transport waste over or under a public place for a fee or reward .....	15
1.2.2 Place waste in a public place .....	15
1.2.3 Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility .....	15
1.2.4 Operate a system of sewage management (within the meaning of s 68A of the Local Government Act) 16	16
1.3 Community land.....	17
1.3.1 Sports clubs charging a fee for spectators .....	17
1.3.2 Busking and Street Theatre.....	17
1.3.3 Set up, operate or use a loudspeaker or sound amplifying device.....	18
1.4 Applications related to public roads.....	18
1.4.1 Footway trading .....	18
1.5 Other activities.....	20
1.5.1 Operate a public car park .....	20
1.5.2 Installation of a wood heater .....	20
1.5.3 Domestic grey water diversion .....	21
1.5.4 Install or operate small amusement devices .....	21
<b>2 Part 2: Criteria Council must consider when determining applications.....</b>	<b>23</b>
2.1 Movable dwellings; manufactured homes, tents, caravans and campervans .....	24
2.1.1 Relocatable homes and associated structures in <i>flood liable caravan parks</i> .....	24
2.1.2 Relocatable homes and associated structures of <i>more than one storey</i> .....	24
2.1.3 Installation and occupation of moveable dwelling <i>on vacant land during construction of primary dwelling</i> 24	24
2.2 Water supply, sewerage and storm water drainage work.....	25
2.2.1 Carry out stormwater drainage work .....	25

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.  
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

## Policy - external Local Approvals Policy

2.3	Management of waste .....	26
2.3.1	Place a waste storage container on a road .....	26
2.3.2	Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility .....	26
2.3.3	Operate a system of sewage management (within the meaning of section 68A) .....	27
2.4	Community land.....	28
2.4.1	Fundraising on public land or public roads.....	28
2.4.2	Street stalls on public land or public roads.....	28
2.4.3	Hiring of community land – park bookings .....	28
2.4.4	Events (including markets) <i>on council-owned land</i> .....	29
2.5	Public roads.....	30
2.5.1	Applications related to public roads.....	30
2.5.2	Outdoor dining.....	30
2.6	Other activities.....	32
2.6.1	Operate a caravan park or camping ground.....	32
2.6.2	Operate a manufactured home estate.....	33
2.6.3	Mobile vending on public roads and public land.....	33
2.6.4	Install and operate a small amusement device .....	34
<b>3</b>	<b>Part 3: Application process and other matters relating to approvals.....</b>	<b>35</b>
3.1	Movable dwellings; manufactured homes, tents, caravans and campervans .....	35
3.1.1	Relocatable homes and associated structures <i>in flood liable caravan parks</i> .....	35
3.1.2	Relocatable homes and associated structures of <i>more than one storey</i> .....	36
3.1.3	Installation and occupation of moveable dwelling <i>on vacant land during construction of primary dwelling</i> 37	
3.2	Water supply, sewerage and storm water drainage work.....	38
3.2.1	Carry out stormwater drainage work .....	38
3.3	Management of waste .....	39
3.3.1	Place a waste storage container on a road .....	39
3.3.2	Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility .....	39
3.3.3	Operate a system of sewage management (within the meaning of section 68A) .....	39
3.4	Community land.....	40
3.4.1	Fundraising <i>on public land or public roads</i> .....	40
3.4.2	Street stalls <i>on public land or public roads</i> .....	41
3.4.3	Hiring of community land – park bookings .....	42
3.4.4	Events (including markets) <i>on council-owned land</i> .....	42
3.5	Public Roads .....	43
3.5.1	Applications relating to public roads.....	43
3.5.2	Outdoor dining.....	43
3.6	Other activities.....	46
3.6.1	Operate a caravan park or camping ground.....	46
3.6.2	Operate a manufactured home estate.....	46
3.6.3	Mobile vending <i>on public land or public roads</i> .....	46
3.6.4	Install and operate a small amusement device .....	48
	Other matters relating to approvals .....	49
3.7	Lodgment of an application .....	49
3.8	Assessment of an application.....	49

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.  
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

**Policy - external Local Approvals Policy**

---

3.9	Determination .....	49
3.10	Review of determination .....	49
3.11	Fees and charges .....	49
3.12	Refunds .....	50
3.13	Record of approvals .....	50
3.14	Enforcement action .....	50
<b>Controlled Document Information .....</b>		<b>51</b>

## Policy - external Local Approvals Policy

---

### Preliminary

#### Purpose

The purpose of this policy is to set out the circumstances and conditions for local approvals according to the [Local Government Act 1993](#).

#### Scope

The *Local Approvals Policy* (“the Policy”) is prepared and adopted under Chapter 7, Part 3 of the *Local Government Act 1993* (“the Act”). Section 68 of the Act specifies a range of activities where approvals are required to be obtained from the local council. These are often in addition to standard development application (DA) requirements and are known as 'section 68 approvals'. The Policy is designed to outline activities described in the Table under Section 68 of the Act, which under certain circumstances, may be carried out without approval of Council.

#### Objectives

The objectives of the Policy are:

- To satisfy the requirements of s158 “Preparation of draft local policy for approvals” of the Act,
- To specify circumstances where council approval is not required before carrying out an activity,
- To specify criteria the council must consider in determining an application for an approval,
- To specify other matters relating to the approvals process,
- To encourage the consolidation of Council policies in relation to approvals,
- To assist Council in meeting their obligations under s77 of the Act by bringing relevant matters to the notice of intending applicants, and
- To provide guidance for those participating in the local approvals process in the Lake Macquarie local government area.

#### Application

The Policy applies to the entire *Lake Macquarie Local Government Area*.

#### Commencement

The Policy commenced on 12 December 2022.

**Note:** This *Local Approvals Policy* was adopted by Council on 12 December 2022. Adoption of the Policy was publicly notified on 21 December 2022.

A local policy (other than a local policy adopted since the last general election) is automatically revoked at the expiration of 12 months after the declaration of the poll for that election, unless the Council revokes it sooner.

## Policy - external Local Approvals Policy

### How to read this policy

The Policy is divided into three parts:

**Part 1** specifies activities for which a person is exempt from requiring an approval from the Council. If the activity you wish to undertake is listed in Part 1, please consult the relevant exemption provisions.

*Listed activities that are conducted in accordance with these provisions do not require Council Approval.* If you cannot meet these provisions, approval will be required.

**Part 2** lists the matters that Council will consider when determining applications under the Policy.

This section is intended to provide general information to applicants on the considerations that will be made by Council when assessing applications.

**Part 3** contains information regarding the application process, including any information that is required to be submitted with applications.

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

### Activities covered by the Policy

The following table provides a summary of all activities covered by the Policy. Please consult the relevant section for specific provisions for each activity. Where appropriate, the table refers to the relevant activity category (cat.) described in the Table under Section 68 of the Act.

**Table 1 - Activities covered under the Policy**

Activity	Section	Cat.
<b>Installation of manufactured homes &amp; moveable dwellings</b>		
Manufactured home in a manufactured home estate	1.1.1	A1
Manufactured home on a site that is not in a manufactured home estate	1.1.2	A1
Moveable dwellings in caravan park or camping ground	1.1.3	A1
Moveable dwellings not in a caravan park or camping ground	1.1.4	A1
Relocatable home or rigid annexe on flood liable land in a caravan park	2.1.1, 3.1.1	A1
Relocatable home or rigid annexe of more than 1 storey in a caravan park	2.1.2, 3.1.2	A1
Moveable dwelling on vacant land during construction of primary dwelling	2.1.3, 3.1.3	A1
<b>Water supply, sewerage and stormwater work</b>		
Carry out stormwater drainage work	2.2.1, 3.2.1	B5
<b>Management of waste</b>		
Transport waste, for a fee or reward, over or under a public place	1.2.1	C1



## Policy - external Local Approvals Policy

Activity	Section	Cat.
Place waste in a public place	1.2.2	C2
Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility	1.2.3, 2.3.2, 3.3.2	C5
Operate a system of sewage management	1.2.4, 2.3.3, 3.3.3	C6
Place a waste storage container on a road	2.3.1, 3.3.1	C3
<b>Community land</b>		
Sports clubs charging a fee for spectators	1.3.1	D1
Busking & Street Theatre	1.3.2	D2 D4
Set up, operate or use a loudspeaker or sound amplifying device	1.3.3	D5
Fundraising on public land or public roads	2.4.1, 3.4.1	D1
Street stalls on public land or public roads	2.4.2, 3.4.2	D1
Hiring of community land – park bookings	2.4.3, 3.4.3	D1
Events (including markets) on council-owned land	2.4.4, 3.4.4	D2
<b>Public Roads</b>		
Footway Trading	1.4.1	E2
Applications related to public roads	2.5.1, 3.5.1	E1 E2
Outdoor Dining	2.5.2, 3.5.2	E2
<b>Other Activities</b>		
Operate a public car park	1.5.1	F1
Installation of a wood heater	1.5.2	F4
Domestic grey water diversion	1.5.3	F10
Install or operate amusement devices	1.5.4, 2.6.4, 3.6.4	F5
Operate a caravan park or camping ground	2.6.1, 3.6.1	F2
Operate a manufactured home estate	2.6.2, 3.6.2	F3
Mobile vending on public land or public roads	2.6.3, 3.6.3	F7

## Policy - external Local Approvals Policy

---

### Related documents

The following documents are related, either directly or indirectly, to the Policy:

- *Local Government Act 1993* – particularly Chapter 7
- *Local Government (General) Regulation 2021*
- *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*
- *Roads Act 1993 No 33*
- *Charitable Fundraising Act 1991 No 69*
- *Charitable Fundraising Regulation 2021*
- *Companion Animals Act 1998 No 87*
- *Food Act 2003 No 43*
- *Liquor Act 2007 No 90*
- *Work Health and Safety Regulation 2017*
- *Lake Macquarie Local Environmental Plan 2014* or its successor
- *Lake Macquarie Development Control Plan 2014* or its successor
- Department of Local Government Practice Note No.14

**Note:** Section 163 of the Act provides that the Policy is void if inconsistent with the Act or the regulations, to the extent of the inconsistency.

Where a *Local Approvals Policy* contains more onerous criteria than those prescribed by the Act or regulations, section 164 of the Act renders that portion of the policy void.

### Notes in the text and additional guides for the public

The *Local Approvals Policy* is a legal document related to Councils regulatory function and the language is formal. Notes in the text are provided as explanatory information, and do not form part of the Policy. They are provided to assist in with the comprehension and readability of the policy.

Lake Macquarie City Council continuously considers and improves the information on our website. This includes giving advice on the activities and application processes covered by this policy. Council also publish supplementary guidelines for select activities to further guide the public.

