



Policy: Council

LOCAL APPROVALS POLICY



LOCAL APPROVALS POLICY

Policy Statement

BMCC will manage local approvals and allow exemptions from the need to obtain approval from Council for certain activities to improve community outcomes. BMCC is committed to providing a consistent and fair approach to dealing with exemptions and applications for approval.

This Policy has been prepared by Blue Mountains City Council (BMCC) in accordance with the provisions set down under Part 3, Chapter 7 of the *Local Government Act, 1993* (NSW).

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Version History

Version	Adoption Date	Reason for Change
May 2018	1 May 2018 (Minute no. 143)	Periodic update.

Definitions

Term	Definition
the Act	<i>Local Government Act 1993 (NSW)</i>
the Regulation	<i>Local Government (General) Regulation 2005 (NSW)</i>

Related Documents

This document should be read in conjunction with:

- *Blue Mountains Local Environmental Plan 2015*
- *Blue Mountains Local Environmental Plan 2005*
- *Blue Mountains Local Environmental Plan 1991*
- *Blue Mountains Development Control Plan 2015*
- *Better Living Development Control Plan*
- NSW Office of Local Government, *Environment & Health Protection Guidelines - On-site Sewage Management for Single Households*
- Water NSW *Designing and Installing On-Site Wastewater Systems (A Sydney Catchment Authority Current Recommended Practice)*

Related Legislation

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2005 (NSW)*
- *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (NSW)*
- *Environmental Planning & Assessment Act 1979 (NSW)*
- *Environmental Planning & Assessment Regulation 2000 (NSW)*
- *Roads Act 1993 (NSW)*
- *Work Health & Safety Act 2011 (NSW)*

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What is a Local Approvals Policy

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

The document is in three parts:

Part 1: Exemptions - outlines the circumstances in which a person is not required to obtain a particular approval.

Part 2: Criteria - is the criteria which must be considered when determining whether or not to grant approval to a particular activity.

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

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

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

Section 68 Local Government Act 1993

This table lists activities under section 68 of the Local Government Act 1993 that require the prior approval of the council, except when exempt from the need for approval by the regulations or this Local Approvals Policy.

Part A - Structures or places of entertainment

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

Part B - Water supply, sewerage & stormwater drainage work

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

Part C - Management of waste

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

Part D - Community land

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

Part E - Public roads

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

Part F - Other activities

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

Exempt works and activities

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

1. *Environmental Planning & Assessment Act 1979*

The *Environmental Planning & Assessment Act 1979* calls up various exemptions. These include:

- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* for building works and other activities on private land such as landscaping.
- *State Environmental Planning Policy (Infrastructure) 2007* for works undertaken by public authorities such as the construction of school rooms through to the installation of street furniture, play ground equipment, etc.
- *State Environmental Planning Policy — (Affordable Rental Housing) 2009* for works associated with affordable rental housing.
- Council's Local Environmental Plan also provides exemptions for specified activities within certain zones that can be carried out without development consent such as bush regeneration.

2. *Local Government Act 1993*

The Local Government (General) Regulation 2005 and the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* also specifies works or activities that are exempt.

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

General aims

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

The general aims of the policy are:

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

NOTE

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

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

In accordance with s.165 of the Local Government Act 1993, this Local Approvals Policy is automatically revoked 12 months after the declaration of the poll for a general election of the Council.

PART 1 - Exemptions

Part 1.1: Legislative Exemptions

The Local Government (General) Regulation 2005 and the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 lists some activities that are exempt from the need for approval.

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

An outline of the legislative exemptions is below.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

Conditional Exemptions

Clause 74	Installation of moveable dwellings and associated structures in caravan parks and camping grounds, provided the structure is designed, constructed and installed with the relevant provisions of the Regulations, the site is not liable to flooding and the installation occurs with the consent of the holder of the approval to operate the caravan park or camping ground concerned.
Clause 77(a)	Installation of not more than 2 caravans, campervans or tents on any land, so long as they are not occupied for more than 2 days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months.
Clause 77(b)	Installation of not more than one caravan or campervan on land occupied by the owner of the caravan or campervan in connection with that owner's dwelling-house, so long as it is used for habitation only by the owner or by members of the owner's household and is maintained in a safe and healthy condition.
Clause 77(c)	Installation of a caravan or campervan on pastoral or agricultural land, so long as it is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land.

Local Government (General) Regulation 2005

Exemptions – Transport waste (C1 activity)

Clause 48(a)	<p>The transporting of waste over or under a public place for fee or reward if:</p> <ul style="list-style-type: none"> • The activity is licensed under the <i>Protection of the Environment Operations Act 1997</i>, or • The activity is being carried out in the Sydney metropolitan area as defined in Part 3 of Schedule 1 of the Act (includes the Blue Mountains local government area), or • The waste is being transported through the area of the Council and is not being collected or deposited in that area.
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Exemptions – Place waste in a public place (C2 activity)

Clause 48(b)	The placing of waste in a public place, if done in accordance with arrangements instituted by the Council. Refer to criteria outlined in Part 1: Local exemptions.
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Exemptions – Install, construct or alter a waste treatment device (C5 activity)

Clause 48(e)	<p>The installation, construction or alteration of a waste treatment device, if that installation, construction or alteration is done:</p> <ul style="list-style-type: none">• under the authority of a license in force under the <i>Protection of the Environment Operations Act 1997</i>,• in a vessel used for navigation,• in a motor vehicle registered under the <i>Road Transport Act 2013</i> that is used primarily for road transport.
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Exemptions – Grey water diversion device (Subdivision 6) [Note: not permitted on unsewered properties]

Clause 75A	<p>Installation and operation of a system for diverting greywater generated on residential premises to a garden or lawn on those premises, but does not include the manual collection (single dwelling) and re-use of greywater. Domestic greywater diversion may be carried out without the prior approval of the council if:</p> <p>(a) it is carried out in accordance with the <i>Plumbing Code of Australia</i>, and</p> <p>(b) a sewage management facility is not installed on the premises concerned, and</p> <p>(c) the following performance standards are achieved:</p> <ul style="list-style-type: none">(i) the prevention of the spread of disease by micro-organisms,(ii) the prevention of the spread of foul odours,(iii) the prevention of contamination of water,(iv) the prevention of degradation of soil and vegetation,(v) the discouragement of insects and vermin,(vi) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,(vii) the minimisation of any adverse impacts on the amenity of the premises concerned and surrounding lands. <p>Note: Greywater means waste water from washing machines, laundry tubs, showers, hand basins and baths, but does not include waste water from a kitchen, toilet, urinal or bidet.</p>
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Exemptions – Operate a system of sewage management (C6 activity)

Clause 48(f)	<p>So much of the operation of a system of sewage management as is limited to an action carried out:</p> <ul style="list-style-type: none">• under the authority of a license in force under the <i>Protection of the Environment Operations Act 1997</i>,• in a vessel used for navigation,• in a motor vehicle registered under the <i>Road Transport Act 2013</i> that is used primarily for road transport.
Clause 47	<p>Despite the other provisions of this Regulation, a person who purchases (or otherwise acquires) land on which any sewage management facilities are installed or constructed may operate a system of sewage management without the approval required under s.68 of the Act for the period of 3 months after the date on which the land is transferred or otherwise conveyed to the person (whether or not an approval is in force, as at that date, in relation to the operation of a system of sewage management on that land).</p> <p>Further, if the person duly applies, within the period of 2 months after the date on which the land is transferred or otherwise conveyed to the person, for approval to operate the system of sewage management concerned, the person may continue to operate that system of sewage management without approval until the application is finally determined.</p>

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

Clause 49	<p>A loudspeaker or sound amplifying device may be set up, operated or used on community land without the prior approval of the council if it is done in accordance with a notice erected on the land by the council or if it is done in the circumstances specified, in relation to the setting up, operation or use (as the case may be), in Part 1 of the local approvals policy applying to the land. Refer to criteria outlined in Part 1: Local exemptions.</p>
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Exemptions – Domestic oil or solid fuel heating appliance (F4 activity)

