

Shoalhaven Local Approvals Policy 2017



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Document history

| Version Number | Date Adopted by Council | Resolution Number | Date of Commencement | Type |
|----------------|-------------------------|-------------------|----------------------|------|
| 1 | 11 December 2017 | MIN17.1054 | 21 March 2018 | New |

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

1 Introduction

1.1 Purpose

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

1.2 Application

The Shoalhaven LAP applies to all land within the Shoalhaven Local Government Area (LGA) except certain land under the jurisdiction of the National Parks and Wildlife Service (*National Parks and Wildlife Act 1974*).

The Shoalhaven LAP applies to approvals under the *Roads Act 1993* and Section 68 activities as prescribed by the *Local Government Act 1993 (LG Act)*:

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| <p>Part A: Structures or places of public entertainment</p> <ol style="list-style-type: none"> 1 Install a manufactured home, moveable dwelling or associated structure on land. <p>Part B: Water supply, sewerage and storm water drainage work</p> <ol style="list-style-type: none"> 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 drain or sewer which connects with such a public drain or sewer. <p>Part C: Management of waste</p> <ol style="list-style-type: none"> 1 For fee or reward, transport waste over or under a public place. 2 Place waste in a public place. 3 Place a waste storage container in a public place. 4 Dispose of waste into a sewer of the council. 5 Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility. 6 Operate a system of sewage management (within the meaning of section 68A). | <p>Part D: Community land</p> <ol style="list-style-type: none"> 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. <p>Part E: Public roads</p> <ol style="list-style-type: none"> 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. <p>Part F: Other activities</p> <ol style="list-style-type: none"> 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. <p><i>Note: Section 68 Part F 6, 8 and 9 have been repealed.</i></p> |
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1.3 Objectives

The objectives of the Shoalhaven LAP are to:

- Provide an integrated framework for dealing with applications for approval with clear guidelines.
- Apply common and consistent requirements and procedures for the relevant types of approvals.
- Ensure consistency and fairness in the manner in which the Shoalhaven City Council (Council) deals with applications for approval.
- Make Council's policies and requirements for approvals readily accessible and understandable to the community.

1.4 Structure

The Shoalhaven LAP is in three parts as per Section 158 of the *LG Act*.

- **Part 1: Exemptions** - outlines the circumstances in which a person is not required to obtain a particular approval. Section A covers exemptions provided for under State Government Legislation. Section B outlines local exemptions applicable only to Shoalhaven.
- **Part 2: Criteria** - is the criteria which must be considered by Council when determining whether or not to grant approval to a particular activity. Section A covers criteria provided for under State Government Legislation. Section B outlines local criteria applicable only to Shoalhaven.
- **Part 3: Other matters** - includes information on the processing of an application and other relevant matters.

1.5 Exempt works and activities

There are some works and activities that can be undertaken 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 the Local Government Regulations and the *Environmental Planning and Assessment Act 1979*.

Local Government Act and Regulations

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

This LAP forms part of the exemptions under the *LG Act*. It lists further works and activities that may, under certain circumstances, be carried out without requiring the approval of Council.

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* calls up various exemptions including:

- 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) for works undertaken by public authorities such as the construction of school rooms, installation of street furniture, playground equipment, etc.
- State Environmental Planning Policy (Miscellaneous Consent Provisions) for the erection of tents and marquees on private land or for community events.
- Shoalhaven Local Environmental Plan 2014 and Shoalhaven Local Environmental Plan (Jerberra Estate) 2014 provides exemptions for specified activities within certain zones that can be carried out without development consent such as dairies (pasture based), solid fuel heaters and temporary events on public land/public roads/associated temporary structures.

2 Part 1: Exemptions

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

The activities must be conducted in accordance with the provisions outlined in this LAP and relevant legislation. If you cannot meet these provisions, approval will be required. If subsequent activities involve an increase over and above the exemption circumstances shown in this Part, then approval will be required for the further activity.

Advisory Note: 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.

2.1 Section A: Legislative exemptions

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

- List activities that are exempt from the need for approval.
- Specify conditions applicable to exemptions. 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 | |
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| <i>Conditional Exemptions</i> | |
| Clause 9 | <p>(1) The prior approval of the council is not required for:</p> <p>(a) the installation of a manufactured home on land within a manufactured home estate, so long as:</p> <p>(i) it is designed, constructed and installed in accordance with the relevant requirements of Division 4, and</p> <p>(ii) it is not occupied by any person until a certificate of completion has been issued for it, or</p> <p>(b) the installation of an associated structure on land within a manufactured home estate, so long as it is designed, constructed and installed in accordance with the relevant requirements of Division 4.</p> <p>(2) An exemption provided for by this clause applies in respect of the installation of a manufactured home only if such installation is carried out by or with the consent of the holder of the approval to operate the manufactured home estate concerned.</p> <p>(3) An exemption provided for by this clause does not apply to the installation of a manufactured home on flood liable land if the council has notified in writing the holder of the approval to operate the manufactured home estate concerned, before that installation, that the land is flood liable land.</p> <p>(4) An exemption provided for by this clause does not apply to the installation of manufactured homes, or associated structures, of more than one storey in height.</p> |
| Clause 74 | <p>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.</p> |

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| 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. |
| Unconditional Exemptions | |
| Clause 78 | Installation of a caravan, campervan or tent on Crown reserves or on land that is reserved or dedicated under the <i>Forestry Act 1916</i> . |

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| Local Government (General) Regulation 2005 | |
| Exemptions: Drawing of water by Council employees (B2 activity) | |
| Clause 24 | An employee of a council acting in the course of his or her employment may draw water from a water supply system or standpipe without the prior approval of the council. |
| Exemptions: Transport waste (C1 activity) | |
| Clause 48(a) | The transporting of waste over or under a public place for fee or reward if: <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, or • The waste is being transported through the area of the Council and is not being collected or deposited in that area. |
| Exemptions: Place waste in a public place (C2 activity) | |
| Clause 48(b) | The placing of waste in a public place, if done in accordance with arrangements instituted by the Council. |
| Exemptions: Install, construct or alter a waste treatment device (C5 activity) | |
| Clause 48(e) | The installation, construction or alteration of a waste treatment device, if that installation, construction or alteration is done: <ul style="list-style-type: none"> • Under the authority of a licence 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 (Vehicle Registration) Act 1997</i> that is used primarily for road transport. |
| Exemptions: Domestic grey water diversion (Note: not permitted on unsewered properties) (F10 activity) | |
| Clause 75A | Installation and operation of a system for diverting greywater generated on a residential premises (single dwelling only) 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: <ol style="list-style-type: none"> a) it is carried out in accordance with the Plumbing and Drainage Code of Practice, and b) a sewage management facility is not installed on the premises concerned, and c) the following performance standards are achieved: <ol 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, |

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| | <p>v. the discouragement of insects and vermin,</p> <p>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,</p> <p>vii. the minimisation of any adverse impacts on the amenity of the premises concerned and surrounding lands.</p> <p><i>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.</i></p> |
| Exemptions: Operate a system of sewage management (C6 activity) | |
| Clause 48(f) | <p>So much of the operation of a system of sewage management as is limited to an action carried out:</p> <ul style="list-style-type: none"> • Under the authority of a licence in force under the Protection of the Environment Operations Act 1997, or • In a vessel used for navigation, or • In a motor vehicle registered under the Road Transport (Vehicle Registration) Act 1997 that is used primarily for road transport. |
| Clause 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 Section 68 of the <i>LG Act</i> 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> <p><i>Note: This LAP does not provide a Local Exemption to activity D5.</i></p> |
| Exemptions: Domestic oil or solid fuel heating appliance (F4 activity) | |
| Clause 70 | <p>A domestic oil or solid fuel heating appliance (other than a portable appliance) may be installed without the prior approval of the Council if details of the appliance are included in plans and specifications for the relevant building approved under Part 4A of the <i>Environmental Planning and Assessment Act 1979</i>.</p> |
| 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> |
| Exemptions: Amusement devices (F5 activity) | |
| Clause 71 | <p>Amusement devices not required to be registered under the Work Health and Safety Regulation may be installed or operated without the prior approval of the Council.</p> |
| Clause 75 | <p>A small amusement device may be installed or operated without the prior approval of Council if:</p> |

