



**LOCAL APPROVALS POLICY
(2006)**

**FOR STRUCTURES AND ACTIVITIES UNDER
LOCAL GOVERNMENT ACT, 1993**

Adopted: 20 June 2006

Note:- These exemptions have been granted consent (Consent No.86) by the Director General, Department of Local Government.

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PRELIMINARY

1. TITLE

This Policy (“The Policy”) is called the “Blue Mountains City Council Local Approvals Policy”.

2. STATUS AND PURPOSE OF THE POLICY

The Policy is a local approvals policy prepared and adopted under Chapter 7, Part 3 of the Local Government Act, 1993 (“the Act”).

The purpose of the Policy is to supplement provisions of the Act and the Local Government (Approvals) Regulation by:

- Part 1: Specifying the circumstances in which a person is not required to obtain a particular approval from the Council;
- Part 2: Specifying the criteria which the Council must consider when determining whether or not to grant approval to a particular activity;
- Part 3: Specifying other matters relating to approvals not dealt with by the Act or Regulations.

3. GENERAL AIMS OF THE POLICY

- 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.
- To assist the Council in the carrying out of its responsibilities under Chapter 8 of the Act.

4. COMMENCEMENT OF THE POLICY

The Policy was adopted by the Council on 20 June 2006 and commences on 20 June 2006.

5. AMENDMENT OF THE POLICY

The Policy incorporates the amendments listed in the Note to this Clause.

Amendment No.	Date	Nature of Amendment	Date Commenced	Notified in Local Paper

6. REVOCATION OF THE POLICY

The Policy will be automatically revoked at the expiration of 12 months after the declaration of the poll for the next general election, unless the Council revokes it sooner.

Note: Automatic revocation of the Policy is provided for by Section 165(4) of the Act. The next general election is expected to be held in September 2008.

7. LAND TO WHICH THE POLICY APPLIES

The Policy applies to all land within The Blue Mountains City Council area.

8. APPROVALS TO WHICH THE POLICY APPLIES

The Policy applies to the regulatory function of the Council to grant approvals under Section 68 of the Local Government Act, as reproduced in the table that follows.

Note: Under Section 68, approval by Council is required for the following activities:

Part A: Buildings, temporary structures or moveable dwellings

1. Install a manufactured home, moveable dwelling or associated structure on land
2. Install a temporary structure on land
3. Use a building or temporary structure as a place of public entertainment or permit its use as a place of public entertainment

Part B: Water Supply, sewerage and 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 which 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 section 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 (within the meaning of the Construction Safety Act 1912)
6. (Repealed)
7. Use a standing vehicle or any article for the purpose of selling any article in a public place
8. (Repealed)
9. (Repealed)
10. Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations

9. DEFINITIONS

- (1) Words or expressions used in the policy have the following meaning:

Acceptable public liability insurance means a current policy acceptable to Council and having the minimum cover as set by Council and varied from time to time.

Commercial premises means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in Council's planning Instruments.

Install means to place in position for service or use.

Refreshment room means a building or place, such as, a restaurant, café, tea room, eating house or the like, the purpose of which is to provide food for consumption on the premises.

Shop means a building or place used for the purpose of selling, exposing or offering for sale by retail or hire, goods, merchandise or material, but does not include a building or place elsewhere specifically defined in Council's Planning Instruments or a building or place used for a purpose elsewhere specifically defined.

Take-away food outlet means a shop for the sale of prepared food to the public.

Temporary structure includes a tent, marquee, stage and street stall.

Waste storage container in this policy relates to mini-skips and the like up to 2 m³ in size.

- (2) Expressions used in the Policy not specifically defined above and which are defined in the dictionary at the end of the Act (the "Act Dictionary") have the meaning set out in the Act Dictionary.

10. NOTES IN THE TEXT

Notes in the text are explanatory notes, and do not form part of the Policy. They are provided to assist understanding.

11. RELATED DOCUMENTS

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

- Local Government Act, 1993 - particularly Chapter 7.
- Local Government (General) Regulation 2005.
- Local Government (Water Services) Regulations 1999.
- The Environmental Planning and Assessment Act 1979.
- The Environmental Planning and Assessment Regulation 2000.
- Planning for Bushfire Protection 2001.
- The Building Code of Australia.
- Blue Mountains City Council Local Environmental Plan 1991.