Clause 70	<p>A domestic oil or solid fuel heating appliance (other than a portable appliance) may be installed without the prior approval of the council if details of the appliance are included in plans and specifications for the relevant building approved under Part 6 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
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Exemptions – Operation of a public car park (F1 activity)

Clause 66	<p>A public car park may be operated without the prior approval of the council if approval for its erection or operation has already been given by the council in connection with another approval or development consent and the car park complies with any applicable conditions of that approval or development consent.</p>
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Exemptions – Amusement devices (F5 activity)

Clause 71	Amusement devices not required to be registered under the <i>Work Health and Safety Regulation 2011</i> may be installed or operated without the prior approval of the council.
Clause 75	<p>A small amusement device may be installed or operated without the prior approval of the council if:</p> <ul style="list-style-type: none">• the ground or other surface on which the device is to be or has been erected is sufficiently 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,• the device is registered under the <i>Work Health and Safety Regulation 2011</i>,• the device is erected and operated in accordance with all conditions relating to its erection or operation set out in the current certificate of registration issued for the device under those Regulations,• there exists for the device a current log book within the meaning of those Regulations, in the case of a device that is to be or is installed in a building, fire egress is not obstructed,• there is in force a contract of insurance or indemnity for the device that complies with clause 74 (see below). <p>In the Regulation, small amusement device means an amusement device that is designed primarily for the use of children 12 years of age or under (includes such amusement devices as mini-Ferris wheels, battery operated cars and miniature railways but, in the case of rotating amusement devices, includes only those devices that have a maximum rotation of 14 revolutions per minute).</p>
Clause 74	It is a condition of an approval to install or operate an amusement device that there must be in force a contract of insurance or indemnity that indemnifies to an unlimited extent (or up to an amount of not less than \$10,000,000 in respect of each accident) each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability.

Part 1.2: Local Exemptions

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

s.68 Part A - Structures or Places of Public Entertainment	
Structures (s.68 Item 1A)	The installation of a caravan, manufactured home or moveable dwelling on land is exempt from the need for approval provided that it complies with the following criteria:
Criteria	<ul style="list-style-type: none"> • Only where the caravan, manufactured home or other moveable dwelling is being occupied as a temporary dwelling as a temporary replacement for a dwelling on land destroyed by bushfire or a declared State of Emergency under <i>the State Emergency and Rescue Management Act 1989</i> or a declared natural disaster under the <i>Natural Disaster Relief and Recovery Arrangements (NDRRA)</i> between the State and Federal Government. • The caravan, manufactured home or other moveable dwelling is to be removed from the site after a period of two (2) years, or upon issue of an Occupation Certificate for a replacement dwelling, whichever occurs sooner. The caravan, manufactured home or other moveable dwelling must be removed from the property within one (1) month from the expiry of the two (2) year period or issue of the Occupation Certificate, as applicable. • The caravan, manufactured home or moveable dwelling must be located: <ul style="list-style-type: none"> ○ behind the front building line of dwellings on adjoining or adjacent properties, except in the case of battle-axe or hatchet shaped allotments where it shall be located beyond the access handle; ○ minimum two (2) metres from side and rear boundaries. • The caravan, manufactured home or moveable dwelling must be connected to the reticulated sewerage system or to an on-site sewerage management system (e.g. septic tank etc.) that has been granted an 'approval to operate' under <i>Section 68 of the Local Government Act 1993</i>. • The caravan, manufactured home or moveable dwelling must be connected to the reticulated water supply or a water tank having a minimum capacity of at least 20,000 litres. • Any ancillary structures, buildings or facilities (e.g. clothes drying area, garden sheds etc.) must be located adjacent to the caravan, manufactured home or moveable dwelling and not cause a nuisance to adjoining properties. • Occupation of the caravan, manufactured home or moveable dwelling must not cause a nuisance to or unreasonably interfere with the amenity of adjoining properties.

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- The caravan, manufactured home or moveable dwelling must be provided with toilet, bathing, laundry and cooking facilities.
 - The caravan, manufactured home or moveable dwelling must be adequate for the number of occupants occupying the structure.
 - The property must be maintained in a clean and tidy condition at all times.
 - Storm water is to be managed so as not to cause a nuisance to adjoining properties or any unacceptable environmental impacts.
 - The caravan, manufactured home or moveable dwelling must be provided with an automatic fire detection and alarm system that complies with the requirements of Part 3.7.2 of *Volume Two of the Building Code of Australia* in relation to Class 1a buildings within the meaning of that Code.
 - All pipes and fittings in a relocatable home that relate to water supply or sewerage must be installed in accordance with:
 - the *Plumbing and Drainage Act 2011* and any regulations under that Act, and
 - the requirements of any relevant statutory body.
 - All electrical wiring, connections, fittings etc. must comply with the supply authorities requirements and AS/NZS 3000:2007 Australian/New Zealand Wiring Rules.
 - A manufactured home or moveable dwelling must be installed in accordance with the specifications contained in the engineer's certificate issued in respect of the manufactured home.
 - A manufactured home or moveable dwelling must be fitted with a compliance plate complying with *Clause 67 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.
 - A manufactured home or moveable dwelling must be of a design certified by a practicing structural engineer to be structurally sound. The certificate:
 - must indicate that the relocatable home complies with any applicable standards, codes and specifications, and
 - must include specifications as to the manner in which the relocatable home or associated structure must be transported and installed and as to the nature of the footings (if any) on which it must be installed.
 - 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 home or structure may be installed.
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	<ul style="list-style-type: none"> The design, construction and installation of a manufactured home or moveable dwelling must comply with the relevant provisions of Part 3 Division 4 of the <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>.
Advice	— Any variation to the above will require Council consent.

s.68 Part B - Water supply, sewerage & storm water

Storm water work (s.68 Item B5) Storm water work is exempt from the need for approval provided that it complies with the following criteria:

Criteria	<ul style="list-style-type: none"> Only for work on a single lot associated with a primary dwelling and/or secondary dwelling. For the repair or replacement of existing storm water drainage lines including guttering and downpipes. Drainage lines must be connected to the street gutter, an approved inter allotment drainage system, an absorption trench (depending on the fall of the land) or an approved storm water collection and disposal system. Absorption trenches (where used) shall be a minimum of 600mm wide x 600mm deep x 2 metres long and provided at the rate of one trench for each downpipe. Trenches shall be located at least 4 meters from any building and property boundary. The land surrounding any structure must be graded to divert surface water to the street or other storm water disposal system, and clear of existing and proposed structures and adjoining premises. No construction is permitted over a drainage channel, drainage depression or drainage easement. The work must not require the cutting or excavation of any concrete/asphalt footpaths or kerb and gutter. The work must not involve a new connection to a Council drain. Drainage work is to comply with AS/NZS 3500.3 - <i>Stormwater Drainage</i>.
Advice	<p>— Any variation to the above will require Council consent.</p> <p>— A Roads Act Approval is required for any work involving the opening of any existing asphalt/concrete footpath and/or kerb and gutter, removal of any tree.</p> <p>— Refer to sections on storm water and site management in Council's Development Control Plan.</p>

s.68 Part C - Waste

Commercial waste
(s.68 Item C2 & C3)

In accordance with the exemption given in Clause 48(b) of the *Local Government Act 1993*, the placement of a commercial waste storage container in a public place is exempt from the need for approval provided that they comply with the following criteria:

Criteria

- Associated with business uses in B1 Neighbourhood Centre, B2 Local Centre, R1 General Residential, R3 Medium Density Residential, IN1 General Industry, IN2 Light Industry, SP2 Infrastructure under LEP 2015, or other relevant definition under *LEP 2005* or *LEP 1991*.
- Must relate to an existing approved and lawful use.
- Maximum of one 240 litre bin and only where the internal waste collection area is not accessible to the collection agency.
- Must be placed immediately adjacent to the premises. If the bin is placed beyond the user's property, prior consent is required from the adjacent owner.
- Must be located so as to not disturb traffic flow, impede or endanger pedestrian movement, restrict driver sight lines or vehicle access.
- Must not be offensive nor contain hazardous, liquid or clinical waste.
- May only be placed in a public place for the purposes of collection by a waste contractor and must be removed as soon as possible after servicing to the internal storage area. In the event of service disruption, containers must be brought inside until the service can be provided.
- Waste oil drums are not permitted to be stored or placed in the public place at any time. Collection must be undertaken by a registered waste collection agency and occur from within the subject premises.
- Commercial waste must be collected and disposed of by a commercial contractor. Waste cannot be removed from the premises to be disposed of in a street litter bin.
- The area where the container is placed for collection must be kept cleaned.
- All waste containers must be vermin proof and cleaned on a regular basis without causing storm water pollution.
- Uncontained waste for example plastic bags and loose cardboard boxes are not permitted to be placed next to or on top of containers in the public place.