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| | <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 Work Health and Safety Regulation, • The device is erected and operated in accordance with all conditions relating to its erection or operation set out in the current certificate of registration issued for the device under those Regulations, • There exists for the device a current log book within the meaning of those Regulations, • In the case of a device that is to be or is installed in a building, fire egress is not obstructed, • There is in force a contract of insurance or indemnity for the device that complies with clause 74 (see below). <p>In the Regulation, small amusement device means an amusement device that is designed primarily for the use of children 12 years of age or under (includes such amusement devices as mini-Ferris wheels, battery operated cars and miniature railways but, in the case of rotating amusement devices, includes only those devices that have a maximum rotation of 14 revolutions per minute).</p> |
| Clause 74 | <p>It is a condition of an approval to install or operate an amusement device that there must be in force a contract of insurance or indemnity that indemnifies to an unlimited extent (or up to an amount of not less than \$10,000,000 in respect of each accident) each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability.</p> |

2.2 Section B: Local exemptions

In addition to the legislative exemptions available under the Local Government Regulations, the following activity under Section 68 of the *LG Act* is exempt from the need to obtain an approval of Council, in the circumstances specified below:

| S68 Part D – Community Land | |
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| <i>Ceremonies on Public Land (D6 Activity)</i> | |
| Criteria | <p>Small private functions including ceremonies and religious services are exempt from the need for approval provided they comply with the following criteria:</p> <ul style="list-style-type: none"> • Maximum number of people (including children) at the private function is 50 (total). • Maximum duration of the function is 3 hours (including set up/pack up). • The area is available to be shared with the general public (i.e. the public reserve is for the use and enjoyment by all and public access must not be restricted in any way). • Infrastructure is limited to a personal pop up marquee (maximum 3m x 3m), one table and 10 chairs (that can be carried in and out of the reserve). Larger marquees are not permitted. • Public Address (PA) systems are not permitted. • The wedding reception is held at a separate venue. • Function areas must be located a minimum of 25m from playgrounds, amenities buildings and private residential boundaries. The function must not also block access to other public facilities such pathways and car parks. • The reserve may only be used between the following hours: <ul style="list-style-type: none"> – Monday to Saturday 10am to 10pm – Sunday 10am to 8pm • No fencing or other barriers are permitted. • The area is to be left in a clean and tidy condition, and arrangements made for the collection/ removal of any waste generated as a result of the private function. |

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| | <ul style="list-style-type: none"> • Service of any alcohol (where permitted – noting that some reserves in the Shoalhaven are declared as Alcohol Free Zones) will be carried out by a person(s) with a valid Responsible Service of Alcohol accreditation. Police must also be notified of any function serving alcohol. • Fireworks are not permitted. • No helium filled balloons to be used on any playing field, sportsground or reserves. No balloons, helium filled or otherwise, to be released in or around any Council owned playing field, sportsground or reserves. • Parking is permitted in allocated parking areas only. Vehicles are not permitted to enter the public reserve or beach. • If the function is a wedding, only biodegradable confetti, bubbles or loose rose petals are to be used. • If the function is a wedding, multiple ceremonies that are facilitated by a wedding planner or celebrant in the same location and on the same day are not permitted. |
| Advice | <ul style="list-style-type: none"> • Any variation to the above will require an approval under Part 2 of this LAP. • Refer to Council's Private Functions on Public Reserves Policy. |

3 Part 2: Criteria

Part 2 of the LAP focuses on the considerations and criteria applied by Council in determining whether to give or refuse an approval of a particular kind of activity under Section 68 of the *LG Act* or where required under Sections 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 Section 89 of the *LG Act* will be taken into consideration in the assessment of all applications.

In determining an application, Council:

- 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
- Must take into consideration any criteria in a local policy adopted by Council which are relevant to the subject-matter of the application, and
- Must take into consideration the principles of ecologically sustainable development.

If no requirements are prescribed and no criteria are adopted, Council in determining an application is to:

- Take into consideration, in addition to the principles of ecologically sustainable development, all matters relevant to the application, and
- Seek to give effect to the applicant's objectives to the extent to which they are compatible with the public interest.

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

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

The LG (General) Regulation 2005 and the LG (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 prescribe a number of matters that must be considered by 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:

- Water supply, sewerage and stormwater drainage work.
- Management of waste.
- Outdoor dining and perimeter barricades.
- Menu boards/ A-frames/ advertising signs and outdoor furniture
- Events (theatre/entertainment/music, temporary enclosures, loudspeaker/sound amplifying device, ceremonies).
- Selling food or articles in a public place (mobile food vehicles, temporary food stalls, display of goods and/ or merchandise).
- Installation of solid fuel or domestic oil heater.
- Installation of manufactured home, moveable dwelling or associated structure on flood liable land.
- Operate a caravan park/camping ground/ manufactured home estate.

Advisory Notes:

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

Where an activity requires approval under the *LG Act* and the *Environmental Planning and Assessment Act 1979*, approvals may be applied for as part of the Development Application.

Where a departure or a variation is sought from the criteria contained in this Policy, the departure or variation must be supported by a Council resolution.

Where there is an inconsistency between the *LG Act* or the relevant Local Government Regulations (LG Regulations) and the Shoalhaven LAP, the *LG Act* or the LG Regulations will prevail.

3.1 Section A: Legislative Criteria

The LG (General) Regulation 2005, the LG (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 and *Roads Act 1993* prescribe a number of matters that must be considered by Council when dealing with an application. Reference should be made to both LG Regulations and *Roads Act 1993* for specific details.

| LG (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 | |
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| <i>Consideration criteria – Install a manufactured home, moveable dwelling or associated structure on land (A1 activity) on non-flood liable land</i> | |
| Part 2 Divisions 3 & 4 Part 3 Divisions 3, 4 & 5 | Council will evaluate applications for: <ul style="list-style-type: none"> • manufactured home estates; • manufactured homes and associated structures; • relocatable homes and associated structures; and • caravans, tents and annexes, in accordance with the provisions outlined in the Regulation. |
| <i>Consideration criteria – Operate a caravan park or camping ground (F2 activity) on non-flood liable land</i> | |
| Part 3 Division 3 | Council will evaluate applications for caravan parks and camping grounds in accordance with the provisions outlined in the Regulation. |
| <i>Consideration criteria – Operate a manufactured home estate (F3 activity) on non-flood liable land</i> | |
| Part 2 Division 3 | Council will evaluate applications for manufactured home estates in accordance with the provisions outlined in the Regulation. |

| LG (General) Regulation 2005 | |
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| <i>Consideration criteria – Install, alter, disconnect or remove a meter connected to a service pipe (B3 activities)</i> | |
| Clauses 14 & 15 | Council may require an application for an approval relating to the installation of a water meter to be accompanied by a completed water meter identification form provided by Council for the purpose. In determining an application for an approval, Council must have regard to the following considerations: |