### Definitions

Expressions used in the Policy are defined in the Dictionary at the end of the *Local Government Act*. Commonly used definitions from this dictionary and related regulations have been included below, as well as additional definitions used only for the purposes of this policy.

**adjacent** means sharing a common boundary line.

**circle act** means a structured performance requiring the audience to stop and watch or participate in a performance that normally attract larger crowds.



## Policy - external Local Approvals Policy

---

**classified road** means any of the following: a main road, a highway, a freeway, a controlled access road, a secondary road, a tourist road, a tollway, a transitway, or a State work, as defined under the *Roads Act 1993*. Any activity using part of a classified road, road reserve, or footpath will require concurrent approval by both Council and Transport for NSW.

**Council approval:** Approval can include under delegated authority (an authorised Council Officer).

**dangerous materials and implements** means materials and implements that pose a risk, hazard or uncertain outcomes for people.

- Dangerous materials include flammable materials and chemicals, fire, fireworks, smoke, flairs, heated elements, or anything giving off a level of heat or toxicity that poses a threat of harm or damage to members of the public and public property.
- Dangerous implements include knives, spears, swords, spikes, and sharp implements of any kind that pose a threat of harm to the general public.

**event** means a function or event open to the public or a section of the public that is a ceremony, cultural celebration, exhibition, festival, fete, fair, gathering, market or sporting event, that is carried out either inside or outside.

**footway trading** means a display of goods for sale on the footpath area. These can be either stand alone, on a table or on a rack. Does not include street stalls or outdoor dining.

**Floodplain Development Manual** means the Floodplain Development Manual published by the NSW Government and as in force from time to time.

**kerb** means a raised border of rigid material formed at the edge of a carriageway.

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

- (a) that comprises one or more major sections, and
- (b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the *Road Transport Act 2013*,

and includes any associated structures that form part of the dwelling.

**manufactured home estate** means land on which manufactured homes are, or are to be, erected.

**mobile vending** means all types of registered vehicles which are used for the sale of articles, on a public road or in a public place, making brief intermittent stops, and does not involve the erection of stalls, hoardings or any other physical structures.

**moveable dwelling** means —

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

## Policy - external Local Approvals Policy

---

**outdoor dining** means the use of the footpath or road reserve area for purposes of conducting business associated with an adjacent business, including the setup of seats and tables and serving of food and beverages.

**noise device** means any loudspeaker, loudhailer, chime, horn, siren, bell or whistle.

**public land** means any land (including a public reserve) vested in or under the control of the Council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

**public road** means a road which the public are entitled to use.

**road reserve** means the entire right-of-way devoted to public travel, including footpaths, shoulders, verges and carriageways – the whole width between adjacent property boundaries.

**road users** means pedestrians, motorists, cyclists and motor cyclists.

**shoulder** means the portion of the carriageway beyond the traffic lanes and contiguous and generally flush with the surface of the pavement.

**small amusement device** means an amusement device that is designed primarily for the use of children 12 years of age or under and includes such amusement devices as mini-Ferris wheels, battery operated cars and miniature railways but, in the case of rotating amusement devices, includes only those devices that have a maximum rotation of 14 revolutions per minute.

**street stall** means the selling of articles either directly or from a stall in an economic centre.

Examples of street stalls activities include:

- fundraising or commercial stalls in public malls or on footpaths,
- sale of fruits and vegetables from barrows on a footpath,
- sale of newspapers from a stand on a footpath,
- sale of food, drinks, fruits or vegetables from a stall, or structure (e.g. kiosks) in a pedestrian mall or the like not being on private land.

**relocatable home** means a manufactured home or other moveable dwelling, other than a tent, caravan, campervan or vehicle capable of being registered—

- (a) whether or not self-contained, and
- (b) that consists of at least 1 major section, including an associated structure forming part of the dwelling.

**vehicle rest area** means rest areas constructed and maintained by Transport for NSW.

## Policy - external Local Approvals Policy

### 1 Part 1: Activities that are exempt approval

This part specifies activities that may be undertaken without obtaining a local approval from Council under Section 68 of the *Local Government Act 1993*. The exemptions apply to those activities which are of a minor or common nature and which have comparatively minimal impact.

*The activities must be conducted in accordance with the conditions outlined in this Policy. If you cannot meet these provisions, an approval will be required.*

A person can decide to apply for approval to carry out an exempted activity specified in this part.

*The exemptions do not relate to Development Applications or consents required under any other legislation. If you have any doubt whether a particular activity requires approval, consult with Council.*

### What exemptions are provided for in this policy?

#### General Provisions

A person is exempt from the necessity to obtain a particular approval of the Council in the circumstances specified in this part. The exemptions do not apply to consents required by any other legislation, including the Environmental Planning and Assessment Act 1979. It is a condition of exemption that the person carrying out an activity specified in this part must comply with:

- The relevant exemption criteria for the activity in question
- The relevant performance standards prescribed in the Building Code of Australia or relevant Australian Standard.

If subsequent activities involve an increase over and above the exemption circumstances shown in this part, then approval will be required for the further activity.

The exemption provisions do not apply to buildings or structures proposed to be erected over an existing easement or sewer main.

Structures or activities, which do not require approval, must be constructed of new materials (unless otherwise specified by council in the Exemptions Schedule).

A person who fails to obtain prior approval, or who carries out an activity contrary to an approval or criteria for exemption, may be guilty of an offence under Section 626 and Section 627 of the Local Government Act 1993.

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

- Maintaining the amenity of adjoining or neighbouring property
- Providing adequate drainage
- Eliminating potential fire risk
- Ensuring structural stability
- Providing external finishes that are easy to maintain, and don't cause nuisance or offense
- Avoiding creating circumstances that creates habitat for vermin
- Avoiding obstruction or risk to public safety
- Not creating a nuisance
- Maintaining good public health

## Policy - external Local Approvals Policy

---

### 1.1 Movable dwellings; manufactured homes, tents, caravans and campervans

---

The regulation of movable dwellings is governed by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*. The object of this Regulation is to provide opportunities for affordable alternatives in short-term and long-term accommodation by setting standards for design, construction and siting. The regulation also includes conditions for installations of movable dwellings which are exempt approval, which are included here.

#### 1.1.1 Manufactured homes in a manufactured home estate

Section 9 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* specifies when an approval for the installation of manufactured homes and associated structures in manufactured home estates is not required:

##### 9 Conditional exemption

- (1) A person may, without an approval—
  - (a) install a manufactured home on land within a manufactured home estate if the home is—
    - (i) designed, constructed and installed in accordance with Division 4, and
    - (ii) not occupied by a person until a certificate of completion has been issued, or
  - (b) install an associated structure on land within a manufactured home estate if the structure is designed, constructed and installed in accordance with Division 4.
- (2) The installation must be carried out by, or with the consent of, the holder of the approval.
- (3) This section does not apply—
  - (a) if the council has given the holder of the approval written notice that the land is flood liable land—to the installation of a manufactured home on flood liable land, or
  - (b) to the installation of a manufactured home or associated structure exceeding 1 storey.

#### 1.1.2 Manufactured homes on a site that is not in a manufactured home estate or caravan park

##### Local Criteria

Where manufactured homes are permitted under the *Lake Macquarie Local Environmental Plan 2014*, and approval has been obtained under the provisions of the *Environmental Planning & Assessment Act 1979* and Clause 7.23 of the *Lake Macquarie Local Environmental Plan 2014*, the installation of the manufactured home is exempt from requiring separate approval under the *Local Government Act*.

#### 1.1.3 Moveable dwellings in caravan park or camping ground

Section 74 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* specifies when an approval for the installation of moveable dwellings and associated structures in caravan parks and camping grounds is not required:

##### 74 Installations for which approval not required

- (1) The approval of the council is not required for the installation of the following—
  - (a) a relocatable home or associated structure on a dwelling site within a caravan park if it is designed, constructed and installed in accordance with Division 4,

## Policy - external Local Approvals Policy

- (b) a caravan, tent or annexe on a dwelling site within a caravan park if it is designed, constructed and installed in accordance with the Division 5,
- (c) a tent on a camp site within a camping ground,
- (d) a campervan—
  - (i) on a dwelling site within a caravan park, or
  - (ii) on a camp site within a camping ground,
- (e) a moveable dwelling or associated structure on a dwelling site within a caravan park or a camp site within a camping ground if—
  - (i) the manager of the caravan park or camping ground is reasonably satisfied the installation is necessary to accommodate a displaced person, and
  - (ii) the moveable dwelling or associated structure is designed, constructed and installed in accordance with Division 4 or 5.
- (2) The installation of the relocatable home, annexe, associated structure, caravan, campervan or tent must be carried out by, or with the consent of, the holder of the approval to operate the caravan park or camping ground.
- (3) This section does not apply to the installation of a relocatable home, rigid annexe or associated structure—
  - (a) on flood liable land if the council has given written notice to the holder of the approval that the land is flood liable land, or
  - (b) with more than 1 storey.

### 1.1.4 Movable dwellings on a site that is not in a caravan park or camping ground

Section 77 and section 78 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* specifies when an approval for the installation of moveable dwellings on land other than land in caravan parks or camping grounds is not required:

#### 77 Installations for which approval not required

- (1) The approval of the council is not required for the installation of the following—
  - (a) 2 caravans or tents if they are not occupied for—
    - (i) more than 2 consecutive days, and
    - (ii) more than 60 days in a 12-month period,
  - (b) 1 caravan on land occupied by the owner of the caravan in connection with the owner's dwelling house if the caravan is—
    - (i) used for habitation only by the owner or members of the owner's household, and
    - (ii) maintained in a safe and healthy condition,
  - (c) a caravan on pastoral or agricultural land if the caravan is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land, or
  - (d) 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.

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.  
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

## Policy - external Local Approvals Policy

---

(2) In this section—

**caravan** includes campervan.

**relevant local approvals policy**, for a moveable dwelling or associated structure, means the local approvals policy adopted in accordance with the Act, Chapter 7, Part 3 by the council of the local government area within which the moveable dwelling or associated structure is installed, as in force from time to time.

### 78 Approval not required for installation of caravan, campervan or tent on certain land

The approval of the council is not required for the installation of a caravan, campervan or tent on—

- (a) a Crown reserve, or
- (b) land reserved or dedicated under the *National Parks and Wildlife Act 1974*.

**Note—**

The use of caravans, campervans and tents on Crown reserves is dealt with under the *Crown Land Management Act 2016*.

The use of caravans, campervans and tents on lands reserved or dedicated under the *National Parks and Wildlife Act 1974* is dealt with under that Act.



## Policy - external Local Approvals Policy

### 1.2 Management of waste

Division 4 of part 2 of the *Local Government (General) Regulation 2021* covers applications, conditions, standards for approvals related to management of waste, including activities that are exempt approval. Section 48 specifies conditions for waste management activities which may be carried out without the prior approval from council.