Advice

— Any variation to the above will require Council consent.
— Individual commercial waste generators are responsible for the handling and storage of waste generated in their premises to meet public health, safety and environmental requirements. They are also responsible for the costs involved with approved collection and disposal procedures.

<p>Domestic waste (s.68 Item C2 & C3)</p>	<p>In accordance with the exemption given in Clause 48(b) of the <i>Local Government (General) Regulations 2005</i>, the placement of a domestic waste storage container in a public place is exempt from the need for approval provided that they comply with the following criteria:</p>
<p>Criteria</p>	<p>Garbage / recycling:</p> <ul style="list-style-type: none"> • Domestic waste must be contained in the Council's waste storage containers and only placed in a public place for the purposes of collection by the Council or agents acting on their behalf. • Uncontained waste for example plastics bags and loose cardboard boxes are not permitted to be placed next to or on top of containers in a public place. • Waste storage containers should be put out for collection the night before the scheduled collection and must be removed from the public place as soon as possible on the day of collection and stored on private property. • Waste storage containers must be placed immediately in front of the residents property and / or located at an approved service pick up point. • Lids of waste storage containers must remain closed, and the container surrounds be kept tidy at all times. • The resident is responsible for the cleanliness of their waste storage containers. They must be: free of stains, odours and debris; and in full working order with no cracks, missing wheels, lids or pins (Bin repairs should be reported to the Council).
	<p>Bulky waste for household items:</p> <ul style="list-style-type: none"> • Only for general household items booked or scheduled for a clean-up with the Council can be placed in a public place two days before the collection is scheduled to take place as specified or directed by the Council. • General household items must be stored on the nature strip in a neat pile, not exceeding 2 cubic metres. The items must not block any road or footway and must not endanger pedestrian or vehicle traffic or the environment. • Items must be capable of being lifted by 2 people. • Loose items must be bagged or bundled together to prevent littering and hazards. • Bulky waste must be placed immediately in front of the residents property and kept clear of paths and driveways. • Rejected general household items must be removed promptly by the resident. • Doors to refrigerators, freezers or the like that have the ability to latch or lock closed are to be removed to prevent entrapment of children.

	<p>Green waste:</p> <ul style="list-style-type: none"> • Can be placed in a public place two days before the collection is scheduled to take place as specified or directed by the Council. • Material must not be located in front of vacant blocks, reserves or non-residential properties. • Must only contain branches and these are to be stored on the nature strip in a neat pile, not exceeding 3 cubic metres. Keep cut ends of branches together. • Branches must be between 1 to 3 metres in length and a maximum diameter of 15cm. • The items must not block any road or footway and must not endanger pedestrian or vehicle traffic or the environment. • Green waste must be placed immediately in front of the residents property. • Chipped material and / or rejected materials must be removed promptly by the resident.
Advice	<p>— Any variation to the above will require Council consent.</p> <p>— Reference should be made to the guides on waste management which detail types of materials collected. This information is available on www.bmcc.nsw.gov.au</p>

<p>Bulk bin / skip (s.68 item C3)</p>	<p>In accordance with the exemption given in Clause 48(b) of the <i>Local Government Act 1993</i>, the placement of a bulk bin / skip bin container in a public place is exempt from the need for approval provided that it complies with the following criteria:</p>
Criteria	<ul style="list-style-type: none"> • Must be associated with a primary dwelling and/or secondary dwelling. • Can only be located on the road reserve where constraints are such that the container cannot be kept within the property boundary of the site. • Not on a classified road (Great Western Highway, Hawkesbury Road, Darling Causeway and Bells Line of Road and the portions of Station Street Mt Victoria between Darling Causeway and Great Western Highway, George Street and Silva Road Springwood between the Great Western Highway and Hawkesbury Road, and Macquarie Road Springwood between the Great Wester Highway and Hawkesbury Road) will only be considered after the Council has obtained the written approval of Service NSW). • Maximum container size of 2.5 cubic metres. • Only one container can be stored at any one time at the property frontage.

	<ul style="list-style-type: none"> • Must be placed immediately adjacent to the premises. If the bin is placed beyond the users property, prior consent is required from the adjacent owner. • Must be located so as to not disturb traffic flow, impede or endanger pedestrian movement, restrict driver sight lines or vehicle access or impede public utility access or drainage pits. • Must be in place for a period no more than 5 days and not more than 2 occasions in any one year. • Must not be used for putrescible waste, dangerous or hazardous waste. • Must be secured to prevent waste being dislodged by wind and other forces including animals. • Bulk bin must be: light in colour; have reflectors or warning lights on outer corners and covered outside working hours and during transport; bear legibly the name, address and all hours phone number of the owner/supplier. • All requirements of the <i>Work Health and Safety Act 2011</i>, as administered by WorkCover NSW must be met.
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Advice	<p>— Any variation to the above will require Council consent.</p> <p>— This section does not apply to shipping containers. Shipping containers require approval.</p> <p>— Council reserves the right to order the removal of any waste container, if such container, or the activity associated with it in the opinion of Council, causes a nuisance.</p> <p>— Specific arrangements are required for the removal and disposal of asbestos. Refer to www.bmcc.nsw.gov.au</p>
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Approval to operate a pump to sewer system (s.68 Item C6)	Pump to sewer systems are exempt from the need for approval to operate provided that they comply with the following criteria:
Criteria	<ul style="list-style-type: none"> • Only associated with systems serving a single residential dwelling on a single allotment of land pumping directly into Sydney Water reticulated sewerage system. • Must have the approval of Sydney Water for the disposal of effluent. • Septic systems and collection tanks are to be desludged at a minimum every 5 years* with pumps serviced at the same time, except where more frequent desludging is required by Council’s Environmental Health Officer for health, environment or amenity considerations. • Septic systems and collection tanks must be safely constructed and secured to prevent a public hazard.

Advice	<p>— Any variation to the above will require Council consent.</p> <p>— Approval will still be required for the installation of any on-site sewage management system e.g. septic tanks, collection wells etc.</p>
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s.68 Part D - Community land