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| | <ul style="list-style-type: none"> • The protection and promotion of public health. • The protection of the environment. • The safety of its employees. • The safeguarding of its assets. • Any other matter that it considers to be relevant in the circumstances. <p>Part 2 of Schedule 1 of the Local Government (General) Regulation 2005 specifies mandatory standards for water meters.</p> |
| Consideration criteria – Stormwater drainage and plumbing works (B1, B2, B4 and B5 activities) | |
| Clause 15 | <p>In determining an application for an approval, Council must have regard to the following considerations:</p> <ul style="list-style-type: none"> • The protection and promotion of public health. • The protection of the environment. • The safety of its employees. • The safeguarding of its assets. • Any other matter that it considers to be relevant in the circumstances. <p>Part 2 of Schedule 1 of the Local Government (General) Regulation 2005 specifies mandatory standards for stormwater drainage work, including that such works must comply with the New South Wales Code of Practice—Plumbing and Drainage (also known as the Plumbing and Drainage Code of Practice).</p> |
| Consideration criteria – dispose of waste into the sewer of council (C4 activity) | |
| Clause 25 | <p>An application for approval to discharge trade waste into a sewer under the control of Council or that connects with such a sewer must be accompanied by the information required by Table 1 to the Liquid Trade Waste Management Guidelines (superseded by the 'Liquid Trade Waste Regulation Guidelines' in 2009).</p> |
| Consideration criteria – place building waste storage container on a road (C3 activity) | |
| Clause 27 | <p>In determining an application for approval to place on a road a building waste storage container, 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 Council from time to time by NSW Roads and Maritime Services.</p> |
| Consideration criteria – sewage management facilities (C5 and C6 activity) | |
| Clause 29 | <p>In determining an application for approval to install, construct or alter a sewage management facility, Council must take into consideration the following matters:</p> <ul style="list-style-type: none"> • Environment and health protection matters - 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: <ul style="list-style-type: none"> – Preventing the spread of disease by micro-organisms. – The prevention of the spread of foul odours. – Preventing contamination of water. – Preventing degradation of soil and vegetation. – The discouragement of insects and vermin. – 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. – The re-use of resources (including nutrients, organic matter and water). – 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. • Guidelines and directions - Council must consider any matter specified in guidelines or directions issued by the Director-General in relation to any environmental and health protection matters. |
| Clauses 43 & 44 | <p>In determining an application for an approval to operate a system of sewage management, Council will consider the similar matters as those outlined above.</p> <p><i>Note: These matters are also considered on applications for the installation of a grey water treatment device. Devices must however be accredited by NSW Health.</i></p> |

| Consideration criteria – applications relating to public roads (E1 & E2 activities) | |
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| Clause 50 | In determining an application for an approval under Part E of the Table to Section 68 of the <i>LG Act</i> , 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. |
| 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, Council is to take the following matters into consideration:</p> <ul style="list-style-type: none"> • NSW Roads and Maritime Services views about the application. • The effect of the car park on the movement of vehicular traffic and pedestrian traffic. • 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. • Whether the means of ingress and egress and means of movement provided or to be provided within the car park are satisfactory. • Whether there will be adequate provision for pedestrian safety and access for people with disabilities. • Whether the internal design of parking facilities and system of traffic management are satisfactory. • Whether, in the case of a car park that is a building, adequate ventilation is provided or to be provided. • The <i>Work Health and Safety Act 2011</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. • Whether there will be adequate provision for the management of stormwater and the minimisation of stormwater pollution. |
| Consideration criteria – install or operate amusement devices (F5 activity) | |
| Clause 72 | <p>Council must not grant an application for an approval to install or operate an amusement device unless it is satisfied:</p> <ul style="list-style-type: none"> • That the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason, and • The device is registered under the Occupational Health and Safety Regulation 2001, and • That the device is to be or has been erected in accordance with all conditions (if any) relating to its erection set out in the current certificate of registration issued for the device under that regulation, and • That there exists for the device a current log book within the meaning of chapter 5 of that Regulation, and • That there is in force a contract of insurance or indemnity for the device that complies with clause 74. |

Roads Act 1993

Consideration criteria – street vending

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| Section 139F | <p>When considering whether to grant, extend or transfer a street vending consent, or other consent under this Division permitting the use of a structure in, on or over a public road not in a built-up area, for the purpose of selling any article or service, the roads authority must comply with guidelines relating to street vending jointly issued by Roads and Maritime Services and the Department of Local Government.</p> <p>A street vending consent may not be granted if a structure is subject to a lease under Section 149 of the <i>Roads Act 1993</i>.</p> |
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3.2 Section B: Local Criteria

| Structures or Places of Public Entertainment - Part A Section 68, LG Act | |
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| <i>Installation of a manufactured home, moveable dwelling or associated structure on flood liable land - A1 activity</i> | |
| Criteria | For applications on flood liable land, relevant provisions in Chapter G10: Caravan Parks in Flood Prone Areas of Shoalhaven Development Control Plan 2014 apply. |
| Advice | Provisions of the LG (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 apply. For applications on non-flood-liable land, refer to Part 2 Section A: Legislative Criteria (Section 3.1 of this LAP). |

| Water supply, sewerage and stormwater drainage work - Part B Section 68, LG Act | |
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| <i>Water supply works - B1 activity</i> | |
| Criteria | <p>In determining an application, Council must have regard to the following considerations:</p> <ul style="list-style-type: none"> • The protection and promotion of public health. • The protection of the environment. • The safety of its employees. • The safeguarding of its assets. • Cross Connection Control and Backflow Prevention Policy. • Minor Mains Extension Policy. • Provision Of Water And Sewerage Infrastructure – Developments not included in Development Servicing Plans. • Rural Water Supply Policy. • Water and Sewer Codes and supplements to the respective codes and other standards. • The requirements of any development consent granted in respect of the proposed activity. • Shoalhaven Water Development Application Notice. • The impact on the water supply and/or sewerage system/s. • Third party approvals (e.g. NSW Roads & Maritime Service, NSW Office of Water). • Are there any environmental impacts? • Is a Review of Environmental Factors (REF) required? • Other pertinent legislation. • Any other matter considered relevant in the circumstances. |
| Advice | Application fees apply. See Council's Fees and Charges . |
| <i>Draw water from a council water supply or a standpipe or sell water so drawn - B2 activity</i> | |
| Criteria | <p>In determining an application, Council must have regard to the following considerations:</p> <ul style="list-style-type: none"> • The protection and promotion of public health. • The protection of the environment. • The safety of its employees. • The safeguarding of its assets. • Purpose for which the water will be used. • Rate of withdrawal of water. • Method by which water drawn will be measured. • Cross Connection Control and Backflow Prevention Policy. • Minor Mains Extension Policy. • Provision Of Water And Sewerage Infrastructure – Developments not included in Development Servicing Plans. • Rural Wastewater Connection Policy. • Rural Water Supply Policy. • Water Hydrant Standpipe Extraction Policy. |