- Blue Mountains City Council Local Environmental Plan 2005.
- Local Environmental Plan No.4
- Blue Mountains City Council Draft Development Control Plan No 21 – Outdoor advertising.
- Blue Mountains City Council Development Control Plan No.31 – Public Infrastructures works & Subdivision and developments.
- Blue Mountains City Council Development Control Plan No. 33 – Exempt and complying development.
- Blue Mountains City Council Development Control Plan ‘Better Living’.
- Blue Mountains City Council Events Policy.
- Blue Mountains City Council Policy on Activities in Public Places.
- Blue Mountains City Council Guidelines for Booking Street Stalls.
- Blue Mountains City Council Footpath Dining.

Note: Section 163 of the Act requires that the Policy is void to the extent that it is inconsistent with the Act or the regulations.

Section 164 of the Act requires that the policy cannot impose a more onerous criterion than does the Act or regulations in relation to a specified aspect of an activity.

PART 1 - EXEMPTIONS FROM THE NECESSITY TO OBTAIN APPROVAL TO INSTALL CERTAIN STRUCTURES OR CARRY OUT CERTAIN ACTIVITIES

12. EXEMPTIONS UNDER THIS LOCAL APPROVALS POLICY

A person is exempt from the necessity to obtain a particular approval of the Council under the Local Government Act in the circumstances specified in this Part and set out in Table 1.

It is a condition of any exemption provided in Column 1 of the Exemptions Table that the carrying out of an activity for which an exemption is provided must observe and comply with:

- (i) the relevant exemption circumstances or requirements listed in the Exemptions Table; and
- (ii) the relevant performance standards prescribed in the Local Government Act, the Regulations and the Building Code of Australia (“BCA.”).

This Part does not exempt a person from the need to obtain approval to carry out an activity as described in Section 68 of the Local Government Act, 1993 (as reproduced on page 3) **unless** that activity is listed in Table 1 **or** the activity is one that the Council is taken to have granted by virtue of the issue of Development Consent under the Environmental Planning and Assessment Act.

13. EXEMPTED ACTIVITIES

Even though an activity may be exempted by this policy from the need to obtain approval under the Local Government Act, it may still require development consent under the Environmental Planning and Assessment Act. Some activities under the Environmental Planning and Assessment Act are also exempt and these are detailed in “DCP33 – Exempt and Complying Development”.

Exempted activities must comply with the Local Government Act and Regulations, the Building Code of Australia (where relevant), and any Council Plans and Policies. In relation to exempted activities a person must give due consideration to the following:

The amenity of adjoining or neighbouring property
The provision of adequate drainage
Any potential fire risk
Structural stability
External finishes
Avoid creating a harbourage for vermin
Avoid creating an obstruction or risk to public safety
Not create a nuisance
Public health

14. LIMIT OF ACTIVITIES CARRIED OUT BY EXEMPTION

If subsequent activities involve an increase over and above the stated exemption conditions then approval will be required for the further activity.

15. AREAS IN WHICH EXEMPTIONS APPLY

Options listed in the following Table under Part 1 apply to all land within the jurisdiction of the Blue Mountains Local Government area.

TABLE 1**SCHEDULE OF EXEMPTIONS TO APPROVAL***(Note: To be read in conjunction with the preceding Clauses 12 to 15 of Part 1)***SECTION 158(3) - Local Government Act, 1993**

SECTION 68 PART A2 INSTALL A TEMPORARY STRUCTURE ON LAND		
Type of Activity	Exemption Circumstances / Requirements	Advisory Note
<p>Install a Temporary Structure on land (eg a tent, marquee, stage, street stall etc)</p> <p>(Item A2 of Table to Section 68)</p>	<p>The use shall be only in conjunction with or ancillary to a development that is subject to a valid Development Consent (Note:- Marquees and tents for private home functions such as a party or wedding do not require separate development consent).</p> <p>Acceptable public liability insurance in accordance with Council's current policy must be obtained;</p> <p>The structure shall have a maximum size of 50 m² ;</p> <p>The structure shall be installed on the land for a maximum period of 72 hours;</p> <p>The use shall not occur more than 4 times per calendar year;</p> <p>The siting does not affect approved landscape, car parking or loading areas;</p> <p>The structure must be structurally sound and placed on ground sufficiently firm to sustain its placement;</p> <p>In the case of stages, a maximum height of 1.0 metre above surrounding ground level;</p> <p>Marquees and tents must have at least 2 exits, each having a minimum unobstructed width of 750mm, being provided and uniformly distributed around the structure.</p> <p>Stages shall have a suitable load notice fixed to alert people to the maximum permissible point loads and uniformly distributed</p>	<p>Council acknowledges that separate development consent is not required for one off home functions. All other uses will need to ensure the erection and use of the temporary structure is within their consent approval.</p> <p>Council has an events policy for festivals and fairs and guidelines for booking street stalls.</p> <p>Stages greater than 1.0 metre in height require balustrades to stairs and the edge of the stage.</p>