Street stalls for political purposes (s.68 Item D1)	Street stalls for political purposes are exempt from the need for approval provided that they comply with the following criteria:
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Criteria	<ul style="list-style-type: none"> • Not within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection. • Only one table 2 metres x 1 metre to be used. • No more than three representatives to be in attendance at any one time. • No fund raising activities are to be carried out. • If located outside any shop must have the permission of the shop owner. • Not to include a public address system or the like nor cause offensive noise. • The organisation conducting the stall must display a sign on the stall, not on the footpath, indicating its name. No other signage will be permitted. • The stall must not obstruct or inconvenience pedestrian or vehicular traffic. A 2.5 metre wide unobstructed section of footpath is to be maintained at all times. • All litter and excess or discarded material (e.g., handouts, flyers etc) shall be collected and appropriately disposed of.
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Advice	<p>— Any variation to the above will require Council consent.</p> <p>— For details on political signage refer to <i>State Environmental Planning Policy No.64: Advertising and Signage</i>. Political signs for election campaigns are regulated under the <i>Parliamentary Electorates and Elections Act 1912</i>.</p>
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<p>Busking or street theatre (s.68 Item D2 & D4)</p>	<p>Busking or street theatre is exempt from the need for approval provided that it complies with the following criteria:</p>
<p>Criteria</p>	<ul style="list-style-type: none"> • Only in Village Town Centres. • Not within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection. • Must not occur in any area adjacent to an educational establishment or place of public worship or in any park or reserve. • Must retain a minimum of 2.5 metres of footpath for public movement. • The activity must not obstruct or hinder the passage of pedestrians or vehicles nor create any nuisance or offensive noise. • The performance must not involve the use of dangerous materials and implements nor include drawing or marking the footpath or affixing any matter or structure to the footpath paving. • If located outside any shop must have the permission of the shop/business owner or manager. • Must not use a public address, sound system or amplified equipment (except where approved as part of an approved Community Festival or Event). • Performers may receive voluntary donations from the audience but may not solicit funds. • Performers may only perform in one location for a maximum of 2 hours. Performers may subsequently relocate to another location that is at least 200 metres away. • Performers are not permitted when special events are in progress (unless approval given as part of the event). • Performers must not advertise goods for sale or associate themselves with such advertising in conjunction with their performance, other than recordings consisting of the performers own work.
<p>Advice</p>	<p>— Any variation to the above will require Council consent.</p> <p>— Approval is required to sell their own works (see Part 2: Selling Articles in a Public Place).</p>

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

Preaching and religious services (s.68 Item D6)	Preaching and religious services are exempt from the need for approval provided that they comply with the following criteria:
Criteria	<ul style="list-style-type: none"> • Not within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection. • Must not occur in any park or reserve, tourist location such as Echo Point precinct or any area adjacent to residential premise. • Must not occur in any area adjacent to an educational establishment or place of public worship (unless permission given from the occupant). • Must retain a minimum of 2.5 metres of footpath for public movement. • The activity must not cause nuisance, offense or obstruction. • If located outside any shop must have the permission of the shop owner. • Not to include a public address system or the like nor cause offensive noise. • All litter and excess or discarded material (e.g. service booklets etc) shall be collected and appropriately disposed of. • Not to involve the release of helium or other gas filled balloons.
Advice	— Any variation to the above will require Council consent.

s.68 Part E - Public Roads

Swing or hoist of goods (s. 68 Item E1)	Use of a lift, hoist or tackle projecting over the footway to swing or hoist goods over the road is exempt from the need for approval provided that they comply with the following criteria:
Criteria	<ul style="list-style-type: none"> • Must be a vehicle mounted crane. • Has a maximum lift capacity less than 250kg and a reach of no more than 2.5m.

Display of potted plants (s.68 Item E2)	Potted plants are exempt from the need for approval provided that they comply with the following criteria:
Criteria	<ul style="list-style-type: none"> • Only in Village Town Centres. • Must not impede access to under / above ground utilities services. • Plants are to be displayed for decorative purposes and not for sale. • Maximum of 2 pots per premise. • Must be located immediately adjacent to and extending no further than 700mm from the front of the shop or business. • Pots must be at least 450mm x 450mm and securely fixed to prevent vandalism and expected wind forces. • A minimum of 2.5 metres of unobstructed footpath is to be maintained between the pots and any other articles, dining area or display otherwise permitted. • Pots are to be removed from the footpath when the premises are closed. • The proprietor of the related business must hold appropriate public liability insurance specifically indemnifying and listing the City of the Blue Mountains on the policy as an interested party.
Advice	<ul style="list-style-type: none"> — Any variation to the above will require Council consent. — Consider the type of plant and the locality. Do not use thorny plants such as roses and some citrus species.
Information display stands (s.68 Item E2)	Informational display stands are exempt from the need for approval provided that they comply with the following criteria:
Criteria	<ul style="list-style-type: none"> • Only in Village Town Centres. • Limited to 'A3' size and only for information (e.g.,booklets or menu stands). • Must be located immediately adjacent to and extending no further than 700mm from the front of the shop or business. • Must be securely fixed to prevent vandalism and expected wind forces. • A minimum of 2.5 metres of unobstructed footpath is to be maintained between the information display stand and any other articles, dining area or display otherwise permitted. • Displays must be removed from the footpath when the premises are closed. • The proprietor of the related business must hold appropriate public liability insurance specifically indemnifying and listing the City of the Blue Mountains on the policy as an interested party.
Advice	<ul style="list-style-type: none"> — Any variation to the above will require Council consent.

<p>A-framed / sandwich board signs (s.68 Item E2)</p>	<p>A-framed or sandwich board signs are exempt from the need for approval provided that they comply with the following criteria:</p>
<p>Criteria</p>	<ul style="list-style-type: none"> • Applies to commercial premises, restaurants and cafes, shops or takeaway food and drink premises, bed and breakfast accommodation defined under <i>LEP 2015</i>, or other relevant definition under <i>LEP 2005</i> or <i>LEP 1991</i>. • Must be A-frame or self-standing single or double sided sign. • Maximum 1 sign per business positioned no nearer than 3 metres from a similar sign. • The sign must be located immediately adjacent to the premise. • Must relate to an existing approved and lawful use. • Must not contravene any development consent applying to the property. • Not permitted within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection. • Must not display offensive, violent, obscene or include discriminatory text or graphics. • Text of sign must relate to the business conducted on the premises or goods/services sold at the premises. • Signs must not be illuminated or incorporate any moving components. • The sign is to have a maximum height of 1 metre with each advertising panel being maximum 900mm high by 600mm wide. • A minimum of unobstructed footpath width of 2.5 metres is to be maintained between the A-frame sign and any other articles, dining area or display otherwise permitted. • Must be safely constructed and secured to prevent a public hazard. • Signs must be removed during inclement or windy weather or when the related business is not open for trading. • The sign/s are not to obstruct or pose a risk to pedestrian or vehicular traffic. • The proprietor of the related business must hold appropriate public liability insurance specifically indemnifying and listing the City of the Blue Mountains on the policy as an interested party.
<p>Advice</p>	<p>— Any variation to the above will require Council consent.</p>

s.68 Part F - Other activities

Solid fuel or oil heaters

(s.68 Item F4)

Solid fuel or oil heaters are exempt from the need for approval provided that they comply with the following criteria:

Criteria

- Must be installed by a person licensed with NSW Fair Trading to install domestic solid fuel burning appliances.
- Not on property identified as being a heritage item in an environmental planning instrument or a draft planning instrument.
- Applies to primary dwelling and/or secondary dwellings only.
- The flue / chimney height is to be 1 metre above any other building within a 15 metre radius. The flue height is to be at least 4.6 metres above floor level.
- Installation is to be in accordance with:
 - *The Building Code of Australia (BCA)*.
 - AS 2918: Domestic Solid Fuel Burning Appliances and Installation.
 - NSW Department of Environment and Conservation's publication *Environmental Guidelines for Selecting, Installing and Operating Domestic Solid Fuel Heaters*.
- The heater must comply with the emission controls stated in AS 4013: *Domestic Solid Fuel Burning Appliances - Methods for determination of flue gas emission*.
- Must not cause a smoke or odour nuisance to adjoining or nearby properties.
- The installation must be registered with Council.

Advice

- Council must be notified in writing of the installation along with the accredited contractor's details, immediately upon completion.
- Any variation to the above will require Council consent.

Street collections & information distribution (s.68 Item F7)	Street collections (including badge / pin days) and distribution of promotional information by individuals are exempt from the need for approval provided that they comply with the following criteria:
Criteria	<ul style="list-style-type: none"> • Only within Village Town Centres. • Must not occur within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection. • Must not occur in any area adjacent to an educational establishment or place of public worship or in any park or reserve. • Must retain a minimum of 2.5 metres of footpath for public movement. • The activity must not cause nuisance, offence or obstruction. • If located for any period of time outside any shop must have the permission of the shop owner; otherwise must be roaming. • Must not include a public address system or the like. • In the case of street collections must be for a registered charity where monies are channeled direct to the charity. • Collectors must display/carry identification provided by the registered charity and produce them when requested by Council officers. • All litter and excess or discarded material (e.g. promotional material, handouts etc) shall be collected and appropriately disposed of.
Advice	<ul style="list-style-type: none"> — Any variation to the above will require Council consent. — Refer also to ‘Street Stalls’ under part 2.2 Local Considerations.