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| | <ul style="list-style-type: none"> • Water and Sewer Codes and supplements to the respective codes and other standards. • Shoalhaven Water Development Application Notice. • The impact on the water supply and/or sewerage system/s. • Third party approvals (e.g. Roads & Maritime Service, NSW Office of Water). • The requirements of any development consent granted in respect of the proposed activity. • Are there any environmental impacts? • Is a Review of Environmental Factors (REF) required? • Other pertinent legislation. • Any other matter considered relevant in the circumstances. |
| Advice | Application fees apply. See Council's Fees and Charges . |
| <i>Install, alter, disconnect or remove a meter connected to a service pipe - B3 activity</i> | |
| Criteria | <p>In determining an application for an approval, Council must have regard to the following considerations:</p> <ul style="list-style-type: none"> • The protection and promotion of public health. • The protection of the environment. • The safety of its employees. • The safeguarding of its assets. • Any other matter that it considers to be relevant in the circumstances. <p>Part 2 of Schedule 1 of the Local Government (General) Regulation 2005 specifies mandatory standards for water meters.</p> <p>No work is to be done by any person other than a Council employee in the course of his/her employment.</p> <p>Council may require an application for an approval relating to the installation of a water meter to be accompanied by a completed water meter identification form provided by Council for the purpose.</p> |
| Advice | Application fees apply. See Council's Fees and Charges . |
| <i>Sewerage work - B4 activity</i> | |
| Criteria | <p>In determining an application, Council must have regard to the following considerations:</p> <ul style="list-style-type: none"> • The protection and promotion of public health. • The protection of the environment. • The safety of its employees. • The safeguarding of its assets. • Cross Connection Control and Backflow Prevention Policy. • Minor Mains Extension Policy. • Provision Of Water And Sewerage Infrastructure – Developments not included in Development Servicing Plans. • Rural Wastewater Connection Policy. • Pressure Sewer System Policy. • Building over Sewers Policy. • Water and Sewer Codes and supplements to the respective codes and other standards. • The requirements of any development consent granted in respect of the proposed activity. • Shoalhaven Water Development Application Notice. • The impact on the water supply and/or sewerage system/s. • Third party approvals (e.g. Roads & Maritime Service, NSW Office of Water) • Are there any environmental impacts? • Is a Review of Environmental Factors (REF) required? • Other pertinent legislation. • Any other matter considered relevant in the circumstances. |
| Advice | Application fees apply. See Council's Fees and Charges . |

| Stormwater drainage work - B5 activity | |
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| Criteria | In determining an application for an approval, Council must have regard to compliance with conditions of development consent granted in respect of the proposed activity. |
| Connect a private drain to a public drain - B6 activity | |
| Criteria | <p>In determining an application for an approval, Council must have regard to the following considerations:</p> <ul style="list-style-type: none"> • The protection and promotion of public health. • The protection of the environment. • The safety of its employees. • The safeguarding of its assets. • Purpose for which the connection will be made. • Quality and quantity of discharge from the private drain or sewer. • Maximum rate of discharge in litre per second from the private drain or sewer. • Council's Liquid Trade Waste Discharge to Sewerage System Policy. • Any other matter considered relevant in the circumstances. |

| Management of waste - Part C Section 68, LG Act | |
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| Dispose of liquid trade waste into the sewer of the council - C4 activity | |
| Criteria | <p>Liquid Trade Waste</p> <p>In determining an application for an approval to dispose of liquid trade waste to the sewer, Council must have regard to Liquid Trade Waste Discharge to Sewerage System Policy.</p> <p>Council Approval Required</p> <p>Council approval shall be obtained prior to the discharge of liquid trade waste to the sewerage system, or in cases where Council considers an activity to have a potential for liquid trade waste discharge, prior to the commencement of that activity.</p> <p>Factors to be considered</p> <p>When determining an application to discharge liquid trade waste into the sewerage system, Council will consider the following factors:</p> <ul style="list-style-type: none"> • The potential for the liquid trade waste discharge to impact on public health. • The possible impacts the discharge may pose to the environment (land, water, air, noise, or nuisance factors). • The potential impacts of the discharge on the health and safety of Council's employees. • The possible impact of the discharge on Council's sewerage infrastructure or sewage treatment process. • The capability of the sewerage system (both transportation and treatment components) to accept the quality and quantity of the proposed liquid trade waste discharge, taking into consideration both current system demands and allowance for potential community growth. • The impact the liquid trade waste will have on the ability of the sewerage scheme to meet Environment Protection Authority (EPA) licence requirements. • Compliance of the proposed liquid trade waste discharge with guideline limits in the Liquid Trade Waste Discharge to Sewerage System Policy. <p><i>Note: The quality of trade waste from some low risk commercial activities in Classification A will exceed guideline limits in Council's Liquid Trade Waste Discharge to Sewerage System Policy. As a higher level of pre-treatment is not cost-effective, such waste is acceptable if the discharger installs and properly operates and maintains the required pre-treatment equipment (refer to Table 1 of the policy and Tables 7 to 9 of Liquid Trade Waste Regulation Guidelines, 2009). Similarly, septic and pan waste may exceed some guideline limits.</i></p> <ul style="list-style-type: none"> • Water and sewer standards and supplements to the respective codes. • The potential impacts of the discharge on the quality of, and management practices for, effluent and biosolids produced from the sewerage treatment process. |

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| | <ul style="list-style-type: none"> • The adequacy of the pre-treatment process/es to treat the liquid waste to a level acceptable for discharge to the sewerage system, including proposed safeguards if the pre-treatment system fails. • The adequacy of the proposed cleaning and maintenance program for the pre-treatment equipment. • Whether appropriate safeguards are proposed to avoid the discharge of other, non-approved wastes to the sewerage system. • The adequacy of any chemical storage and handling facilities, and the proposed safeguards for preventing the discharge of chemicals to the sewerage system. • Whether prohibited substances are proposed to be discharged. • The potential for stormwater entering the sewerage system and adequacy of proposed stormwater controls. • Waste minimisation and water conservation programs. • The adequacy of the proposed due diligence program and contingency plan, where required. • Any other matter considered relevant in the circumstances. |
| Advice | <p>Application fees apply. See Council's Fees and Charges.</p> <p>A written application for approval to discharge liquid trade waste to the sewerage system is to be made by completing and submitting the appropriate Council application form together with any information as may be prescribed by relevant regulations and specified by Council to enable Council to determine the application (See Appendix D of the Liquid Trade Waste Discharge to Sewerage System Policy).</p> |
| On-site sewage management - C5 activity | |
| Criteria | <p>On-site sewage management is comprised of three phases:</p> <ul style="list-style-type: none"> • Phase 1 - Drains capturing wastewater from the fittings and conveying the wastewater to the storage or treatment device. Drains may be absent for a waterless composting toilet. • Phase 2 - A human waste storage facility or waste treatment device. • Phase 3 - Drains representing the method of application or disposal of treated wastewater. <p>Types of systems include, but are not limited to:</p> <ul style="list-style-type: none"> • Septic tank & absorption trench. • Aerated wastewater treatment system & irrigation. • Composting toilet. • Septic tank pumpout. • Greywater treatment systems. <p>For applications relating to on-site sewage management, please refer to Chapter G8: Onsite Sewage Management of Shoalhaven Development Control Plan 2014 (in particular Section 5 Controls, and Section 6 Advisory Information).</p> |
| Advice | <p>Application fees apply. See Council's Fees and Charges.</p> <p>A written application for approval is to be made by completing and submitting Council's Drainage Application Form together with any information as may be prescribed by relevant regulations and specified by Council to enable Council to determine the application.</p> |
| Operate an on-site sewage management system - C6 activity | |
| Criteria | <p>For applications relating to on-site sewage management, refer to Chapter G8: Onsite Sewage Management of Shoalhaven Development Control Plan 2014 (in particular Section 5 Controls, and Section 6 Advisory Information) and relevant section of Part 3 of this LAP.</p> |
| Advice | <p>Application fees apply. See Council's Fees and Charges.</p> <p>A written application for approval is to be made by completing and submitting Council's Approval to Operate a System of Sewage Management Application Form together with any information as may be prescribed by relevant regulations and specified by Council to enable Council to determine the application.</p> |