#### 1.2.1 Transport waste over or under a public place for a fee or reward

Subsection 48(a) of the *Local Government (General) Regulation 2021* specifies when an approval from council is not required:

##### 48 (a) Transport waste

The transporting of waste over or under a public place for fee or reward if—

- (i) the activity is licensed under the *Protection of the Environment Operations Act 1997*, or
- (ii) the activity is being carried out in the Sydney metropolitan area as defined in Part 3 (Interpretative provisions) of Schedule 1 to that Act, or
- (iii) the waste is being transported through the area of the council and is not being collected or deposited in that area.

##### Note—

A person who transports waste for fee or reward in circumstances that do not require a pollution control licence issued by the Environment Protection Authority must comply with the relevant requirements of the regulations made under the *Protection of the Environment Operations Act 1997*.

#### 1.2.2 Place waste in a public place

Subsection 48(b) of the *Local Government (General) Regulation 2021* specifies when a prior approval from council is not required:

##### 48 (b) Place waste in a public place

The placing of waste in a public place, if it is done in accordance with arrangements instituted by the council.

Updated information on arrangements and conditions for the placement of waste instituted by Lake Macquarie City Council is located on our webpages: [www.lakemac.com.au](http://www.lakemac.com.au)

#### 1.2.3 Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility

Subsection 48(e) of the *Local Government (General) Regulation 2021* specifies when a prior approval from council is not required to:

##### 48 (e) Install, construct or alter a waste treatment device

The installation, construction or alteration of a waste treatment device, if that installation, construction or alteration is done—

- (i) under the authority of a licence in force under the *Protection of the Environment Operations Act 1997*, or
- (ii) in a vessel used for navigation, or

## Policy - external Local Approvals Policy

---

- (iii) in a motor vehicle that is registered within the meaning of the *Road Transport Act 2013* and is used primarily for road transport.

### 1.2.4 Operate a system of sewage management (within the meaning of s 68A of the Local Government Act)

Subsection 48(f) of the *Local Government (General) Regulation 2021* specifies when an approval to operate a system of sewage management is not required, whilst section 47 includes temporary exemptions for a purchaser of land.

#### 48(f) Operate a system of sewage management

So much of the operation of a system of sewage management as is limited to an action carried out—

- (i) under the authority of a licence in force under the *Protection of the Environment Operations Act 1997*, or
- (ii) in a vessel used for navigation, or
- (iii) in a motor vehicle that is registered within the meaning of the *Road Transport Act 2013* and is used primarily for road transport.

#### 47 Temporary exemption for purchaser of land

- (1) 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).
- (2) Further, if the person duly applies, within the period of 2 months after the date on which the land is transferred or otherwise conveyed to the person, for approval to operate the system of sewage management concerned, the person may continue to operate that system of sewage management without approval until the application is finally determined.

## Policy - external Local Approvals Policy

---

### 1.3 Community land

---

#### 1.3.1 Sports clubs charging a fee for spectators

##### Local Criteria

Sports clubs with prior approval from council for the use of the associated sporting facility may charge a spectator fee to cover its commitments to a sporting association.

#### 1.3.2 Busking and Street Theatre

##### Local Criteria

The prior approval of council is not required busking or street theatre that complies with the following conditions:

- (1) Performers must not be within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.
- (2) Must not occur in any area adjacent to an educational establishment or place of public worship.
- (3) Must be located 2 metres from building facade, adjacent shops or buildings
- (4) Must be located no closer than 600mm to the back of kerb.
- (5) The activity must not obstruct or hinder the passage of pedestrians or vehicles nor create any nuisance or offensive noise.
- (6) 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.
- (7) If located outside any shop must have the permission of the shop owner and adjacent shop owners.
- (8) Must not use a public address, sound system or amplified equipment.
- (9) Performers may receive voluntary donations from the audience but may not solicit funds.
- (10) Performers may only perform in one location for a maximum of 2 hours. Performers may subsequently relocate to another location that is at least 50 metres away.
- (11) Performers are not permitted when special events are in progress (unless approval given as part of the event).
- (12) 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.
- (13) Performers may only operate between the hours of 8am and 8pm.
- (14) The activity shall incorporate appropriate risk management practices so as to avoid injury or loss.
- (15) No more than 1 performer within 50 metres of another performer.
- (16) 'Circle acts' and acts involving the use of dangerous materials or implements (as defined in section 8) are not to be included in exemptions.

**Note** - Council and Police have the right to remove people if they are causing a nuisance to the public (including shop owners). This includes excessively repetitive performances.

#### 1.3.3 Set up, operate or use a loudspeaker or sound amplifying device

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.  
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

## Policy - external Local Approvals Policy

---

Section 49 in the *Local Government (General) Regulation 2021* covers approvals relating the use of loudspeaker or amplifying device on community land.

### 49 Approval for the use of loudspeaker or amplifying device on community land not required in certain circumstances

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.

**Note** – Council approval is needed where no notice is erected.

## 1.4 Applications related to public roads

---

This section relates only to those activities on public roads as stipulated in section 68 of the *Local Government Act*, being activities that:

- (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

### 1.4.1 Footway trading

Section 50 of the *Local Government (General) Regulation 2021* defines matters the council must consider in determining whether to approve applications relating to public roads.

#### 50 Matters for consideration by council in determining whether to approve applications relating to public roads

In determining an application for an approval under Part E of the Table to section 68 of the Act the council must take into account—

- (a) the provisions of the *Roads Act 1993*, and
- (b) any relevant standards and policies of public authorities applying to the use of the road.

Section 139A of the *Roads Act 1993* provides the following conditions for granting consents for street vending.

#### 139A Street vending consents and charges in built-up areas

- (1) A roads authority, in granting consent under this Division to the erection of a structure in, on or over a public road and located in a built-up area, may, without limiting section 139, impose conditions:
  - (a) permitting the use of the structure for the purpose of selling any article or service, and
  - (b) requiring payments in the nature of rent.
- (2) The term of a street vending consent is to be such period (not exceeding 7 years) as is specified in the consent.

## Policy - external Local Approvals Policy

---

- (3) For the purposes of this section, a structure is located in a built-up area if the structure is located in, on or over a part of a public road that is lit by street lighting located at intervals of not more than 100 metres for a distance of not less than 500 metres.
- (4) Nothing in this section prevents a roads authority from granting a consent under this Division that permits the use of a structure in, on or over a public road and not located in a built-up area for the purpose of selling any article or service.

### Local Criteria

The erection of a footway trading display is exempt from the need for approval provided that it complies with the following criteria:

- (1) Must occur adjacent to the associated business.
- (2) Must not be within 2 metres of a pedestrian crossing, intersection, bus stop, or taxi rank.
- (3) Must be located at least 2 metres away from the building façade.
- (4) Must be located at least 600mm from the back of the kerb.
- (5) Must not obstruct or hinder the passage of pedestrians or vehicles.
- (6) Must not create any nuisance or offensive noise.
- (7) Must not include reflective materials or flashing lights.
- (8) Must not alter or cause damage to the footpath.
- (9) Must not obstruct other street features such as seats, tables, handrails, fire hydrants, and utilities.
- (10) All displays must be secure, so they are not displaced by wind.
- (11) Must be removed during hazardous weather events.
- (12) Displays are only to be erected during normal business operating hours, and must be removed outside of these hours.
- (13) Must not include the display, preparation, storage, or sale of any perishable food items.
- (14) Must not include the display of alcoholic goods, tobacco products, any form of adult entertainment (being entertainment involving nudity, indecent acts or sexual activity) products, or hazardous goods.
- (15) Associated businesses must have public liability insurance to the value of \$20 million, with Lake Macquarie City Council listed as an interested party in relation to personal injury and property damage with activities on a public footway and roadway.

## Policy - external Local Approvals Policy

---

### 1.5 Other activities

---

#### 1.5.1 Operate a public car park

Section 66 of the *Local Government (General) Regulation 2021* specifies when approval for operation of a public car park is not required.

##### **66 Approval for operation of public car park not required in certain circumstances**

- (1) A public car park may be operated without the prior approval of the council if approval for its erection or operation has already been given by the council in connection with another approval or development consent and the car park complies with any applicable conditions of that approval or development consent.
- (2) In this section, **development consent** has the same meaning as it has in the *Environmental Planning and Assessment Act 1979*.

#### 1.5.2 Installation of a wood heater

Section 70 of the *Local Government (General) Regulation 2021* specifies when approval is not required for domestic oil or solid fuel heating appliances.

##### **70 Approval for installation of domestic oil or solid fuel heating appliance not required in certain circumstances**

*A domestic oil or solid fuel heating appliance (other than a portable appliance) may be installed without the prior approval of the council if details of the appliance are included in plans and specifications for the relevant building approved under Part 6 of the Environmental Planning and Assessment Act 1979.*

#### **Local Criteria**

The installation of a wood heater is exempt from the need for approval provided that it complies with the following criteria:

- (1) Installation must be in accordance with:
  - (a) The Building Code of Australia (BCA),
  - (b) Relevant Australian Standards,
  - (c) NSW Office of Environment and Heritage publication Environmental Guidelines for Selecting, Installing and Operating Domestic Solid Fuel Heaters, and
  - (d) The manufacturer's specifications and its capability to meet stated emissions targets for the appliance.
- (2) The solid fuel heater is not part of a heritage item identified in an environmental planning instrument or draft environmental planning instrument.
- (3) If the building is within a Heritage Conservation Area identified in an environmental planning instrument or draft environmental planning instrument, no part of the heater flue below roof level is visible from its frontage.
- (4) Structural integrity of building is not adversely affected.
- (5) Any openings created for installation are adequately weatherproofed.
- (6) There is no more than one solid fuel heater per dwelling and it is used only for domestic purposes.

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.  
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.



## Policy - external Local Approvals Policy

---

### 1.5.3 Domestic grey water diversion

Section 75A of part 2 of the *Local Government (General) Regulation 2021* specifies when an approval for domestic greywater diversion is not required.

#### 75A Approval required for domestic greywater diversion

- (1) For the purposes of item 10 of Part F of the Table to section 68 of the Act, domestic greywater diversion is prescribed as an activity that requires the prior approval of the council.
- (2) However, 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 Code of Australia, 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.

### 1.5.4 Install or operate small amusement devices

Section 71 and 75 of the *Local Government (General) Regulation 2021* specifies when approval is not required for amusement devices.

#### 71 Activities for which approval is not required

Amusement devices not required to be registered under the *Work Health and Safety Regulation 2017* may be installed or operated without the prior approval of the council.

**Note—**

See the *Work Health and Safety Regulation 2017*, Schedule 5, Part 2 for items of plant that are required to be registered.