PART 2 - Criteria

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

In order to achieve the objectives of the policy in terms of creating an atmosphere which provides for activities which do not adversely impact on the amenity of residents and visitors, the following requirements outlined in s.89 of the *Local Government Act 1993* will be taken into consideration in the assessment of all applications.

In determining an application, the council:

- (a) must not approve the application if the activity or the carrying out of the activity for which approval is sought would not comply with the requirements of any relevant regulation, and
- (b) must take into consideration any criteria in a local policy adopted by the council which are relevant to the subject-matter of the application, and
- (c) must take into consideration the principles of ecologically sustainable development.

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

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

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

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

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

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

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

- Construction waste
- Onsite sewage systems
- Commercial recreation activities
- Pavement art
- Ceremonies (weddings, naming, christening, memorial services)

- Use of a crane
- Banners / temporary signs
- Clothing bins
- Use of footpath by shopkeepers
- Community events (fairs / festivals/ markets)
- Selling articles in a public place (mobile food vending; street stalls; other street vending)
- Footpath dining

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

Part 2.1: Legislative considerations

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

Reference should be made to Regulations for specific details.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

Consideration criteria – operate a caravan park or camping ground (F2 Activity)

Division 3	<p>Council will evaluate all relevant activity applications to ensure that:</p> <p>(a) Supporting plans and documents clearly demonstrate an intention to comply with the requirements of the regulation.</p> <p>(b) Where such an intention is not demonstrated, an assessment will be made of whether it is feasible for the applicant to comply and hence whether it is appropriate to issue a conditional approval or hold the application pending the supply of the necessary information.</p>
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Consideration criteria – manufactured homes or moveable dwellings and associated structures (A1 Activity)

Divisions 2 & 4	<p>Council will evaluate applications for manufactured homes or moveable dwellings and associated structures in accordance with the design, installation, construction and general provisions outlined in the Regulation.</p> <p>Development consent will generally be required for the installation of manufactured homes or moveable dwellings on a site unless subject to exempt criteria in Part 1 of this policy.</p>
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Local Government (General) Regulation 2005

Consideration criteria – storm water drainage (B5 Activities)

Clauses 15	<p>In determining an application for an approval the council must have regard to the following considerations:</p> <p>(a) the protection and promotion of public health,</p> <p>(b) the protection of the environment,</p> <p>(c) the safety of its employees,</p> <p>(d) the safeguarding of its assets,</p> <p>(e) any other matter that it considers to be relevant in the circumstances.</p> <p>Part 2 of Schedule 1 of the <i>Local Government (General) Regulation 2005</i> specifies mandatory standards for storm water drainage work, including that such works must comply with the <i>Plumbing Code of Australia</i>.</p>
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Consideration criteria – place building waste storage container on a road (C3 Activity)

Clause 27	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 Service NSW.
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Consideration criteria – sewage management facilities (C5 Activity)

Clause 29	<p>In determining an application for approval to install, construct or alter a sewage management facility, the council must take into consideration the following matters:</p> <p>Environment and health protection matters - The council must consider whether the proposed sewage management facility (or the proposed sewage management facility as altered) and any related effluent application area will make appropriate provision for the following:</p> <ul style="list-style-type: none">(a) preventing the spread of disease by micro-organisms,(b) the prevention of the spread of foul odours,(c) preventing contamination of water,(d) preventing degradation of soil and vegetation,(e) the discouragement of insects and vermin,(f) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,(g) the re-use of resources (including nutrients, organic matter and water),(h) the minimisation of any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land. <p>Guidelines and directions - The council must consider any matter specified in guidelines or directions issued by the Director-General in relation to the matters any environmental and health protection matters.</p>
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Clauses 43 & 44	<p>In determining an application for an approval to operate a system of sewage management the Council will consider the similar matters as those outlined above.</p> <p>Note: These matters are also considered on applications for the installation of a greywater treatment device. Devices must however be accredited by NSW Health.</p>
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Consideration criteria – applications relating to public roads (E1 & E2 Activities)

Clause 50	In determining an application for an approval under Part E of the Table to s. 68 of the Act the council must take into account the provisions of the <i>Roads Act 1993</i> and any relevant standards and policies of public authorities applying to the use of the road.
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Consideration criteria – operation of a public car park (F1 Activity)

Clause 53	<p>In determining an application for approval to operate a public car park the council is to take the following matters into consideration:</p> <ul style="list-style-type: none">(a) Service NSW views about the application,(b) the effect of the car park on the movement of vehicular traffic and pedestrian traffic,(c) whether the number of vehicles proposed to be accommodated is appropriate having regard to the size of the car park and the need to provide off-street parking facilities within the car park for the temporary accommodation of vehicles,(d) whether the means of ingress and egress and means of movement provided or to be provided within the car park are satisfactory,(e) whether there will be adequate provision for pedestrian safety and access for people with disabilities,(f) whether the internal design of parking facilities and system of traffic management are satisfactory,(g) whether, in the case of a car park that is a building, adequate ventilation is provided or to be provided,(h) the <i>Work Health and Safety Act</i>, and the regulations made under that Act, as regards the safety of persons who will be employed at the proposed car park or of persons who will go there,(i) whether there will be adequate provision for the management of storm water and the minimisation of storm water pollution.
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Roads Act 1993

Consideration criteria - street vending

Section 139F	When considering whether to grant, extend or transfer a street vending consent, or other consent under this Division permitting the use of a structure in, on or over a public road not in a built-up area, for the purpose of selling any article or service, the roads authority must comply with guidelines relating to street vending jointly issued by Service NSW and the Department of Local Government.
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Part 2.2: Local Considerations

In addition to the legislative considerations, the following criteria for the activities specified are considered in determining whether to give approval. Where an activity is not specified then the provisions of s.89 of the *Local Government Act* are considered.

s.68 Part C - Waste	
Construction waste (s.68 Item C3 LGA)	As a general rule building material and construction waste must be contained within the site; consideration will only be given where this is not possible.
On-site sewage management systems (s.68 Item C5 LGA)	In addition to the criteria listed in the <i>Local Government (General) Regulations</i> , AS1547 <i>On-site Domestic Wastewater Management</i> , Environment & Health Protection Guidelines - <i>On-site Sewage Management for Single Households</i> and Water NSW <i>Designing and Installing On-Site Wastewater Systems (A Sydney Catchment Authority Current Recommended Practice)</i> , the Council in considering an application to install and operate an onsite sewage system will reference the detailed criteria in Council's Development Control Plan (DCP). Reference to the DCP is required. An approval is issued every 5 years.
s.68 Part D - Community land	
Commercial recreation activities (s.68 Item D1 LGA)	The following criteria will be considered in determining an application for recreation activities undertaken by professional operators for commercial gain.
Criteria	<ul style="list-style-type: none"> • Recreation and tourism uses are permitted only in or at locations considered acceptable to the type and scale of use. • All requirements of <i>Work Health and Safety Act</i> must be met which includes assessment of risks related to the use / activity. • Evidence of public liability insurance specifically indemnifying and listing the City of the Blue Mountains on the policy as an interested party is required. The policy must be held in the name of the applicant.
Advice	<p>— Approvals are for 12 months after which time a new application is required. Fees are not refundable. Applications must include information on the type of activity being carried out and an assessment of risk.</p> <p>— Recreation and tourism uses on private land will require the submission of a development application.</p>