| Community land - Part D Section 68, LG Act | |
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| Mobile food vehicles on Council land - D1 activity | |
| Criteria | <p>Category 2 – Mobile Food Vehicles</p> <ul style="list-style-type: none"> The vehicle is permitted to occupy any one position on Council Owned or managed land for up to a maximum of 5 hours between 7am to 7pm. The vehicle is prohibited from trading within 1km of an open business serving same or similar food/drink. The distance being measured by road (shortest route). No trading is to occur on NSW Roads and Maritime Services controlled roads. <p>Criteria for all Mobile Food Vehicles</p> <ul style="list-style-type: none"> All vehicles must be registered as per the requirements of the NSW Roads and Maritime Services. No additional flashing or rotating lights permitted. Must not operate as a roadside stall or to sell food to the public on any site that requires development consent for that use. Control is to be exercised over noise emissions (e.g. amplified sound and motor noise) so as to cause no inconvenience to residents. The <i>Protection of the Environment Operations Act 1997</i> and related Regulations will apply. All matter relating to the sale and storage of foods associated with this approval shall comply with the requirements of the <i>Food Act 2003</i> and Food Regulation 2015. 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 90m from any hospital, churches in service or schools during school hours. The vehicle must not stop on a hill or bend where sight distance is limited nor located in front of driveways or entrances to properties. The vehicle must not 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. Litter bins are to be provided by the operator for the convenience of customers. Wastewater is to be contained with the vehicle for later disposal to the sewerage system. The vehicle must be made available for inspection by Council's Environmental Services Section for a permit under the <i>Food Act 2003</i> prior to the issue of approval. Vehicle must not exceed 6m in length and 2.5m in width. Proof of Public Liability Insurance (minimum of \$20 million) must be provided. The vehicle must operate in full compliance with existing road rules and parking restrictions. |
| Advice | <p>Refer to Council's Mobile Food Vending Guidelines and Mobile Food Vehicles and Temporary Food Stalls Guidelines.</p> <p>Application fees apply. See Council's Fees and Charges. Fees are not refundable.</p> <p>Category 2 – Mobile Food Vehicles</p> <ul style="list-style-type: none"> Enquiries relating to Category 2 Approvals should be directed to Council's Property Unit. Approvals are valid for a period of twelve (12) months after which time a new application is required. Such an approval shall remain in force until 30 June each year. The Applicant must check State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to clarify if other approvals (e.g. Development Consent) are required. Approvals are not transferable. Operators must not trade directly in front of residential buildings. Provide copy of permit under the <i>Food Act 2003</i> from Council's Environmental Services Section. |

| Direct or procure a theatrical, music or other entertainment for the public - D2 activity | |
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| Criteria | Refer to criteria in Council's Events Policy . |
| Advice | It is recommended that you read the Events Policy and discuss your event with Council's Event Liaison Team (ph. 44293541 or email Events@shoalhaven.nsw.gov.au). Application fees apply. See Council's Fees and Charges . |
| Construct a temporary enclosure for the purpose of entertainment - D3 activity | |
| Criteria | Temporary enclosure for the purpose of entertainment at an event Refer to criteria in Council's Events Policy . Temporary enclosure for the purpose of entertainment at a private function Refer to criteria in Council's Private Functions on Public Reserves Policy . |
| Advice | Application fees apply. See Council's Fees and Charges . |
| Set up, operate or use a loudspeaker or sound amplifying device - D5 activity | |
| Criteria | Use of loudspeaker or sound amplifying device at an event Refer to criteria in Council's Events Policy . Use of loudspeaker or sound amplifying device at a private function Refer to criteria in Council's Private Functions on Public Reserves Policy . |
| Advice | Application fees apply. See Council's Fees and Charges . |
| Ceremonies on public land - D6 activity | |
| Criteria | Refer to criteria and list of designated reserves in Council's Private Functions on Public Reserves Policy . |
| Advice | Application fees and bonds apply. See Council's Fees and Charges . |

| Public Roads - Part E Section 68, LG Act | |
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| Outdoor dining - E2 activity | |
| Criteria | Provisions of Chapter G17: Business, Commercial and Retail Activities of Shoalhaven Development Control Plan 2014 apply. An application for Outdoor Dining in locations adjacent to a classified road (e.g. Princes Highway) will only be considered after the applicant has obtained the written approval of the NSW Roads and Maritime Services. In all instances, an Outdoor Dining approval must have regard to the legislative requirements set down by the Disability Discrimination Act 1992 relating to disability access either to the premises or along the public road. |
| Advice | Whilst Outdoor Dining is exempt under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, approval under section 68 of the <i>LG Act</i> is still required. Approvals are non-transferable. Should the associated business be sold, the new operator will need to apply for a new approval should they wish to continue to operate the outdoor restaurant on the road. All approval holders must display a notice used by Council in a public area of the restaurant premises that display the term of the approval and layout of approved table configuration. Application fees apply. See Council's Fees and Charges . Fees are not refundable. |
| Menu boards/ A-frames/ advertising signs – E2 Activity | |
| Criteria | Provisions within the following Shoalhaven Development Control Plan 2014 chapters apply: <ul style="list-style-type: none"> • Chapter G17: Business, Commercial and Retail Activities. • Chapter G22: Advertising Signs and Structures. |
| Advice | Annual fees apply. See Council's Fees and Charges . Approvals are non-transferable. |

| Perimeter barricades (delineation of outdoor dining areas) – E2 Activity | |
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| Criteria | Provisions of Chapter G17: Business, Commercial and Retail Activities of Shoalhaven Development Control Plan 2014 apply. |
| Advice | Whilst bollards are exempt under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, approval under Section 68 of the <i>LG Act</i> is still required. |
| Display of goods and/ or merchandise – E2 Activity | |
| Criteria | Provisions of Chapter G17: Business, Commercial and Retail Activities of Shoalhaven Development Control Plan 2014 apply. |
| Outdoor furniture - E2 Activity | |
| Criteria | Provisions of Chapter G17: Business, Commercial and Retail Activities of Shoalhaven Development Control Plan 2014 apply. |
| Advice | Whilst certain shade structures are exempt under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, approval under Section 68 of the <i>LG Act</i> is still required. |

| Other activities - Part F Section 68, LG Act | |
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| Operate a caravan park or camping ground - F2 activity | |
| Criteria | For applications on flood liable land, relevant provisions in Chapter G10: Caravan Parks in Flood Prone Areas of Shoalhaven Development Control Plan 2014 apply. |
| Advice | Provisions of the LG (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 apply. For applications on non-flood-liable land, refer to Part 2 Section A: Legislative Criteria (Section 3.1 of this LAP). |
| Operate a manufactured home estate - F3 activity | |
| Criteria | For applications on flood liable land, relevant provisions in Chapter G10: Caravan Parks in Flood Prone Areas of Shoalhaven Development Control Plan 2014 apply. |
| Advice | Provisions of the LG (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 apply. For applications on non-flood-liable land, refer to Part 2 Section A: Legislative Criteria (Section 3.1 of this LAP). |
| Installation of solid fuel or domestic oil heater - F4 activity | |
| Criteria | Refer to Local Government (General) Regulation 2005 and the Building Code of Australia. The proposed solid or oil fuelled heater must: <ul style="list-style-type: none"> • comply with <i>AS/NZS 2918:2001 Domestic solid fuel burning appliances – Installation</i>. • be marked in accordance with <i>AS/NZS 4013:2014 Domestic Solid Fuel Burning Appliances – Method</i> for determination of flue gas emission and have a certificate of compliance for that model of heater. • If second hand, have a compliance plate stating compliance with the emission requirements of AS/NZS 4013:2014 & AS/NZS 4012:2014. A timber storage area out of the weather must be provided so that timber used in solid fuel heaters has a maximum moisture content of 20%. The flue or chimney is to comply with the Environmental Protection Authority document Selecting, installing and operating domestic solid fuel heaters . This document recommends: <ul style="list-style-type: none"> • The minimum discharge height of the chimney (flue) is to be 1m above any structure within a 15m horizontal radius. |