#### 75 Approval for installation or operation of small amusement devices not required in certain circumstances

- (1) In this section, **small amusement device** means an amusement device that is designed primarily for the use of children 12 years of age or under and includes such amusement devices as mini-Ferris wheels, battery operated cars and miniature railways but, in the case of rotating amusement devices, includes only those devices that have a maximum rotation of 14 revolutions per minute.
- (2) A small amusement device may be installed or operated without the prior approval of the council if—
  - (a) the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason, and
  - (b) the device is registered under the *Work Health and Safety Regulation 2017*, and

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.  
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

## Policy - external Local Approvals Policy

---

- (c) the device—
  - (i) is to be or has been erected, and
  - (ii) it to be or is being operated,in accordance with all conditions (if any) relating to its erection or operation set out in the current certificate of registration issued for the device under that Regulation, and
- (d) there exists for the device a current log book as referred to in that Regulation, Chapter 5, Part 5.2, Division 4, Subdivision 2, and
- (e) in the case of a device that is to be or is installed in a building, fire egress is not obstructed, and
- (f) there is in force a contract of insurance or indemnity for the device that complies with section 74.

**Note** – for amusement devices that do not fall under the Definitions provided in this Policy, assessment would be required under the *Lake Macquarie Local Environmental Plan 2014*.

## Policy - external Local Approvals Policy

### 2 Part 2: Criteria Council must consider when determining applications

#### What legislative matters must Council consider when determining an application for approval?

This Part lists the criteria Council must take into consideration in determining whether to give or refuse approval of an application under the *Local Government Act 1993* or where required under s.125, 138 or 139A of the *Roads Act*.

This part applies only when the activity is not exempt from approval under Part 1 of the *Local Approvals Policy*.

Section 75 to 113 of the *Local Government Act* contains general provisions for the making and determination of approvals. This includes matters for consideration (s 89), that council may refuse an approval, grant approval unconditionally or impose conditions on the grant of an approval (s 94).

In order to achieve the objectives of the Policy with regards to approving activities that 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

- will not approve the application if the activity or the carrying out of the activity for which approval is sought would not comply with the requirements of any relevant regulation, and
- will take into consideration any criteria in a local policy adopted by the council which are relevant to the subject-matter of the application, and
- will 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

- is to take into consideration, in addition to the principles of ecologically sustainable development, all matters relevant to the application, and
- 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

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

The following sections indicate which clauses and relevant matters that are to be considered when determining an application to ensure that the objectives of the Local Approvals Policy are achieved.

*For information about the application process, including information required to be submitted with applications, please refer to Part 3 - Application Processes and Other Matters Relating to Approvals.*

## Policy - external Local Approvals Policy

---

### 2.1 Movable dwellings; manufactured homes, tents, caravans and campervans

---

The regulation of movable dwellings is covered by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*. The object of this regulation is to provide opportunities for affordable alternatives in short-term and long-term accommodation and promote health, safety and amenity for the occupiers by setting standards for design, construction and siting.

#### 2.1.1 Relocatable homes and associated structures in flood liable caravan parks

Section 75 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* specifies factors council must consider when evaluating applications for installation of relocatable homes on flood liable land.

##### 75 Installation on flood liable land

- (1) In deciding whether to approve the installation of a relocatable home, rigid annexe or associated structure on flood liable land in a caravan park or camping ground, the council must consider the principles set out in the Floodplain Development Manual.
- (2) It is a condition of an approval to install a relocatable home or associated structure on flood liable land that the relocatable home and associated structure is designed, constructed and installed in accordance with Division 4.
- (3) It is a condition of an approval to install a rigid annexe on flood liable land that the rigid annexe is designed, constructed and installed in accordance with Division 5.

#### 2.1.2 Relocatable homes and associated structures of more than one storey

Section 76 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* specifies factors council must consider when evaluating applications for the installation of a relocatable home, rigid annexe or associated structure with more than 1 storey.

##### 76 Installation of relocatable home, rigid annexe or associated structure of more than 1 storey

In deciding whether to approve the installation in a caravan park or camping ground of a relocatable home, rigid annexe or associated structure with more than 1 storey, the council must consider the likely impact on the amenity of the occupiers of—

- (a) an adjoining relocatable home, if any, and
- (b) land adjoining the caravan park or camping ground.

#### 2.1.3 Installation and occupation of moveable dwelling on vacant land during construction of primary dwelling

Section 80 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* specifies factors council must consider when evaluating applications for installation of moveable dwellings on land other than land in caravan parks or camping grounds.

##### 80 Factors for consideration before approval is granted

In considering whether to approve the installation of a moveable dwelling or associated structure, the council must consider the following—

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.

Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

## Policy - external Local Approvals Policy

---

- (a) whether development consent for the installation of the moveable dwelling or associated structure has been granted under the *Environmental Planning and Assessment Act 1979*,
- (b) whether the installation of the moveable dwelling or associated structure contravenes the *Environmental Planning and Assessment Act 1979* or an environmental planning instrument.

### Local Criteria

For the purposes of this section a Moveable Dwelling includes any tent, caravan, van or other portable device (whether on wheels or not) used for human habitation, but does not include a Manufactured Home.

## 2.2 Water supply, sewerage and storm water drainage work

---

Division 3 of part 2 of the *Local Government (General) Regulation 2021* covers applications and conditions for approvals relating to water supply, sewerage and stormwater drainage work.

### 2.2.1 Carry out stormwater drainage work

Section 15 of the *Local Government (General) Regulation 2021* specifies matters council must consider when evaluating applications for water supply, sewerage and stormwater drainage approvals.

#### 15 Matters to be considered when determining applications for water supply, sewerage and stormwater drainage approvals

- (1) This section applies to the following activities—
  - (a) carrying out water supply work,
  - (b) drawing water from the council water supply or a standpipe,
  - (c) installing, altering, disconnecting or removing a water meter connected to a service pipe,
  - (d) carrying out sewerage work,
  - (e) carrying out stormwater drainage work.
- (2) In determining an application for the purposes of section 68 of the Act for an approval to do any of the activities to which this section applies, the council must have regard to the following considerations—
  - (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.

Schedule 1 of the Regulation specifies Standards relating to approvals. Part 2 of Schedule 1 specifies mandatory standards for storm water drainage work, including that such works must comply with the Plumbing Code of Australia.

## Policy - external Local Approvals Policy

---

### 2.3 Management of waste

---

Division 4 of part 2 of the *Local Government (General) Regulation 2021* covers applications, conditions, standards for approvals related to management of waste.

#### 2.3.1 Place a waste storage container on a road

Section 27 of the *Local Government (General) Regulation 2021* specifies matters council must consider when evaluating applications to place a building waste storage container on a road.

**27 Matters to be taken into consideration by council in determining applications for approval to place a building waste storage container on a road**

*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.*

#### 2.3.2 Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility

Section 29 of the *Local Government (General) Regulation 2021* specifies matters council must consider when evaluating applications for an approval to install, construct or alter sewage management facilities.

**29 Matters to be taken into consideration in determining applications for approval to install, construct or alter sewage management facilities**

- (1) In determining an application for approval to install, construct or alter a sewage management facility, the council must take into consideration the matters specified in this section.
- (2) **Environment and health protection matters** The council must consider whether the proposed sewage management facility (or the proposed sewage management facility as altered) and any related effluent application area will make appropriate provision for the following—
  - (a) preventing the spread of disease by micro-organisms,
  - (b) preventing the spread of foul odours,
  - (c) preventing contamination of water,
  - (d) preventing degradation of soil and vegetation,
  - (e) discouraging insects and vermin,
  - (f) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,
  - (g) the re-use of resources (including nutrients, organic matter and water),
  - (h) the minimisation of any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land.
- (3) **Guidelines and directions** The council must consider any matter specified in guidelines or directions issued by the Secretary in relation to the matters referred to in subsection (2).

Council will also consider the availability of any reticulated sewage infrastructure when considering applications for on-site wastewater devices. Generally, applications for on-site wastewater devices will not be approved in areas where connection to an existing sewage network is available.

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.  
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.



## Policy - external Local Approvals Policy

---

### 2.3.3 Operate a system of sewage management (within the meaning of section 68A)

Section 43 of the *Local Government (General) Regulation 2021* specifies matters council must consider when evaluating applications for an approval to operate system of sewage management, whilst section 44 and 45 specify performance standards and conditions of approval.

#### 43 Matters to be taken into consideration in determining applications for approval to operate system of sewage management

In determining an application for approval to operate a system of sewage management, the council must consider any matter specified in guidelines or directions issued by the Secretary in relation to the environment and health protection matters referred to in section 29(2).

#### 44 Performance standards for operation of system of sewage management

- (1) A system of sewage management must be operated in a manner that achieves the following performance standards—
  - (a) the prevention of the spread of disease by micro-organisms,
  - (b) the prevention of the spread of foul odours,
  - (c) the prevention of contamination of water,
  - (d) the prevention of degradation of soil and vegetation,
  - (e) the discouragement of insects and vermin,
  - (f) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,
  - (g) the minimisation of any adverse impacts on the amenity of the premises and surrounding lands,
  - (h) if appropriate, provision for the re-use of resources (including nutrients, organic matter and water).
- (2) Failure to comply with subsection (1) is not a breach of that performance standard if the failure was due to circumstances beyond the control of the person operating the system of sewage management (such as a fire, flood, storm, earthquake, explosion, accident, epidemic or warlike action).
- (3) (3) A system of sewage management must be operated—
  - (a) in accordance with the relevant operating specifications and procedures (if any) for the sewage management facilities used for the purpose, and
  - (b) so as to allow the removal of any treated sewage (and any by-product of any sewage) in a safe and sanitary manner.

#### 45 Further condition of approval in relation to operation of system of sewage management

- (1) It is a condition of an approval to operate a system of sewage management that this section is complied with.
- (2) The sewage management facilities used in the operation of the system must be maintained in a sanitary condition and must be operated in accordance with the relevant requirements of this Regulation.
- (3) A sewage management facility used in the operation of the system must not discharge into any watercourse or onto any land other than its related effluent application area.
- (4) The conditions (if any) of any certificate of accreditation issued by the Secretary of the Ministry of Health under this Subdivision in respect of the plans or designs for any components of the sewage management facilities must be complied with.
- (5) The person operating the system of sewage management must provide details of the way in which it is operated, and evidence of compliance with the relevant requirements of this Regulation and of the conditions of the approval, whenever the council reasonably requires the person to do so.