Pavement art (s.68 Item D2 LGA)	The following criteria will be considered in determining an application for pavement art.
Criteria	<ul style="list-style-type: none"> • Permanent and / or temporary drawings on pavements require approval including chalk drawings undertaken in conjunction with a fair, festival or event.
Advice	<ul style="list-style-type: none"> — Pavement art (chalk drawings) must be specified and will be considered as part of the events application to Council. — Refer to Council's <i>Public Art Policy</i>.
Circuses (s.68 Item D2 and D3 LGA)	The following criteria will be considered in determining an application to operate a circus on council community land.
Criteria	<ul style="list-style-type: none"> • Where required, separate development consent or complying development certificate must be obtained prior to the use of the land or erection of any structure. <i>Note: State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 permits certain temporary uses and structures without the need to obtain development consent.</i> • Circus vehicles must be parked in parking areas. Vehicles will not be permitted in parks / reserves unless prior arrangement and approval has been obtained. • The site is to be kept clean and tidy at all times. • Applicants are required to complete an 'Indemnity Agreement' form that assumes liability should any damages, acts or incidents occur as a result of the circus. • The circus must not involve performances using wild animals. • Adequate provision must be made for the parking of attendees' vehicles. A parking management plan may be required to be submitted as part of the application. • Marquees and seating structures must be structurally adequate and incorporate adequate provision for the safety of persons in the event of fire. <i>Note: Engineering specifications/certificates may be required for the circus marquees and seating structures.</i> • A damage/maintenance bond may be required. <i>Note: The Council reserves the right to set a refundable bond based on the size and potential damage from circus equipment.</i>
Advice	<ul style="list-style-type: none"> — An approval is issued only for the nominated day/s of the event. Should the event not proceed a new application is required.

Ceremonies (s.68 Item D6 LGA)	The following criteria will be considered in determining an application to hold a ceremony in a public place.
Criteria	<ul style="list-style-type: none"> • For wedding, naming, christening or memorial ceremonies and only for the ceremony not the reception. • Only in designated locations. Refer to www.bmcc.nsw.gov.au for details. • The area to be used must remain accessible by the public. It is not to be roped off. • Vehicles must be parked in parking areas, vehicles will not be permitted in parks / reserves unless prior arrangement and approval has been obtained. • No amplification of any kind is to be used including loud hailers and / or megaphones. • The site is to be kept clean and tidy. The use of confetti, rice, flower petals or the like is not permitted. • Applicants are required to complete a 'Indemnity Agreement' form that assumes liability should any damages, acts or incidents occur as a result of the ceremony. • Not to involve the release of helium or other gas filled balloons.
Advice	— An approval is issued only for the nominated day of the event. Should the event not proceed a new application is required. Booking application forms and details are available on www.bmcc.nsw.gov.au . Fees and cancellation fees apply.

s.68 Part E - Public Roads

<p>Use of crane (s.68 Item E1 LGA)</p>	<p>The following criteria will be considered in determining an approval for the use of a crane over public land.</p>
<p>Criteria</p>	<ul style="list-style-type: none"> • All crane activity, including the path of travel of the jib, must be confined to the boundaries of the property otherwise a <i>Roads Act</i> approval will be required. • Must ensure the safety of the public and the protection of property. • The effect that the enclosure of the portion of the road over which the goods will be lifted will have on pedestrian movements in the vicinity of the proposed enclosure, and whether adequate provision has been made for pedestrian access to nearby premises. • The effect that the enclosure of the portion of the road over which the goods will be lifted will have on vehicular parking in the vicinity of the proposed enclosure. • The period during which it is proposed to keep the public place enclosed. • Footway surfaces must be maintained in a safe condition.
<p>Advice</p>	<p>— An approval is issued only for the nominated day / period. Should the work not proceed a new application is required. Application forms are found on www.bmcc.nsw.gov.au. Application and use fees apply.</p> <p>— Cranes heavier than 60 tonne must have a transport permit issued by Service NSW.</p>

<p>Banners / temporary signs (s.68 Item E2 LGA)</p>	<p>The following criteria will be considered in determining an application for a temporary banner in a public place.</p>
<p>Criteria</p>	<ul style="list-style-type: none"> • Only in designated locations and for community events or public notices. • Must be safely constructed and secured to prevent a public hazard. • Banners are to be no greater than 5 metres x 900mm; lettering no less than 275mm. • Banner approval is for no longer than 2 weeks at a time, at intervals not less than 3 months. • Banners are to be of a durable material. • Banners are to be clear and legible and of a professional nature. As a minimum they should clearly display Event Name, Date or regular weekend eg third Sat Feb, Location/Venue. Sponsorship details must not dominate the banner.

	<ul style="list-style-type: none"> • Applicants are required to complete a 'Indemnity Agreement' form that assumes liability should any damages, acts or incidents occur.
Advice	<p>— An approval is issued only for the nominated period. Applications must be made at least 14 days in advance or earlier to ensure availability. Booking application forms and details are available on www.bmcc.nsw.gov.au</p> <p>— Banners over the Great Western Highway, Bells Line of Road or other classified road require the approval of Service NSW.</p>

Clothing bins (s.68 Item E2 LGA)	The following criteria will be considered in determining an application to install clothing bins in a public place.
Criteria	<ul style="list-style-type: none"> • Clothing bins are to be installed in a manner to minimise any risk to persons or property. • No more than 2 bins to be located together. • Each bin is to clearly bear the name and telephone number of the organisation and all information as required by legislation under the <i>Charitable Fundraising Act 1993</i>. • Any graffiti is to be removed within 1 week for non-offensive graffiti and the next day for offensive / obscene graffiti. • Each bin is to be completely repainted every 2 years. • Bins are to be placed on a solid level or near level foundation in an upright position with a secured method to prevent bins from being tipped over. • The operation and use of the clothing bin shall not give rise to noise or other impacts that may negatively affect residential amenity. • There must be adequate space in close proximity to each bin for patron parking. • Bin locations must be open to the public view and where necessary well illuminated to discourage vandalism and rubbish dumping. • Clothing and other goods left in and around the bin shall be the responsibility of the organisation. The area around the bin shall be cleaned of any discarded clothing or other material at least weekly. Should Council need to clean the area around any bin then Council's costs will be met by that organisation. • Evidence of Public Liability Insurance is required as bin owners written acceptance of responsibility for any damage done to any public road, kerb, footway or landscaping from the placement, use and servicing of the bin. • A Roads Act Approval is required when located on a public road.

Advice	<p>— Approvals are for 2 years. Application forms are available on www.bmcc.nsw.gov.au. Fees may apply.</p> <p>— Applications must include a site plan in scale showing the location of each bin, vehicle parking arrangements and any adjoining buildings.</p> <p>— The application must be supported by a statement advising of the size, colour, wording details and proposed contents; indicating the days and times of removal and site clean-up and the schedule for maintenance and repainting of bins.</p> <p>— Where located on private land development consent is required.</p>
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Use of footpath by shopkeepers (s.68 Item E2 LGA)	The following criteria will be considered in determining an application by a shopkeeper for the use of the footpath outside the premises for the display of goods for sale.
Criteria	<ul style="list-style-type: none"> • A 2.5 metre wide unobstructed section of footpath is to be maintained at all times. In some instances this distance may be reduced where the applicant can demonstrate that there is an accessible path of travel and that there will be no increased impact on pedestrian access when the goods are in place. • Goods displayed must relate to the business conducted at the premises; be contained within the property side boundary; extend no further than 700mm from the shopfront and located so as not to obstruct any doorway. • Any food including tin and packaged goods displayed shall be at a height not less than 750mm above the footpath level. Displayed fruit and vegetables must be protected from contamination. • Goods and / or display stands must not be more than 2 metres above footpath level. • All goods and / or display stands shall be secured to prevent them from being moved by wind or other forces and finished with no part protruding beyond the main body of the stand with no sharp corners or trip hazards. • All goods and / or display stands must be removed from the footpath when premises are closed. • The area is to be maintained in a clean condition at all times. Waste generated is to be disposed of via the host premises and not into the gutter or street bins. • No spruiking of goods is permitted. • Cash registers or counter facilities are prohibited.