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| | <ul style="list-style-type: none"> The flue height shall not exceed 2m above the roof cladding. The assessment of application will include consideration of the location of the chimney (flue) in relation to the surrounding structures, topography and trees. |
| Advice | <p>Application can only be made by the owner. Owners consent is required.</p> <p>The owner is permitted to install their own heater subject to compliance with the approval.</p> <p>The owners of neighbouring properties will be notified of the application to install a wood heater unless it is obvious that there is little likelihood of smoke nuisance. The notification may include a plan which clearly shows the location of the chimney (flue). A notification period of 10 working days will be provided and submissions will be considered as part of the assessment.</p> |
| Mobile Food Vehicles in a public place - F7 activity | |
| Criteria | <p>Category 1 - Mobile Food Vehicles (Itinerant Food Vendors)</p> <ul style="list-style-type: none"> The vehicle is not permitted to occupy any one position in a public road, except for such period of time as may be necessary to engage in the actual serving of a customer. On completion of serving, the vehicle must pass on and not return soliciting customer over the same ground within one (1) hour and shall restrict vending to lightly trafficked roads The vehicle is not permitted to operate within 75m of business zoned land under Shoalhaven Local Environmental Plan 2014. <p>Category 2 – Mobile Food Vehicles</p> <ul style="list-style-type: none"> The vehicle is permitted to occupy any one position on Council owned or managed land for up to a maximum of 5 hours between 7am to 7pm. The vehicle is prohibited from trading within 1km of an open business serving same or similar food/drink. The distance being measured by road (shortest route). The vehicle must not trade on NSW Roads and Maritime Services controlled roads. <p>Criteria for all Mobile Food Vehicles</p> <ul style="list-style-type: none"> All vehicles must be registered as per the requirements of NSW Roads and Maritime Services. No additional flashing or rotating lights permitted. Must not operate as a roadside stall or to sell food to the public on any site that requires development consent for that use. Control is to be exercised over noise emissions (e.g. amplified sound and motor noise) so as to cause no inconvenience to residents. The <i>Protection of the Environment Operations Act 1997</i> and Regulations will apply. All matter relating to the sale and storage of foods associated with this approval shall comply with the requirements of the <i>Food Act 2003</i> and Regulations. 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 90m from any hospital, churches in service or schools during school hours. 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. Litter bins are to be provided by the operator for the convenience of customers. Wastewater is to be contained with the vehicle for later disposal to the sewerage system. The vehicle must be made available for inspection by Council's Environmental Services Section for a permit under the <i>Food Act 2003</i> prior to the issue of approval. Vehicle must not exceed 6m in length and 2.5m in width. Proof of Public Liability Insurance (minimum of \$20 million) must be provided. The vehicle must operate in full compliance with existing road rules and parking restrictions. |

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| Advice | <p>Refer to the Mobile Food Vending Guidelines for Category 2 Mobile Food Vehicles and to the Mobile Food Vehicles and Temporary Food Stalls Guidelines for both Category 1 and Category 2 Mobile Food Vehicles.</p> <p>Application fees apply. See Council's Fees and Charges.</p> <p>Category 1 – Mobile Food Vehicles (Itinerant Food Vendors)</p> <ul style="list-style-type: none"> • Enquiries relating to Category 1 - Itinerant Food Permits should be directed to Council's Environmental Services Section. • Itinerant food vehicles who operate within the City area, may rely on their annual approvals to attend fetes, shows and the like. • During the currency of the approval, Council may, upon application of the holder of such approval, authorise to transfer to another person. <p>Category 2 – Mobile Food Vehicles</p> <ul style="list-style-type: none"> • Enquiries relating to Category 2 Approvals should be directed to Council's Property Unit. • Approvals are valid for a period of twelve (12) months after which time a new application is required. Such an approval shall remain in force until 30 June each year. • Applicant must check State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to clarify if other approvals (e.g. development consent) are required. • Approvals are not transferable. • Operators must not trade directly in front of residential buildings. • Provide copy of permit under the <i>Food Act 2003</i> from Council's Environmental Services Section. |
| Sale of food and articles in a public place – F7 Activity | |
| Criteria | <p>For events including but not limited to festivals, markets, food fairs, exhibitions, concerts, fete and circuses which involve the sale of food and articles in a public place, refer to criteria in Council's Events Policy.</p> <p>For mobile food vehicles and temporary food stalls, refer to Council's Mobile Food Vehicles and Temporary Food Stalls Guidelines.</p> |
| Advice | <p>It is recommended that you read the Events Policy and discuss your event with Council's Event Liaison Team (ph. 44293541 or email Events@shoalhaven.nsw.gov.au).</p> <p>Refer to Council's website for information on mobile food vehicles and temporary food stalls at events.</p> <p>Application fees apply. See Council's Fees and Charges.</p> |

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| Roads Act 1993 | |
| Footpath dining – Section 125 | |
| Criteria | <p>Provisions of Chapter G17: Business, Commercial and Retail Activities of Shoalhaven Development Control Plan 2014 apply.</p> <p>An application for Outdoor Dining in locations adjacent to a classified road (e.g. Princes Highway) will only be considered after the applicant has obtained the written approval of the NSW Roads and Maritime Services.</p> <p>Where Outdoor Dining is in association with a licensed premise, liquor may not be supplied or consumed without the approval of Council. Concurrence from the Liquor Administration Board is required. Liquor must not be consumed unless it is in accordance with any liquor license approval, and only after Council approval has been obtained.</p> <p>The application must include a drawing to scale with all relevant street and property boundaries. Details on the type of street furniture to be used must be included.</p> |
| Advice | Approvals are not transferable. |

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| | <p>Applicant must check State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to clarify if other approvals (eg; Development Consent) are required.</p> <p>Approvals are issued for a maximum of seven (7) years after which time the approval may be renewed.</p> <p>Application and occupation fees apply. See Council's Fees and Charges. Fees are not refundable.</p> |
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4 Part 3: Other Matters

Part 3 of the LAP 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.

4.1 General information relating to the approvals process

Lodgement of an application

Most applications or bookings have a specific form and/or guide designed to assist in the lodgement of the application. Refer to Council's [forms](#).

Depending on the type of work or activity, fees may apply. Where fees are required, they must be paid at the time of lodgement. Refer to Council's [Fees and Charges](#).

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 *LG Act* and the *Roads Act 1993*, these applications are not generally notified.

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

Determination

Once determined, the applicant will be issued with a notice advising them of approval or refusal.

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 approval.

Review of determination

A determination can be reviewed under section 100 of the *LG 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.

Record of approvals

A record of an approval is required to be kept under Section 113 of the *LG Act*. This record is available to the public.

Enforcement

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

- If the approval was obtained by fraud, misrepresentation or concealment of facts.
- For any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused Council not to have granted the approval (or not to have granted it in the same terms).
- For any failure to comply with a requirement made by or under this act relating to the subject of the approval.

For failure to comply with a requirement made by or under the LG Act relating to the subject of the approval or any failure to comply with a condition of the approval may result in Council taking enforcement action in accordance with the LG Act and/or other relevant legislation.