## Policy - external Local Approvals Policy

---

### 2.4 Community land

---

#### 2.4.1 Fundraising on public land or public roads

##### Local Considerations

In determining applications for fundraising, Council shall take into account the following considerations:

- (1) Fundraising may only be conducted by organisations which have been authorised by the Office of Liquor, Gaming and Racing,
- (2) Council reserves the right to refuse bookings for fundraising where multiple applications exist for a similar area and time
- (3) The intended location, extent and duration of any fundraising activities will be assessed to minimize adverse public and commercial impacts.

#### 2.4.2 Street stalls on public land or public roads

##### Local Considerations

In determining applications for street stalls, Council shall take into account the following considerations:

- (1) Council will assess street stall applications with reference to the *Local Government Act 1993*, *Roads Act 1993* and associated regulations.
- (2) Council will ensure that commercial businesses are not disadvantaged by the occupation of street stalls or stationary vehicle vendors.
- (3) Council will ensure equitable allocation of available sites between requesting organisations.
- (4) Council will ensure the safety and preservation of the amenity for all users of malls, roadways and commercial areas used for street stalls and will provide reasonable access in these areas to maintain public safety and an aesthetic appearance.
- (5) Street stalls and mall occupation is limited to temporary use at designated sites and attracting pedestrian traffic only.
- (6) This Policy will not deal with requests for permanent street stalls or larger scale markets that attract vehicle traffic and have a greater public safety risk.
- (7) No site is booked exclusively by any particular group where there are other requests.
- (8) For stalls that intend to distribute food and / or beverages, the food-vending stall must have had a satisfactory food safety inspection carried out by the relevant council within the current financial year. The relevant council refers to the local government area in which the food vending business is based.

**Note** – Stalls that intend to fundraise will also be subject to the considerations listed in section 2.4.1 of this Policy (Fundraising on Public Land or Public Roads).

#### 2.4.3 Hiring of community land – park bookings

Council will assess applications for park bookings in accordance with:

- (1) The nature and scale of the activity or function being undertaken, and
- (2) Whether any amusement devices or marquees will be erected as part of the activity

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.  
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

## Policy - external Local Approvals Policy

---

**Note** – Park and reserves can be booked for a range of events and activities under different agreements, conditions and fees. A *General Park Hire* application may be used for bookings that meet all of following criteria:

- Is non-ticketed
- Has less than 300 attendees
- Does not have on site commercial operators or event coordination

Commercial operators wishing to conduct group fitness programs within a Council park or reserve, can apply to conduct fitness programs within Council's parks and reserves.

A booking which meets at least one of these criteria requires an *event licence* application (s. 2.4.4):

- Is ticketed
- Has more than 300 attendees
- Has on site commercial operators or event coordination

### 2.4.4 Events (including markets) on council-owned land

#### Local Considerations

Applications for events will be assessed in accordance with the *Event Licence application* procedure and the Lake Macquarie City Council *Events Guideline*. Consult the Guideline - the "Event Planning Toolkit" - for more information on matters Council will consider when determining applications.

**Note** – All events held in Lake Macquarie should register with Council at least three months before the event by completing an *Event Licence application*. Consult with the council if you have questions about event applications according to local 'section 68 approvals'.

Some larger, higher impact events may also require a separate Development Application (DA). Please consult with Council for further advice on the matter.

## Policy - external Local Approvals Policy

---

### 2.5 Public roads

---

#### 2.5.1 Applications related to public roads

This section relates only to those activities on public roads as stipulated in section 68 of the *Local Government Act*, being activities that:

- (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*

Section 50 of the *Local Government (General) Regulation 2021* defines matters the council must consider in determining whether to approve applications relating to public roads.

#### **50 Matters for consideration by council in determining whether to approve applications relating to public roads**

In determining an application for an approval under Part E of the Table to section 68 of the Act the council must take into account—

- (a) the provisions of the *Roads Act 1993*, and
- (b) any relevant standards and policies of public authorities applying to the use of the road.

#### 2.5.2 Outdoor dining

Section 125, 126 and 127 of the *Roads Act 1993* covers approvals for the use of roads for food or drink premises.

#### **125 Approval to use road for food or drink premises**

- (1) A roads authority may grant an approval that allows a person who operates food or drink premises adjacent to a public road to use part of the public road for the purposes of the food or drink premises.
- (2) However, a roads authority may not grant an approval in relation to the use of a classified road without the agreement of Transport for NSW.
- (3) A roads authority may grant an approval on the conditions, including conditions about payments in the nature of rent, decided by the roads authority.
- (4) A roads authority may grant an approval for the term decided by the roads authority, but not more than—
  - (a) for an approval for the use of a footway of a public road—7 years, or
  - (b) for an approval for the use of any other part of a public road—12 months.
- (5) A roads authority may terminate, or temporarily suspend, an approval granted by the roads authority under this section—
  - (a) immediately, if in the roads authority's opinion, it is necessary for safety reasons, or
  - (b) otherwise—if the roads authority has given the holder of the approval at least 7 days written notice.
- (6) Unless sooner terminated, an approval lapses on the earlier of the following—
  - (a) the end of its term,
  - (b) if the part of the public road the subject of the approval ceases to be used for the purposes of food or drink premises, when the use for that purpose ceases.

## Policy - external Local Approvals Policy

### 126 Authority to erect structures

- (1) A roads authority that grants an approval under section 125 may—
  - (a) authorise the holder of the approval to erect, place or maintain structures, furniture or other things in, on or over any part of the road the subject of the approval, or
  - (b) at the request and cost of the holder of the approval, erect, place or maintain structures, furniture or other things in, on or over any part of the road the subject of the approval.
- (2) The roads authority may erect and maintain structures in, on or over any part of the public road the subject of an approval for the protection of public health and safety.

### 127 Effect of approval

While an approval is in force—

- (a) the use of the public road for the purposes of food or drink premises, and
  - (b) the erection, placement or maintenance of structures, furniture or other things on the public road authorised by the roads authority under section 126(1),
- are taken not to constitute a public nuisance and do not give rise to an offence against this or any other Act.

## Local Considerations

Lake Macquarie City Council supports the use of public land for outdoor dining under the following conditions:

- Unobstructed pedestrian access is provided in all circumstances.
- Outdoor dining furniture is to be removed from the footpath outside of trading hours.

Applications for Outdoor dining will be assessed in accordance with Council's *Footway Dining Procedure*. In determining applications, Council shall take into account the following considerations:

- To encourage outdoor dining in areas that are suitable for that purpose.
- To add to the vitality of the streetscape character of centres within the City.
- To provide opportunities for increased economic activity in the City.
- To provide clear guidelines for applicants, staff, Council and the community with respect to Council's expectations in relation to outdoor dining.
- To ensure that pedestrian and traffic safety and accessibility is not compromised by outdoor dining activities.
- To ensure that adequate, sheltered and safe space is maintained for pedestrian access and circulation.
- To ensure equitable access for all including people with disabilities.
- To ensure that outdoor dining areas are maintained in a clean, healthy, tidy manner and remain attractive elements of Lake Macquarie City.

The *Footway Dining Procedure* provides information for the public and for applicants seeking to use the footway for dining. The procedure also provides guidance for Council in determining applications. The procedure includes location and site criteria, furniture guidelines and application requirements.



## Policy - external Local Approvals Policy

---

### 2.6 Other activities

---

#### 2.6.1 Operate a caravan park or camping ground

Section 71 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* specifies factors council must consider when evaluating applications to operate a caravan park or camping ground, whilst conditions of approval is specified in section 73.

#### 71 Factors for consideration before approval is granted

- (1) The council must not grant an approval unless satisfied it will be designed, constructed, maintained and operated—
  - (a) in accordance with Division 3, Subdivisions 1–8, or
  - (b) for a primitive camping ground—in accordance with Division 3, Subdivision 9.
- (2) In deciding whether or not the approval allows the installation of a relocatable home, rigid annexe or associated structure on flood liable land, the council must consider the principles contained in the Floodplain Development Manual.

#### 73 Conditions of approval to operate caravan park or camping ground

- (1) An approval is subject to the following conditions—
  - (a) the caravan park or camping ground must be designed, constructed, maintained and operated—
    - (i) in accordance with Division 3, Subdivisions 1–8, or
    - (ii) for a primitive camping ground—in accordance with Division 3, Subdivision 9,
  - (b) a visitor must not be permitted to stay in a moveable dwelling occupying a short-term site or camp site for more than 150 days in a 12 month period, unless—
    - (i) the moveable dwelling is a holiday van, and
    - (ii) the visitor is the owner of the holiday van,
  - (c) a visitor who is the owner of a holiday van occupying a short-term site or camp site must not be permitted to stay in the holiday van for more than 180 days in a 12 month period,
  - (d) a visitor must not be permitted to stay in a moveable dwelling in a primitive camping ground for more than 50 days in a 12 month period.
- (2) In calculating the number of days a visitor stays in a moveable dwelling, only overnight stays must be counted.
- (3) This section does not apply to the operation of a caravan park or camping ground if the caravan park or camping ground is being operated—
  - (a) solely in connection with the use of the land for a sporting, recreational or cultural event, and
  - (b) for a period of no more than 6 weeks.
- (4) The manager of a caravan park or camping ground may authorise a person to stay in the caravan park or camping ground for a period not exceeding 2 years if the manager is reasonably satisfied that the person has been displaced as a result of—
  - (a) a natural disaster, or
  - (b) a pandemic.
- (5) In this section—

**manager** of a caravan park or camping ground includes the owner, operator or caretaker of the caravan park or camping ground.

**visitor** does not include—
  - (a) a displaced person, or
  - (b) a resident manager of the caravan park or camping ground.

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.  
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.



## Policy - external Local Approvals Policy

### 2.6.2 Operate a manufactured home estate

Section 6 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* specifies factors council must consider when evaluating applications to operate a manufactured home estate, whilst conditions is specified in section 8.

#### 6 Factors for consideration before approval is granted

- (1) *The council must not grant an approval unless satisfied the manufactured home estate will be designed, constructed, maintained and operated in accordance with Division 3.*
- (2) *Before approving the operation of a manufactured home estate on flood liable land, the council must consider the principles in the Floodplain Development Manual.*

#### 8 Conditions of approval

*An approval is subject to the condition that the manufactured home estate is designed, constructed, maintained and operated in accordance with Division 3.*

**Note—**

*The council may also impose conditions on the grant of an approval under the Act, section 94.*

### 2.6.3 Mobile vending on public roads and public land

#### Local Considerations

In determining applications for mobile vending, Council must take into account the following considerations:

- (1) The area(s) in which the applicant intends to conduct mobile vending activities, and its proximity to existing business, public parks, reserves and clubs.
- (2) Impacts of mobile vending with regards to safety, pedestrian and vehicular accessibility, amenity and public disturbance.
- (3) No site is booked exclusively by any particular group where there are other requests.
- (4) Mobile vendors that intend to operate in designated vehicle rest areas require concurrent approval from Transport for NSW. Evidence of approval from Transport for NSW needs to be presented before Council can determine any applications of this nature. Please consult the Transport for NSW 'Corporate Policy for Mobile Vending in Rest Areas' for more information.