	<ul style="list-style-type: none"> • Evidence of public liability insurance specifically indemnifying and listing the City of the Blue Mountains on the policy as an interested party is required. The policy must be held in the name of the applicant. • An application for the use of the footpath in locations adjacent to a classified road (Great Western Highway, Hawkesbury Road, Darling Causeway, Bells Line of Road, and the portion of Station Street Mt Victoria between Darling Causeway and Great Western Highway) will only be considered after the applicant has obtained the written approval of Service NSW.
Advice	<p>— Approvals are for 12 months after which time the approval will be renewed. Application and occupation fees apply. Fees are not refundable.</p> <p>— The application must include a plan drawn to scale showing pedestrian areas, property boundaries and structures. Include details on the type of goods for sale.</p> <p>— Approvals may be transferred to a new proprietor upon notification to Council and production of the appropriate public liability insurance cover.</p>

s.68 Part F - Other activities

Selling articles in a public place

(s.68 Item F7 LGA)

The Council is unlikely to approve the selling of articles in a public place other than in the following circumstances. In determining an application consideration will be given to the relevant criteria.

Criteria Mobile vending:

- All vehicles must be registered as per the requirements of the Motor Traffic Act.
- Must not operate as a roadside stall or to sell food to the public on any site that requires development consent for that use.
- No additional flashing or rotating lights, except those required under Motor Traffic legislation are permitted.
- The vehicle is not permitted to operate within 50 metres of any retail food outlet selling a similar food product if that outlet is open.
- The vehicle is not permitted to 'set up stand' nor remain at any one selling point for more than 15 minutes (excluding vehicles that are approved as a stall as part of an approved community event or festival). A vehicle must move a minimum of 500 metres between each selling point.
- The vehicle is not permitted to use chimes or like devices to attract attention between the hours of 8pm and 8am or to operate within 90 metres from any hospital, churches in service or schools during school hours.

	<ul style="list-style-type: none"> • The vehicle is not permitted to trade on main roads and through streets with a speed limit of greater than 50km/h. • Must not stop on a hill or bend where sight distance is limited nor located in front of driveways or entrances to properties. • Not to trade in locations where motorists are forced to park on kerbside land, where parking / standing restrictions apply. • The vehicle is not to create a traffic hazard, obstruction or dangerous situation. • Not permitted to operate during hours of darkness. • Litter bins are to be provided by the operator for the convenience of customers. • Wastewater is to be contained with the vehicle for later disposal to the sewerage system. • The vehicle must display a sign requesting patrons not to loiter around the vehicle. • Any vehicle used for the sale of food shall comply with the requirements of the NSW Food Authority <i>Guidelines for Mobile Food Vending Vehicles</i>. • The vehicle must be made available for inspection by a Council Environmental Health Officer for a health clearance certificate prior to the issue of approval. • Mobile vending in locations adjacent to a classified road (e.g. Great Western Highway, Hawkesbury Road, Darling Causeway and Bells Line of Road and the portions of Station Street Mt Victoria between Darling Causeway and Great Western Highway, George Street and Silva Road Springwood between the Great Western Highway and Hawkesbury Road, and the portion of Macquarie Road Springwood between the Great Western Highway and Hawkesbury Road) will only be considered after the Council has obtained the written approval of Service NSW.) will only be considered after the Council has obtained the written approval of Service NSW.
Criteria	<p>Street stall:</p> <ul style="list-style-type: none"> • Only located within Village Town Centres. • For the sale of goods or services by nonprofit community groups. • Limited to no more than 2 street stalls on any one day in the same township. • Limited to no more than one stall per month in any township per community group. • The name of the organisation must be prominently displayed on the stall, not on the footpath. No other signage is permitted. • Must have the consent of the business or organisation outside which the stall is to be situated.

	<ul style="list-style-type: none"> • A 2.5 metre wide unobstructed section of footpath is to be maintained at all times. In some instances this distance may be reduced where the applicant can demonstrate that there is an accessible path of travel and that there will be no increased impact on pedestrian access when the stall is in place. • Must not hinder the passage of pedestrians or create a nuisance or objectionable noise. • The immediate surrounding area is to be left in a clean and tidy condition and kept clear of hazards. • Must provide evidence of public liability insurance to indemnify Blue Mountains City Council. • Street stalls involving the selling of food must comply with the requirements of the NSW Food Authority <i>Guidelines for Food Businesses at Temporary Events</i>.
Criteria	<p>Other street vending:</p> <ul style="list-style-type: none"> • Applies only to local artists with residency in the Blue Mountains. • Only located in Village Town Centres. • Not within 5 metres of a bus stop, pedestrian crossing, taxi stand or intersection. • A 2.5 metre wide unobstructed section of footpath is to be maintained at all times. In some instances this distance may be reduced where the applicant can demonstrate that there is an accessible path of travel and that there will be no increased impact on pedestrian access when the goods are in place. • Goods displayed must be contained and located so as not to obstruct any doorway. • Where located outside a business premise must have the permission of the proprietor. • All goods and / or display stands shall be secured to prevent them from being moved by wind or other forces and finished with no part protruding beyond the main body of the stand with no sharp corners or trip hazards. • The area is to be maintained in a clean condition at all times. Waste generated is to be disposed of via the host premises and not into the gutter or street bins. • No amplified music, loud hailers or megaphones are permitted. • Must not involve the sale of any food items. • Must not involve spruiking of goods or services. • Evidence of public liability insurance specifically indemnifying and listing the City of the Blue Mountains on the policy as an interested party is required. The policy must be held in the name of the applicant.

Advice	<p>Mobile vending:</p> <ul style="list-style-type: none"> — Approvals are for 12 months after which time a new application is required. Application fees apply. Fees are not refundable. — Mobile food vending vans must be registered with the Council. Annual inspection fees apply. <p>Street stalls:</p> <ul style="list-style-type: none"> — An approval is issued only for the nominated day. Should the stall not proceed a new application is required. Applications must be made at least 14 days in advance or earlier to ensure availability. Booking application forms and details are available on www.bmcc.nsw.gov.au — An individual or group carrying out these activities should be aware that they are to exercise good risk management practices at all times so as to avoid injury or loss to others. — Persons seeking to raise public funds must have the appropriate authority issued by the NSW Office of Liquor & Gaming or NSW Fair Trading. <p>Other street vending:</p> <ul style="list-style-type: none"> — Approvals are for 12 months after which time a new application is required. Annual application and occupation fees apply. Fees are not refundable. — Applications must be in writing and include details on space and location; types of goods; days / times of operation and details of any signposting.
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Roads Act	
Community events (s.139A Roads Act)	The following criteria will be considered in determining an application to hold a community event such as a fair, festival or market in public places.
Criteria	<ul style="list-style-type: none"> • For a maximum period of 48 hours. • Must be undertaken by or on behalf of a public authority, institution, organisation of the Council, non-profit organisations, registered charity or School. • Must be carried out on: <ul style="list-style-type: none"> — Public road; or — Land under the control of a public authority, institution or organisation; or — Land zoned: <ul style="list-style-type: none"> ○ Public Recreation RE1 under <i>LEP 2015</i>; or ○ Recreation - Open Space under <i>LEP 2005</i>; or ○ Recreation under <i>LEP 1991</i>.

- All temporary structures must:
 - Be structurally sound and capable of withstanding the loadings imposed on it, including wind.
 - Comply with any WorkCover NSW requirements.
 - Incorporate adequate safety provisions in the event of fire or other emergency.
- All temporary food premises shall comply with the *Food Act 2003* and the NSW Food Authority 'Food Handling Guidelines for Temporary Events'.
- Adequate sanitary facilities are to be provided for patrons, employees and organisers as follows:

Toilet facilities for events where alcohol is not available:

Patrons	WC	Males		Females	
		Urinals	Hand Basins	WC	Hand Basins
< 500	1	2	2	6	2
< 1000	2	4	4	9	4
< 2000	4	8	6	12	6

Toilet facilities for events where alcohol is available:

Patrons	WC	Males		Females	
		Urinals	Hand Basins	WC	Hand Basins
< 500	3	8	2	13	2
< 1000	5	10	4	16	4
< 2000	9	15	7	18	7

Figures may be reduced for events of shorter duration:

Less than 4 hours	70%
4 to 6 hours	75%
6 to 8 hours	80%
8 hours plus	100%

- Organisers are encouraged to provide a unisex toilet for the disabled.
- Adequate waste and recycling receptacles are to be provided to cater for the event and arrangements made with an authorised waste removal contractor or Council to service the event.
- Parking of vehicles is to be managed so as not to cause a nuisance to surrounding properties / areas or obstruct driveways.
- All essential fire safety measures associated with any building, tent or marquee used for the event are to be fully operational.
- Noise level emissions are not to cause offensive noise and must comply with the Noise Guide for Local Government and the *Protection of the Environment Operations Act 1997*.