Advisory Notes:

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 or the operation of a temporary food premise must comply with the NSW Food Code.

4.2 Other matters relating to approvals

| Water supply, sewerage and stormwater drainage work - Part B Section 68, LG Act |
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| Water supply works - B1 activity |
| <p>As part of the written application, the Council (Shoalhaven Water):</p> <ul style="list-style-type: none"> • Will assess all information submitted. • May request the submission of additional information (including drawings, plans, specifications, reports, etc.). • May require specific form/s to be completed. • Will assess the impact on operation of the water and/or sewerage system/s where necessary. • May require the applicant to undertake further investigation/assessment/study in respect of the impact on the water and/or sewerage system/s. • May undertake study/collect data (as necessary) to assist with assessment of proposed works. • Will prepare necessary report/s for management and/or Council to consider. • Will confirm if third party (e.g. NSW Roads & Maritime Service, NSW Office of Water, NSW Crown Lands Department) approval/concurrence is necessary. • Will liaise with other authorities (internal and external) as necessary and if required. • Will consider any other information that is pertinent to the application. • Will apply the necessary policy/s as outlined under Part 2. • Will apply other legislation as required. • Will prepare a determination for the application. • Will enforce the approval (where granted). • May modify the approval (where granted). |

Draw water from a council water supply or a standpipe or sell water so drawn - B2 activity**Water Hydrant Standpipe Extraction**

Hire Agreement and Use of Standpipes:

- Customers who wish to extract water from hydrants are required to hire a metered standpipe from Shoalhaven Water and will be required to enter into an agreement for their use.
- The agreement specifies the conditions governing the use of the metered standpipes and payment of fees, charges and security deposit. Metered standpipes remain the property of Shoalhaven Water.
- Standpipes will be available for hire on an annual, quarterly and weekly basis.
- Penalties apply in the event of damage, loss or destruction of standpipe.
- Standpipes are to be presented for meter reading at 6 monthly intervals (May and Nov) or at the end of the hire period.

Refer to Council's [Water Hydrant Standpipe Extraction Policy](#) for additional information.

Cross Connection and Backflow Prevention

The following information must be submitted with an application for registration of devices:

- Property details.
- Owner details.
- Occupier or owner layout details.
- Principal process of the industry.
- Nature of water use after each backflow prevention device.
- Details of the backflow prevention device(s).
- Exact location of each backflow prevention device.
- Type of raw materials processed.
- List of chemicals used on the premises.
- List of any toxic or hazardous materials used in the manufacturing process (this list must be attached even if the material or its residues do not make contact with water).

Refer to Council's [Cross Connection Control and Backflow Prevention Policy](#) for additional information.

Sewerage work – B4 activity

As part of the written application, the Council (Shoalhaven Water):

- Will assess all information submitted.
- May request the submission of additional information (including drawings, plans, specifications, reports, etc.).
- May require specific form/s to be completed.
- Will assess the impact on operation of the sewerage system/s where necessary.
- May require the applicant to undertake further investigation/assessment/study in respect of the impact on the water and/or sewerage system/s.
- May undertake study/collect data (as necessary) to assist with assessment of proposed works.
- Will prepare necessary report/s for management and/or Council to consider.
- Will confirm if third party (e.g. NSW Roads & Maritime Service, NSW Office of Water, NSW Crown Lands Department) approval/concurrence is necessary.
- Will liaise with other authorities (internal and external) as necessary and if required.
- Will consider any other information that is pertinent to the application.
- Will apply the necessary policy/s as outlined under Part 2.
- Will apply other legislation as required.
- Will prepare a determination for the application.
- Will enforce the approval (where granted).
- May modify the approval (where granted).

Management of waste - Part C Section 68, LG Act***Dispose of liquid trade waste into the sewer of the council - C4 activity******Information Relating to an Application***

The information is to be clear, legible and in a written format as required by Council. Failure on the part of the applicant to meet these conditions may result in the delay or refusal of the application. Council may, under Section 86 of the *LG Act*, request an applicant to provide more information to enable it to determine the application.

Amendments by Applicant

An applicant may make a minor amendment or withdraw an application before it is approved by Council. An applicant may also apply to Council to renew or extend an approval, in accordance with Section 107 of the *LG Act*.

Concurrence

If Council supports an application and has a notice stating that concurrence of the Director- General of NSW Department of Trade and Investment, Regional Infrastructure and Services, can be assumed for the waste relevant to the application, Council will approve the application. Otherwise, Council will seek concurrence in accordance with the requirements of Section 90(1) of the *LG Act*. All such concurrence requests will be provided to the NSW Office of Water.

Compliance with conditions

An approval to discharge liquid trade waste to the sewerage system is dependent upon the applicant's ongoing compliance with the conditions contained within that approval. Dischargers of liquid trade waste to Council's sewerage system are subject to prosecution and imposition of fines under various sections of the *LG Act* and/or the *Protection of the Environment Operations Act 1997* and regulations pursuant to these Acts, where the liquid trade waste is discharged without obtaining Council approval or other than in accordance with the conditions of Council's approval.

Duration of an Approval

An approval for the discharge of liquid trade waste to Council's sewerage system shall be for a maximum of five (5) years. Council, at its discretion, may grant an approval for a shorter period of time. The duration of the approval will be as stated in the approval. A new application for approval to discharge liquid trade waste to Council's sewerage system shall be submitted prior to the cessation of a current approval if liquid trade waste discharge to the sewerage system, or an activity which in Council's opinion has potential to result in the discharge liquid trade waste, is to continue after the current approval's expiry date.

Further Information

Refer to Council's [Liquid Trade Waste Discharge to Sewerage System Policy](#) for additional information.

On-site sewage management systems - C5 & C6 activity***Current on-site technologies***

Information on some of the more commonly known on-site wastewater treatment technologies, on which this policy is based, may be found on Council's website. These systems include conventional septic absorption systems, cart-away (pumpout) systems, aerated wastewater treatment systems (AWTS) and composting toilets.

Increasing awareness of environmental issues has seen significant changes to domestic effluent disposal. This trend towards change in effluent disposal is likely to continue with new products coming on to the market. For example, greywater treatment and greywater diversion devices have been developed in response to the community's desire to conserve potable water resources. All new domestic wastewater treatment devices must be approved by the Director-General of NSW Health and are subject to the requirements of such an approval. Effluent distribution areas and reuse systems require only Council approval.

MaintenanceConventional septic tanks and absorption trenches

Conventional septic tanks and absorption trenches are not maintenance free. Solids levels will build up in septic tanks over a number of years and accordingly these systems require regular “desludging” or “pump out”. The frequency of desludging is dependent upon the number of people using the system but generally systems will be required to be desludged every three to eight years. Larger septic tanks are encouraged to minimise desludging intervals.

“Split systems” separate “black” and “grey” water for treatment and disposal. Traditional grey water systems will require regular maintenance of the greasetrap or preclarification (PC) pit to remove oils and greases that may block the sub-surface effluent disposal area.

After being in use for several months, the inside of absorption trenches will become coated with a layer of biological and chemical solids. This biofilm initially acts as a filter to aid in the treatment of effluent, but over time, will build up and tend to clog the system and impede absorption. Having multiple application areas so that the absorption trench may be rested while another one is used, will allow the clogging layer to dry and thin out. This rotation should occur every three to six months. Rotation of irrigation areas in the case of AWTS will also aid in nutrient removal from these systems, and permit the soil bacteria to recover.