#### For vendors that intend to sell food and / or beverages, additional considerations apply:

- (1) The design and construction of the vehicle must comply with the NSW Food Authority's 'Guidelines for mobile food vending vehicles'.
- (2) The food vending vehicle must have had a satisfactory food safety inspection carried out by a local council within the current financial year.

**Note** – Applications for mobile vending under this policy relate to trading on *public roads and land only*. Vendors who intend to operate mobile food and drink outlets on *private land* should consult relevant development standards in section 2.54 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Council encourages mobile food vendors on private land in residential areas to consider neighbours in their operation.

Vending at festivals or events will require a food safety inspection from Council and approval granted by the event organiser.

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.

Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

## Policy - external Local Approvals Policy

---

### 2.6.4 Install and operate a small amusement device

Section 72 of the *Local Government (General) Regulation 2021* specifies standards which must be met for council to grant an application for an approval to install and operate an amusement device.

#### 72 Standards to be met for approval

The council must not grant an application for an approval to install or operate an amusement device unless it is satisfied—

- (a) that the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason, and
- (b) that the device is registered under the *Work Health and Safety Regulation 2017*, and
- (c) that the device is to be or has been erected in accordance with all conditions (if any) relating to its erection set out in the current certificate of registration issued for the device under that Regulation, and
- (d) that there exists for the device a current log book as referred to in that Regulation, Chapter 5, Part 5.2, Division 4, Subdivision 2, and
- (e) that there is in force a contract of insurance or indemnity for the device that complies with section 74.

### 3 Part 3: Application process and other matters relating to approvals

#### What information does Council require when assessing applications under this policy?

The following part is intended to provide information about the processes involved in lodging an application to Council for any of the activities contained in the Policy, as well as any supplementary documentation required. Standard conditions of approval are also listed in this part, which will be attached to any issued approvals.

It is a requirement that approved activities are conducted in accordance with all conditions associated with the activity in question, should approval be issued.

#### 3.1 Movable dwellings; manufactured homes, tents, caravans and campervans

##### 3.1.1 Relocatable homes and associated structures *in flood liable caravan parks*

**Council requires the following information when assessing applications to install relocatable homes, annexes or associated structures on flood liable land:**

- Completed application form - *Manufactured Homes*.
- Legible plans and specifications of the proposed structure that show the following:
  - (a) Site plan of the site, indicating site number and area of site in square metres,
  - (b) Location, size and area of existing and proposed structures, caravans and annexes in square metres,
  - (c) Distance of structure from the water's edge and/or adjoining installations,
  - (d) All details of construction methods, material sizes and types shall be stated (including awnings),
  - (e) Colour scheme of the proposed structures to be provided, and
  - (f) Structures other than annexes are to be detachable from the caravan and annexe to allow uninhibited removal of both the caravan and annexe.
- Submit a Practising Structural Engineers Certificate stating the:
  - (a) The design is structurally sound,
  - (b) The relocatable home, rigid annexe and/or associated structures comply with any standards, codes and specifications required by the Regulation or by Ministerial specifications,
  - (c) Specifications as to the manner in which the relocatable home, rigid annexe and/or associated structure must be transported/installed and as to the nature of the footings (if any) on which it must be installed,
  - (d) Any specifications with respect to footings or tie-down systems must have regard to the design gust wind speed, soil type and other design considerations applicable to the various locations in which the annexe may be installed,
  - (e) The relocatable home, rigid annexe and/or associated structure is designed and constructed in accordance with Parts 1 and 2 of AS1170, (except that the design gust

## Policy - external Local Approvals Policy

---

wind speed referred to in Clause 3.2 of Part 2 of that standard is not to be taken to be less than 41 metres per second),

- (f) The materials being used to build the structure are flood compatible,
- (g) That the building or structure can withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate or that permanent fail-safe measures are incorporated in the development, to ensure the timely, orderly and safe removal of the structure, and
- (h) That the development will not increase the flood hazard or flood damage to other properties or adversely affect flood behaviour.

### Approvals will be subject to the following conditions:

- (1) Site to be serviced in accordance with Part 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*. This includes fire hose reels and fire hydrants.
- (2) Must have an adequate sewage disposal system and a separate application will be required.
- (3) Must be designed accordingly for the possible flood depths and velocities of the site. This information must be based on an acceptable flood study.
- (4) Must be constructed off site and brought in to the park in Major Sections.
- (5) Not to be occupied prior to a final inspection Council.
- (6) A compliance plate must be attached to an accessible part of a relocatable home.

### 3.1.2 Relocatable homes and associated structures of *more than one storey*

#### An application for approval to install a moveable dwelling of more than one storey must be accompanied by the following:

- Completed application form - Manufactured Homes
- two copies of the plans and specifications for the moveable dwelling,
- two copies of the plans and specifications for any fences already erected or to be erected,
- two copies of the site plan of the land,
- two copies of a sketch plan of the moveable dwelling, indicating its height and proposed external configuration as installed, in relation to its site.

The plans for the moveable dwelling required by this clause must be drawn to a suitable scale and must not be less than A4 size.

The plans required by this clause must show the following:

- (a) a plan of each floor section,
- (b) a plan of each elevation,
- (c) the levels of the lowest floor and of any yard or unbuilt-on area belonging to that floor and the levels of adjacent ground, and
- (d) the height, design, construction and provision for fire safety and fire resistance (if any).

## Policy - external Local Approvals Policy

---

- If:
- (a) the plans and specifications relate to a proposal to carry out any alteration or rebuilding of an existing moveable dwelling, or
  - (b) it is proposed to modify plans and specifications that have been submitted to the council,
- then both copies of the plans are to be coloured or marked to adequately distinguish the proposed alteration, rebuilding or modification.

The specification of the moveable dwelling:

- (a) must describe the construction and materials of which the moveable dwelling is to be built and the method of drainage, sewerage and water supply, and
- (b) must state whether the materials will be new or second-hand and give particulars of any second-hand materials to be used.
- (c) This clause does not apply to moveable dwellings that are vehicles of a kind that are capable of being registered within the meaning of the *Road Transport Act 2013*.

### **3.1.3 Installation and occupation of moveable dwelling on vacant land during construction of primary dwelling**

**An application for approval to install and occupy a moveable dwelling on vacant land during construction of primary dwelling must be accompanied by the following:**

- a site plan drawn to a suitable scale that clearly documents the proposed location of the moveable dwelling, showing setback distances from all allotment boundaries.
- payment of the prescribed fee.

**Approvals will be subject to the following conditions:**

- (1) The landowner applying for an approval under Section 68 to occupy a moveable dwelling must hold a current development application and construction certificate for the erection of a dwelling on the subject land.
- (2) Only the landowner or members of their family may occupy the moveable dwelling.
- (3) Moveable dwellings on vacant land must observe the same requirements that apply to the erection of a dwelling with respect to boundary setbacks, car parking, and connection to services.
- (4) The occupation of a moveable dwelling is subject to the provision of adequate toilet, washing and bathing facilities, and the appropriate disposal of all waste, including general waste and recycling, and wastewater arising from sanitary fittings.
- (5) The moveable dwelling must be connected to:
  - the Hunter Water Corporation's sewerage system, in a sewered area or
  - an approved septic system, in an unsewered area.
- (6) The moveable dwelling must be connected to the Hunter Water Corporation's town water supply, tank water, or bore water.
- (7) Approval for the occupation of a moveable dwelling on a building site shall be for a maximum of twelve months. A further application shall be submitted to Council for consideration should an extension beyond 12 months be required, and it can be demonstrated there are genuine reasons for granting an extension.

## Policy - external Local Approvals Policy

---

- (8) The landowner applying for an approval under Section 68 shall provide Council with notification prior to occupation of the moveable dwelling, so that an inspection can be undertaken.

### 3.2 Water supply, sewerage and storm water drainage work

---

#### 3.2.1 Carry out stormwater drainage work

**Council requires the following information when assessing applications for stormwater drainage work:**

- Completed application form – Carry Out Stormwater Drainage Work.
- Written permission from the landowner of the subject site on which work is to be undertaken.
- A site plan showing the proposed development and point of connection, easement pipe size (available from Council) and proposed connection pipe size.
- In circumstances where access is required from adjoining land, please provide evidence of an established easement – either a copy of the relevant 88B instrument or the Title for the subject land.

**Approvals will be subject to the following conditions:**

- (1) The connection hole is to be a neatly drilled or saw cut into the existing pipe.
- (2) The pipe connection is to finish flush with the inside of the existing pipe, NO intrusion.
- (3) Cement or epoxy resin to be used to the seat the new pipe to existing pipe.
- (4) The new connection is to be made above the spring line of the existing pipe, i.e. top half of the pipe.
- (5) The new pipe is to be installed so that flows run with the downstream flow of the existing pipe and at an angle no greater than 60 degrees.
- (6) A pit or junction chamber is to be constructed if the connecting pipe is greater than 1/3 the diameter of the existing pipe.
- (7) A final inspection from Council's Asset Management Drainage section will be required on completion of works. Please call Council's Customer Service Centre on 49210333 to book in an inspection.

**Note** – For applications that require the establishment of private easements, independent legal advice should be obtained by the applicant prior to lodging their application.



## Policy - external Local Approvals Policy

---

### 3.3 Management of waste

---

#### 3.3.1 Place a waste storage container on a road

**Council requires the following information when assessing applications for the placement of a waste storage container on a road:**

- Completed application form – *Application to Place Temporary Structures on Council Land*.
- Outline of the proposed timeframe for the placement.
- You must include a drawing or plan showing the location, type, and length of work proposed.
- Evidence of approval from the providers of affected services, e.g. Telstra, gas (if applicable).
- Certificate of Currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage.

#### 3.3.2 Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility

**Council requires the following information when assessing applications to install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility:**

- Completed application form - *Install and Operate a Waste Water Treatment Device*.
- Constructional details of the treatment device and where applicable effluent collection well(s) – e.g. Precast concrete - submit manufacturer's plans and accreditation certificate.
- Provide detailed site plan drawn to scale 1:200 or larger. The site plan shall indicate location of disposal areas with relevant dimensions from boundaries, dwellings, water courses etc where applicable.

**Where on-site disposal of effluent is proposed, the following additional information is required:**

- A site report from a suitably qualified On-Site Wastewater Consultant shall be submitted in accordance with the NSW Environmental Health Protection Guidelines "On-site Sewerage Management for Single Households".
- Plans and specifications shall be submitted detailing the design of the effluent disposal system.

All plans and details shall be submitted in TRIPLICATE.