	<ul style="list-style-type: none"> • All requirements of <i>Work Health and Safety Act</i> must be met which includes assessment of risks related to the event. • Evidence of public liability insurance specifically indemnifying and listing the City of the Blue Mountains on the policy as an interested party is required. The policy must be held in the name of the applicant.
Advice	<p>— An approval is issued only for the nominated day/s of the event. Should the event not proceed a new application may be required. Street festivals, fairs and other special events organised by community groups require the submission of an application to Council at least 16 weeks prior to the date or in the case of road closures at least 20 weeks prior. Fees may apply. An application kit for festivals and events is available on www.bmcc.nsw.gov.au</p> <p>— If the event will have an impact on road traffic then compliance with the Roads and Maritime Guide to Traffic and Transport Management for Special Events will be necessary. The Guide is available at www.rms.gov.au. Refer also to www.events.nsw.gov.au for the Event Starter Guide.</p> <p>— It is the responsibility of the event coordinator to provide instructions on food handling arrangements to all groups.</p> <p>— It is responsibility of the event coordinator to provide instructions on full clean up arrangements to all groups. A waste management plan may be necessary and liaison with Council about the arrangements may be required.</p> <p>— Any appropriate licenses / permits / approvals from relevant government agencies must be submitted to Council prior to any approval being issued by Council. Such permits may include some or all of the following:</p> <ul style="list-style-type: none"> ○ Permits from the WorkCover Authority in regard to amusement devices and fireworks displays. ○ Approval from NSW Office of Liquor & Gaming and the Police in regard to the consumption of alcohol. ○ Approvals from Service NSW / Police in regard to proposed road closures. <p>— If the event is to be held on a road/street it is recommended you discuss your plans with Council's Events Section in the first instance, along with a Traffic Management Plan, as new security arrangements may be required.</p> <p>— Events or ceremonies held on private land that become an annual and or otherwise regular occurrence will require a development application for temporary use.</p> <p>— Temporary structures may require development consent. Reference to the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> is required.</p> <p>— Amusement devices may require separate approval of the Council.</p>

Footpath dining
(s.125 *Roads Act*)

The following criteria will be considered in determining an application for footpath dining. Street furniture includes tables, chairs, gas heaters, umbrellas or other shade structures as well as any structure used to screen / petition or barricade the area.

Criteria

- Footpath dining is not permitted in areas adjacent to a pedestrian crossing.
- Right of access is to be retained to utility services.
- The area for footpath dining is to be determined on the available width of the area, less any existing street fixtures (including street furniture provided for community use). The minimum practical depth for footpath dining is 1 metre, which allows 2 chairs per table.
- Generally, tables and chairs shall be located immediately adjacent the shop frontage. In some cases consideration will be given to kerbside dining provided that the area is adequately separated from vehicular movement e.g. a solid barrier separating the dining area from the road.
- A 2.5 metre wide unobstructed section of footpath with a minimum distance of 600mm from the kerb is to be maintained at all times. In some instances this distance may be reduced where the applicant can demonstrate that there is an accessible path of travel and that there will be no increased impact on pedestrian access when the street furniture is in place.
- Street furniture (including umbrellas) must be kept in good condition and not project beyond the designated permit area. Structures or items must not have sharp, pointed, jagged edges, corners or protrusions that may cause injury to persons or act as a trip hazard.
- Street furniture should be aesthetically suitable and involve a colour scheme and materials that are strong, durable, waterproof and weather resistant, designed for commercial outdoor use. The design must not contain parts that are likely to cause damage to the pavement.
- The canopy of umbrellas shall have a minimum clearance of 2 metres above footpath level and must be securely supported and suitably anchored to withstand unexpected wind gusts.
- Outdoor radiant heaters are to be used in accordance with AS4565: *Radiant gas heaters for outdoor and non-residential indoor use*, and positioned where they will not present a fire hazard, for example not in close proximity to screens / awnings / umbrellas and other shade structures.
- All food must be stored and prepared within the approved food preparation area of the premises.
- Food and drink preparation equipment, cash registers, counter facilities or dumb waiters are not permitted on the footpath.
- Toilet facilities must be made available to patrons where the premise accommodates more than 20 seats in accordance with the Building Code of Australia.
- No entertainment or amplified music is permitted within the designated area.

	<ul style="list-style-type: none"> • The area is to be maintained in a clean condition at all times. Waste generated is to be disposed of via the host premises and not into the gutter or street bins. • Should table service be provided, all staff providing the service must provide right of way to pedestrians using the footpath. • All street furniture must be removed from the footpath when premises are closed. • Advertising on street furniture including shade structures, screens, petitions or barricades must be kept to a minimum. • An application for an approval for footpath dining adjacent to a classified road (e.g. Great Western Highway, Hawkesbury Road, Darling Causeway, Bells Line of Road and the portion of Station Street Mount Victoria between the Great Western Highway and Darling Causeway) will only be considered after the applicant has obtained the written approval of Service NSW. • Where footpath dining is in association with a licensed premise, liquor may not be supplied or consumed without the consent of Council. Concurrence from the Office of Liquor and Gaming NSW and the NSW Police – Local Area Commander is required. Liquor must not be consumed unless it is served with a meal from the premises. • Where there is an alcohol free zone in place: <ul style="list-style-type: none"> ○ the licensed area shall be separated from the footpath area by barriers (e.g. breeze guards). ○ a sign is to be displayed in a prominent position stating that no alcohol is to be removed from the approved seating area. <p>For details of alcohol free zones see www.bmcc.nsw.gov.au</p> • Evidence of public liability insurance specifically indemnifying and listing the City of the Blue Mountains on the policy as an interested party is required. The policy must be held in the name of the applicant.
Advice	<p>— Approvals are for 12 months after which time the approval will be renewed. Application and occupation fees apply. Fees are not refundable.</p> <p>— The application must include a plan drawn to scale with all relevant street and property boundaries. Details on the type of street furniture to be used (i.e., including shade structures, heaters, chairs, tables, screens etc.) must be included.</p> <p>— Approvals may be transferred to a new proprietor upon notification to Council and production of the appropriate public liability insurance cover.</p> <p>— All furniture and equipment, including radiant heaters, shall be regularly checked and maintained to ensure they remain in good working order.</p>

PART 3 – Other Matters

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

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

Lodgement of an application

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

An application may be rejected within 7 days of receipt if it is not clear as to the approval sought or the application is not easily legible. Fees if applicable are refunded.

Assessment of an application

In assessing the more complex applications, additional information may be needed. Where this is the case, Council will contact the applicant within 21 days of receipt of an application. Due to the nature and type of works / activities requiring approval under *the Local Government Act 1993* and the *Roads Act 1993* are not generally notified.

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

Determination

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

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

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

Review of determination

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

Refunds

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

Record of approvals

A record of approvals is required to be kept under s.113 of the *Local Government Act 1993*. This record is available to the public.

Enforcement action

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

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

Reference should be made to Council's *Local Orders Policy* and *Enforcement Policy* for details on enforcement processes and actions.

NOTE

- Approvals/consents may be required for certain other activities under the provision of separate legislation, particularly in regard to the erection of other buildings which is controlled by the provisions of the *Environmental Planning and Assessment Act 1979*.
- Any applications involving the preparation of food, the operation of a temporary food premise must comply with the *Food Standards Code*.