After a period of years some absorption areas (particularly on dispersive soils) will “fail”. Resting these areas or the application of gypsum may help, however in some situations the only feasible alternative is replacement of the effluent disposal area or replacement of the system. Replacement of absorption trenches (or any other effluent disposal area) or the type of treatment system requires an application to Council for approval.

Aerated wastewater treatment systems

It is emphasised that maintenance is essential for the satisfactory performance of aerated wastewater treatment systems (AWTS) and composting toilets. Accordingly specific requirements apply.

A permit to install an AWTS will only be granted on the condition that the installation is inspected every three months or as specified by NSW Health’s conditions of accreditation, by a Council approved servicing agent at the householder’s expense. A report must be prepared after each inspection, with a copy forwarded to Council. A service tag or similar recording arrangement must be implemented and must be dated and signed or stamped at each visit.

The servicing agent must be engaged to carry out necessary repair work to the installation as well as the routine cleaning and maintenance activities at the householder’s expense. Any installation faults revealed in the three-monthly inspection must be repaired promptly.

Each three-monthly service must include a check on all mechanical, electrical and functioning parts of the AWTS including:

- The chlorinator.
- Replenishment of the disinfectant.
- All pumps.
- The air blower, fan or air venturi.
- The alarm system.
- The slime growth on the filter media.
- The operation of the sludge return system.

An annual service must also include a check on sludge accumulation in the septic tank (primary treatment tank) and the clarifier where appropriate to determine the need for desludging.

The following field tests are to be carried out by the service contractor at every service:

- Free residual chlorine using a suitable free residual chlorine measuring device.
- pH from a sample taken from the irrigation chamber.
- Dissolved oxygen from a sample taken from the final aeration or stilling chamber, is a recommended option.

For systems which utilise the sewage treatment principle of activated sludge or contact aeration, an additional field test must be carried out by the service contractor at least annually to determine if the accumulated sludge is bulking and as an indication that the aeration compartment/s require desludging. The sludge bulking test is commonly referred to as an SV30 Test.

Each quarterly service on an AWTS must involve checks and maintenance on the irrigation system and area. Such checks and maintenance must include:

- Compliance with Council’s original approval or later amendments issued by Council.

- Evidence of any irrigation area failure, runoff or pollutant escape from the site (e.g. very green grass heading in the direction of the boundary).
- Any blocking of spray irrigation outlets.
- Application of gypsum to the irrigation area at a rate of 0.2 kg per m², as required.
- Removal of vegetative matter by the owner as a means to reduce the nutrient build up on the irrigation area.
- A check on the accuracy of any ground moisture sensors, whether their location is appropriate and any servicing, maintenance or replacement of the ground moisture sensors so as to achieve accurate readings.
- Rotation of effluent application areas.

In the event of a breakdown or malfunction, the service agent must be capable of effecting temporary repairs within 24 hours to ensure continued operation of the AWTS. This would necessitate the provision of adequate spare parts and temporary replacement blowers and irrigation pumps where repairs cannot be completed on site.

Composting toilets

A permit to install a composting toilet will only be granted on the condition that the installation is inspected annually, or as specified by NSW Health's conditions of accreditation, by a Council approved servicing agent at the householder's expense. A report should be prepared after each inspection with a copy forwarded to Council. A service tag or similar recording arrangement must be implemented and is to be dated and signed or stamped at each visit.

The servicing agent must be engaged to carry out the necessary repair work to the installation as well as routine maintenance activities, at the householder's expense. Any installation or faults revealed in the annual inspection must be repaired promptly.

In the case of composting toilets the annual service must include a check on the following items:

- Fan operation and maintenance.
- Filters to air intakes.
- Any heating elements.
- Any rotation or turning of the compost.
- Levels of composted material.
- Presence of flies or other disease transmitting insects within the composting chamber.
- That wastes have been allowed to compost for the period recommended for the type of unit.
- That the permanent construction notice is still affixed within the closet compartment.
- Any liquid discharge from the unit and accompanying disposal location.
- The grey water disposal system including inspection of the disposal area.

Service reporting

Service reports are to be submitted to Council for each AWTS or composting toilet, or other system specified by NSW Health, within 14 days of the service date. The reports must be in the form stipulated by Council and be certified by the service technician.

Additionally, service contractors must immediately report to Council:

- All AWTS or composting toilet owners refusing a service or failing to renew a service contract.
- All AWTS owners who have made alterations to the unit or irrigation system not in accordance with the original approval.
- Details of any AWTS not in accordance with the NSW Health approval for such a unit.

Council monitoring

An on-site sewage management system must be designed, installed and operated to ensure that the environmental and health performance standards set under the Local Government (General) Regulation 2005 are met and will continue to be met over the long term. These standards represent the minimum performance objectives for the operation of on-site sewage management systems.

An approval to operate a system of sewage management is issued to property owners or occupiers by Council under the *LG Act*. This approval is for a qualified time period. Approximately one month prior to the expiration date, Council writes to the property owner to request that they renew their Approval to

Operate. It is the owner(s)/occupier(s) responsibility to lodge the application for renewal along with the prescribed fees.

It is also the responsibility of a new owner of a property to submit an application for Approval to Operate within 3 months from the purchase (or otherwise acquirement) of land on which any sewage management facilities are installed or constructed.

It is an offence to operate a system of sewage management without approval and a penalty notice applies for such an offence.

Following receipt of an application for Approval to Operate, Council completes an inspection and a decision is made on whether to grant a further Approval to Operate for a specified period. The result of the inspection is notified to the owner or occupier of the property where the system is operated.

Council works with householders, developers and service agents to ensure well managed and correctly performing on-site sewage systems, through correct installation, regular maintenance and monitoring. Good operation and use of the system is important for protecting the overall condition of the system.

Conditions for approval to operate are advised at the time the approval is granted. Conditions may be varied by Council at the time of renewal of that approval. In each case the conditions of approval set by Council are influenced by specific system design, use of the system, site conditions and vulnerability of surrounding areas.

Where a system fails to meet the prescribed performance standards, Council may take a number of actions. These include, but are not limited to: educating owners/occupiers; withholding the new operational approval; issuing requests to repair or upgrade; giving formal directions; issuing formal orders; issuing penalty notices (fines) and taking prosecution action in court.

Council may also complete an inspection of an on-site sewage management system as the result of a complaint received from a member of the community. It is the responsibility of all owner(s)/occupier(s) to ensure that all on-site systems are designed, installed and managed so that environmental nuisance/damage does not occur and there is no risk to public health from the operation of the system.

Any defect or non-conformance with NSW Health accreditation of an on-site sewage management system may be reported by Council to NSW Health.

Further advice

For assistance regarding the preparation/submission of a development or on-site sewage management/drainage application please contact Council's Planning, Environment and Development Group for further advice.

Other activities - Part F Section 68, LG Act

Install or operate amusement devices - F5 activity

For the installation and operation of amusement devices in relation to an approval for an event on public land, Council requires written confirmation on the application form that the organiser has sighted the Amusement Device Operator's current WorkCover certificate, Council Permit and Public Liability Insurance.

Sale of food and articles in a public place – F7 Activity

For the sale of articles in a public place, the following conditions will apply:

- The approval must be at the stall on all occasions and be produced on demand.
- All unwrapped food for sale should be covered and protected at all times.
- All organisations that are given Council permission to raise funds may be required to provide an Annual Balance Sheet.
- The stall must be placed in the approved position.
- The stall must not obstruct pedestrians or cars.
- The stall and surroundings should be kept clean and tidy and left free from rubbish on completion.
- The approval and use of the area are subject to compliance with any direction given by any authorised Officer of Council or Police Officer.