The applicant shall identify the type and sizing of the effluent distribution system. Specifications must include scale drawings of location and spacing of any distribution and irrigation lines, and any associated fittings including filters, flush valves, vacuum breakers and sprinklers.

#### 3.3.3 Operate a system of sewage management (within the meaning of section 68A)

**Council requires the following information when assessing applications to operate a system of sewage management:**

- Completed application form – *Application for Approval to Operate a System of Sewage Management*.
- Written consent from all property owners.

## Policy - external Local Approvals Policy

---

### 3.4 Community land

---

#### 3.4.1 Fundraising on public land or public roads

When considering an application for Fundraising, Council requires the following information:

- Completed application form – *Application to Fundraise on Public Land or Public Roads*.
- A statement indicating the proposed location, times and dates of the fundraising activity.
- Certificate of Currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage.
- Evidence of current fundraising license from the Office of Liquor, Gaming and Racing.

Approvals will be subject to the following conditions:

- (1) Fundraising activities must not be within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.
- (2) Must not occur in any area adjacent to an educational establishment or place of public worship or in any park or reserve.
- (3) A 2 metre wide unobstructed section of footpath is to be maintained at all times from the building façade, adjacent shops or buildings
- (4) Must be located no closer than 600mm to the back of the kerb.
- (5) The activity must not obstruct or hinder the passage of pedestrians or vehicles.
- (6) The activity must not involve marking the footpath or affixing any matter or structure to the footpath paving.
- (7) Collectors may receive voluntary donations from the audience but may not solicit funds.
- (8) The activity must not cause nuisance, offence or obstruction.
- (9) If located for any period of time outside any shop must have the permission of the shop owner and adjacent shop owners; otherwise must be roaming.
- (10) Must not include a public address system or the like.
- (11) Surrounding area is to be maintained in a clean and tidy condition and free of hazard and rubbish.
- (12) Fundraising activities must be conducted in accordance with the *Charitable Fundraising Act 1991*.
- (13) Where fundraising involves the sale of food the activity is to be conducted in accordance with the *NSW Food Authority Guideline - Food Safety Requirements for Charitable, Not-for-Profit Organisations*.

**Note** - Fundraising activities that require the placement of tables, chairs or any other physical structures should submit an application for a 'street stall'.

## Policy - external Local Approvals Policy

---

### 3.4.2 Street stalls on public land or public roads

#### Council requires the following information when assessing applications for streets stalls:

- Completed application form – *Application for Street Stalls on Public Land or Public Roads*.
- Certificate of Currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage.
- A site plan indicating the exact location of any proposed structures, including stalls, stationary vehicles, tables, chairs, signage and waste receptacles.
- Evidence of consent of the business or organisation outside which the stall is to be situated and adjacent businesses (if applicable).
- Photographs of the site on which the stall is intended to operate which indicate proximity to roadways and pedestrian access ways.

#### For stalls that intend to sell food, the following additional information is required:

- Evidence that the food-vending stall has been subject to a food safety inspection by a local Council within the current financial year.

#### For stalls that intend to fundraise, the following additional information is required:

- Evidence of current fundraising license from the Office of Liquor, Gaming and Racing.

#### Approvals will be subject to the following conditions:

- (1) Limited to no more than 2 street stalls on any one day within 100m on the same footpath.
- (2) The stall shall not exceed 1.8m x 0.9m in horizontal surface measurements and should be placed in position so as not to cause obstruction to pedestrian or vehicular traffic and shall be placed as near as possible to the property boundary.
- (3) An adequate number of receptacles should be provided for the disposal of litter. Please ensure that all litter arising from the stand or stall is removed and that the footpath is kept free of litter during the period of operating the street stall or stand.
- (4) The name of the organisation must be prominently displayed on the stall, not on the footpath. No other signage is permitted.
- (5) Must have the consent of the business or organisation outside which the stall is to be situated and adjacent businesses.
- (6) Must be located no closer than 600mm to the back of kerb.
- (7) A 2 metre wide unobstructed section of footpath is to be maintained at all times from the building façade, adjacent shops or buildings.
- (8) Stalls shall only operate between the hours of 8:00am and 8:00pm.
- (9) A minimum of 1.2 metres is required between each stall.
- (10) Must not hinder the passage of pedestrians or vehicles or create a nuisance or objectionable noise.
- (11) The immediate surrounding area is to be left in a clean and tidy condition and kept clear of hazards.
- (12) Material displayed by stall holders must be non-discriminatory, apolitical, secular and inclusive.

## Policy - external Local Approvals Policy

### Approvals for stalls intending to fundraise will be subject to the following additional conditions:

- (1) Fundraising activities must not be within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection.
- (2) Must not occur in any area adjacent to an educational establishment or place of public worship or in any park or reserve.
- (3) The activity must not involve marking the footpath or affixing any matter or structure to the footpath paving.
- (4) Collectors may receive voluntary donations from the audience but may not solicit funds.
- (5) The activity must not cause nuisance, offence or obstruction.
- (6) Must not include a public address system or the like.
- (7) Fundraising activities must be conducted in accordance with the *Charitable Fundraising Act 1991*.
- (8) Where the fundraising stall involves the sale of food the activity is to be conducted in accordance with the NSW Food Authority Guideline - *Food Safety Requirements for Charitable, Not-for-Profit Organisations*.

### 3.4.3 Hiring of community land – park bookings

#### To book a park or picnic area for your function:

- Contact Council's Customer Service Centre on 4921 0333 or use our online application form.
- Remember to keep the confirmation letter and have it with you on the day of your function.

Note – Updated general 'Park booking terms and conditions' and conditions for 'Park facility booking - exercise groups' can be found on our webpage under "[Conditions of hire](#)"

### 3.4.4 Events (including markets) on council-owned land

#### Local Considerations

The information required when applying for an 'event licence' is specified in the *Event Licence application* form. Additional details can also be found in *Lake Macquarie City Council Events Guideline* - the 'Event Planning Toolkit'.

Consult our webpage "[Planning an event](#)" to find the application form, guideline and other useful information about planning an event in our local government area.

## Policy - external Local Approvals Policy

---

### 3.5 Public Roads

---

#### 3.5.1 Applications relating to public roads

This section relates only to those activities on public roads as stipulated in section 68 of the *Local Government Act*, being activities that:

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.

**When considering an application relating to public roads, Council requires the following information:**

- Completed application form – *Place Temporary Structure on Council's Road Reserve*.
- A drawing or plan showing the location, type, and length of work proposed.
- Certificate of Currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage.

**Note** – Activities that encroach onto road pavement or effect service provider assets (e.g. Telstra) will need to submit additional information. Please consult Council's application form - *Place Temporary Structure on Council's Road Reserve* for more details about these requirements.

#### 3.5.2 Outdoor dining

**When considering an application for outdoor dining, council requires the following information:**

- Completed application form – *Outdoor Dining*.
- An identification diagram indicating:
  - (a) width of access for pedestrians,
  - (b) frontage of the site, size of the area proposed to be used for dining purposes, and
  - (c) location of proposed furniture and details of other street furnishing such as trees and details of existing obstructions e.g. Rubbish receptacles, hydrants etc.
- A brochure/photograph of the type of furniture proposed to be used (tables and chairs situated on the footway are to be of a smart design and not of plastic construction).
- Certificate of Currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage with activities on a public footway and roadway.

**When considering an application for outdoor dining, council requires the following information:**

- Completed application form – *Outdoor Dining*.
- An identification diagram indicating:
  - (d) width of access for pedestrians,
  - (e) frontage of the site, size of the area proposed to be used for dining purposes, and

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.  
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.



## Policy - external Local Approvals Policy

---

- (f) location of proposed furniture and details of other street furnishing such as trees and details of existing obstructions e.g. Rubbish receptacles, hydrants etc.
- A brochure/photograph of the type of furniture proposed to be used (tables and chairs situated on the footway are to be of a smart design and not of plastic construction).
  - Certificate of Currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage with activities on a public footway and roadway.

### Approvals will be subject to the following conditions:

- (1) The term of the approval may not exceed 5 years.
- (2) The applicant shall pay to the Council an annual charge per square metre, as specified in Council's Fees & Charges Schedule for that year, payable in advance on each anniversary date of the approval.
- (3) A clear path for pedestrians, including pedestrians with a disability, must be provided adjacent to the restaurant and be two (2) meters in width. This must be clear of obstacles at all times.
- (4) Any dining furniture situated on the footway without an approval will be deemed unauthorised. The applicant will be required to remove the furniture in accordance with Section 107 of the *Roads Act 1993*. Failure to comply with Section 107 will result in further action against the applicant, as provided the *Roads Act 1993*.
- (5) The applicant shall supply and maintain all outdoor furniture at his/her/their/its own cost. Those tables and chairs situated on the footway are to be of a smart design and not of plastic construction.
- (6) The hours of operation for the approved area shall be (subject to Council approval).
- (7) The applicant shall at all times observe and comply with the reasonable requirements of the law, the Council; an Inspector or other Officer authorised by Council from time to time in respect of such tables, chairs or equipment, or use of the footway.
- (8) The applicant will not sell or serve or permit to be sold or served any alcoholic or intoxicating liquor in or from the approved area except where an appropriate liquor licence has been obtained from the relevant Licensing Authority and is current in respect of the adjoining premises.
- (9) Food must not be prepared or stored on the approved area and all food preparation and storage must take place inside the restaurant (except with prior approval of Council).
- (10) The applicant shall conduct the footway dining area only in conjunction with its adjoining restaurant and shall remove all outdoor furniture that is not permanently fastened to the footway from the approved part upon completion of trading daily.
- (11) The applicant shall maintain the approved area in a clean and tidy condition at all times.
- (12) Where the applicant decides to allow dogs in their outdoor dining area, they must comply with the conditions set out in section 14A of the *Companion Animals Act 1998*.
- (13) The applicant shall not make any alterations to the approved area or erect any structures including advertising structures, signs and awnings without the prior approval of Council.
- (14) No entertainment shall be permitted within the approved area without the approval of Council.
- (15) The applicant may be required to carry out improvements to the footway at their expense, to the requirements of Council's Asset Management Department, where the surface of the footway in



## Policy - external Local Approvals Policy

---

the approved area is damaged, cracked or has deteriorated, or in the opinion of Council is otherwise unsuitable for a dining area.

- (16) If the proposed outdoor area is to be near angle parking, then suitable wheel stops have to be installed, at the Applicants costs, into the parking spaces to inhibit vehicle inadvertently mounting the footpath while entering the car space. Any wheel blocks installed at the end of the carpark in front of the proposed tables must remain and be maintained for the term of the approval.
- (17) The applicant shall grant statutory authorities access to the approved area whenever required.
- (18) The applicant is required to produce to the Council within fourteen (14) days of approval, a public liability insurance policy with an insurer approved by the Council, covering the respective rights of the applicant and the Council in respect of liability to the public for the minimum amount of \$20 million in respect of the approved area. Evidence of adequate insurance is required on each anniversary date of the approval.
- (19) The approval may be revoked by the Council if:
  - i. The applicant has breached a term or provision of the approval,
  - ii. The conduct of the restaurant on the approved area causes undue inconvenience or disruption to pedestrian or vehicular traffic or to the occupiers of adjoining or adjacent premises,
  - iii. Any applicant requires revocation, or
  - iv. The restaurant ceases to be operated by the applicant.
- (20) A notice of revocation shall be in writing and forwarded to the applicant at his/her/their/its stated address shown in the application.
- (21) No compensation or damages shall be payable by the Council to the applicant or any other person or corporation in the event that revocation of the approval occurs.
- (22) The approval lapses at the end of its term, or, if the restaurant adjoining the footway (the subject of the approval) ceases to be used for the purposes of a restaurant, when that use ceases.
- (23) The provisions of the *Roads Act 1993* and any other law prevail to the extent of any inconsistency between those and the agreement.

## Policy - external Local Approvals Policy

---

### 3.6 Other activities

---

#### 3.6.1 Operate a caravan park or camping ground

When considering applications for the operation of a caravan park or camping ground, Council requires the following information:

- Completed application form – *Approval to Operate a Caravan or Camping ground*.

#### 3.6.2 Operate a manufactured home estate

When considering applications for the operation of manufactured home estates, Council requires the following information:

- Completed application form – *Approval to Operate a Manufactured Homes Estate*.

#### 3.6.3 Mobile vending on public land or public roads

When considering an application for mobile vending, council requires the following information:

- Completed application form – *Mobile Vending on public roads or public land*.
- A statement indicating the location(s) at which the proposed activity will occur.
- Certificate of Currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage.
- Copy of Vehicle Registration.

For mobile vendors who intend to sell food or beverages, the following additional information is required:

- Evidence that the food vending vehicle has been subject to a food safety inspection by a local council within the current financial year.

For mobile vendors who intend to operate in designated vehicle rest areas, the following additional information is required:

- Evidence of approval from Transport for NSW to conduct vending activities in the designated rest area.

**Approvals will be subject to the following conditions:**

- (1) Should approval be granted under this policy, documentation of that approval shall be kept with the vehicle at all times. This documentation must indicate that the approval is consistent with the area(s) and time(s) in which the vendor is actually operating. Vendors must be able to present this documentation of approval to an authorised Council officer or delegated authority of Council on request.
- (2) No additional flashing or rotating lights, except those required under Motor Traffic legislation are permitted.
- (3) The vehicle is not permitted to operate within 100 meters of any retail outlet or of any premises selling a similar product if that outlet is open.

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website.  
Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

## Policy - external Local Approvals Policy

---

- (4) The vehicle is not permitted to 'set up stand' nor remain at any one selling point for more than 4 hours without a customer. A vehicle must move a minimum of 500 metres between each selling point.
- (5) The owner or person in charge of the vehicle shall not allow any "noise device" to be used or operated in any public place for informing members of the public that articles are on sale from that vehicle:
  - a. before 8.00am and after 7.00pm on any day;
  - b. whilst the vehicle is stationary;
  - c. for longer than 30 seconds in any period of three minutes;
  - d. within 50 meters of schools (during school hours), hospitals and places of worship (during use on any day);
  - e. more often than once every two hours in the same length of street;
  - f. louder than 75dB(A) at a distance of 10 meters
- (6) The vehicle is not permitted to trade on main roads and through streets with a speed limit of greater than 50 km/h or 80km/h where the carriageway has wide shoulders.
- (7) Vendors must not stop on a hill or bend where sight distance is limited nor located in front of driveways or entrances to properties unless the permission of the property owner has been obtained.
- (8) The vehicle is not to create a traffic hazard, obstruction or dangerous situation.
- (9) Vendors are only permitted to operate between the hours of 6:00am and 10:00pm.
- (10) Litter bins are to be provided by the operator for the convenience of customers.
- (11) Wastewater is to be contained with the vehicle for later disposal to the sewerage system.
- (12) The vehicle must be removed from its location within 15 minutes of closure and the area around the vending vehicle must be left in a clean and litter free state.
- (13) Mobile vendors must not operate within 1km of any public park or reserve where permission has been granted by the council to any person, club, sporting body or association or business to sell similar or the same type of articles or goods, unless the council grants specific exemption from this requirement (i.e. for a specific community event).
- (14) Mobile vending is not permitted at Speers Point Park, unless approved by Council as part of a community event.

### **Approvals for mobile food vending will be subject to the following additional conditions:**

- (1) The vehicle and its operation shall comply with the NSW Food Authority's Mobile Food Vending Vehicles Guideline wherever applicable.
- (2) Mobile food vending vehicles are required to undergo an annual food safety inspection by the relevant Local Government Authority.
- (3) Evidence of current registration and a satisfactory food safety inspection of the mobile food vending vehicle within the current financial year shall be kept with the mobile food van at all times. Mobile Vendors must be able to present their license approval to an authorised Council officer or delegated authority of Council on request.

## Policy - external Local Approvals Policy

---

### Approvals for mobile vending in designated vehicle rest areas will be subject to the following additional conditions:

- (1) Vendors are required to operate in accordance with any conditions of approval from the Transport for NSW, as well as the Transport for NSW Corporate Policy for *Mobile Vending in Rest Areas*.

### 3.6.4 Install and operate a small amusement device

#### When considering applications to install or operate an amusement device, Council requires the following information:

- Completed application form – *Install and Operate an Amusement Device*.
- Site plan showing the proposing location of the amusement device/s.
- A copy of the Workcover NSW registration certificate.
- Certificate of Currency for public liability insurance for \$20 million noting Council as an interested party in relation to personal injury and property damage

#### Approvals will be subject to the following conditions:

It is a condition of an approval to install or operate an amusement device, that the activity approved, and any building or work associated with or carried out in connection with the activity, complies with the following standards:

- (1) the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason,
- (2) the device is registered under the *Occupational Health and Safety Regulation 2001*,
- (3) all conditions (if any) subject to which the device is so registered and all relevant requirements of that Regulation are complied with, and
- (4) the device is installed (including erected) and operated in a safe manner.

## Policy - external Local Approvals Policy

---

### Other matters relating to approvals

#### 3.7 Lodgment of an application

Council has prepared a specific form and/or guide for most applications or bookings, designed to assist in the lodgment 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 lodgment. Please refer to the *Local Approvals Policy* Application Forms on Council's website for application requirements.

An application may be rejected within seven days of receipt if it is not clear as to the approval sought or the application is not easily legible. Fees if applicable are refunded. Copies of Lake Macquarie's Local Approval Application forms may be found at <http://www.lakemac.com.au/>.

Applications are to be lodged online or at Council's Customer Service Centre. Council can assist with the lodgment process. Following initial review, the application will be administered to the relevant department for approval or rejection.

#### 3.8 Assessment of an application

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

#### 3.9 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.

#### 3.10 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.

#### 3.11 Fees and charges

Fees for activities listed in Part 2, other than for building work, are indicated in the Schedule of Fees and Charges adopted by Council for the relevant financial year.

## Policy - external Local Approvals Policy

---

### 3.12 Refunds

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

### 3.13 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.

### 3.14 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 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.

**Note** – Approvals/consent 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 application involving the preparation of food, the operation of a temporary food premise must comply with the *Food Act 2003* (NSW).



## Policy - external Local Approvals Policy

### Controlled Document Information

#### Authorisation Details

<b>Folder No:</b>	F2015/00514/10	<b>TRIM Record No:</b>	D10824495
<b>Audience:</b>	External - All Council staff and the general public		
<b>Department:</b>	Integrated Planning	<b>Officer:</b>	Strategic Landuse Planner - Karin Holen Coon
<b>Key focus area(s):</b>	Unique Landscape		
<b>Review Timeframe:</b> Max < 4 years	Review within 12 months of a newly elected Council	<b>Next Scheduled Review Date:</b>	1 March 2025
<b>Authorisation:</b>	Council		
<b>Authorisation - Council Adoption Date:</b>	12 December 2022		

#### Related Document Information, Standards & References

<b>Related Legislation:</b>	(Legislation Name) Local Government Act 1993	(Relationship/Context) Governing Legislation for this Policy
<b>Related Policies:</b>	N/A	N/A
<b>Related Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements:</b>	Local Approvals Policy Implementation Procedure Amending Development Control Plan Procedure Footway Dining Procedure Events Guideline	N/A
<b>Standards, COP's &amp; Other References</b>	N/A	N/A

#### Definitions

Term / Abbreviation	Definition
The Policy	Local Approvals Policy
The Act	Local Government Act 1993

#### Consultation (update for each version created)

Key Departments, Teams, Positions, Meetings:	Development Assessment & Certification Environmental Regulation and Compliance Asset Management Community Partnerships Property and Business Development
--	--

#### Version History

Version No	Date Changed	Modified By	Details and Comments
Original	September 2014	Integrated Planning	Policy created
Version 1	December 2015	Integrated Planning	Post exhibition significant amendments

This is a controlled document. Before using this document, ensure it is the latest version by checking it on Council's website. Unless otherwise shown, printed or downloaded versions of this document are uncontrolled.

## Policy - external Local Approvals Policy

Version 2	November 2016	Integrated Planning	No changes
Version 3	February 2017	Integrated Planning	Minor changes to activity classifications and regulations for street stalls
Version 4	October 2017	Integrated Planning	Formatting changes only
Version 5	February 2021	Integrated Planning	New version created with no changes as Version 4 was marked incorrectly as a Work Health and Safety controlled document. This was being shown as an overdue KPI in monthly reporting. Making Version 5 a non-Work Health and Safety document will correct this and allow for accurate reporting. Version 5 will be reviewed within the next twelve months.
Version 6	December 2022	Integrated Planning	<p>Inclusion of 'Footway trading' as exempt application.</p> <p>Inclusion of 'Installation and occupation of moveable dwelling on vacant land during construction of primary dwelling' (consolidated with existing Policy, D10067451).</p> <p>Amendments to 'Mobile vending' provisions.</p> <p>Amendments to 'Outdoor dining' provisions. Inclusion of 'Footway Dining Policy (consolidated with existing Policy, D09946617).</p> <p>Amendments to 'Street stall' provisions.</p> <p>Updated agency details, and references/citations to updated regulations</p> <p>Whole document: updates to general text and formatting to improve readability in line with Council's 'Writing and Style Guide' and 'Plain English' principles</p>