	<p>loads. These loads are to be given in kilograms;</p> <p>The structure must not involve the removal of trees or disturbance of the ground other than by fixing stakes;</p> <p>The structure may only be located in existing cleared areas.</p>	
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SECTION 68 PART A3		
USE OF BUILDING OR TEMPORARY STRUCTURE AS A PLACE OF PUBLIC ENTERTAINMENT OR PERMIT ITS USE AS A PLACE OF PUBLIC ENTERTAINMENT		
Type of Activity	Exemption Circumstances / Requirements	Advisory Note
<p>Use of a building as a Place of Public Entertainment</p> <p>(Item A3 of Table to Section 68)</p>	<p>The use shall be only in conjunction with or ancillary to a development that is subject to a valid Development Consent.</p> <p>Premises where the primary use is a restaurant and it provides entertainment and the patron area is less than 200 m² (Note:- this does not include cabaret or theatre restaurants);</p> <p>Premises that are used as a pin-ball parlour or snooker room;</p> <p>Premises that are used only for public meetings;</p> <p>Premises that are primarily used for religious functions but are rented to dance groups for practice purposes, public meetings, art and craft exhibitions or similar functions (Note:- performances will require approval);</p> <p>Halls in educational establishments used only for school assemblies, award presentations or art and craft exhibitions (Note:- halls used for school discos, theatre productions and the like will require approval).</p> <p>Stages shall have a suitable load notice fixed to alert people to the maximum permissible point loads and uniformly distributed loads. These loads are to be given in kilograms</p>	<p>The provisions of the Policy acknowledge that certain low-occupancy premises can provide public entertainment (involving the imposition of a direct or indirect fee upon patrons for entry to an exhibition or performance), without being subject to any provisions applicable to a Class 9b building used for such purpose.</p> <p>These buildings will require specific development consent for some uses. For example, the playing of amplified music.</p> <p>The buildings will need to comply with the requirements of the BCA and the Regulations and this relates to access to exits, the provision of services and equipment and the maintenance of essential fire safety measures.</p>

SECTION 68 PART A3 USE OF BUILDING OR TEMPORARY STRUCTURE AS A PLACE OF PUBLIC ENTERTAINMENT OR PERMIT ITS USE AS A PLACE OF PUBLIC ENTERTAINMENT		
Type of Activity	Exemption Circumstances / Requirements	Advisory Note
<p> Use of a Temporary Structure as a Place of Public Entertainment (Item A3 of Table to Section 68) </p>	<p> The use shall be only in conjunction with or ancillary to a development that is subject to a valid Development Consent. </p> <p> Acceptable public liability insurance in accordance with Council’s current policy must be obtained; </p> <p> The maximum number of people to be accommodated shall not exceed 50 persons. </p> <p> At least 2 exits, each having a minimum unobstructed width of 750mm, being provided and uniformly distributed around the structure. </p>	<p> The requirements for the installation of the temporary structure also apply (refer Item A2 of the Table). </p>

SECTION 68 PART B1 CARRY OUT WATER SUPPLY WORK		
Type of Activity	Exemption Circumstances / Requirements	Advisory Note
<p>Carry out water supply work. (Item B1 of Table to Section 68)</p>	<p>Property located outside Sydney Water Corporation supply district.</p> <p>Minor extension of existing residential or rural water supply service comprising such works as relocation of taps, installation of water storage tanks not requiring the consent of Council (see DCP No. 33 – Exempt and Complying Development), residential garden irrigation works and rural irrigation works utilising a private water supply.</p> <p>Does not relate to the re-cycling of grey water.</p> <p>All work carried out by a licensed Plumber.</p> <p>Water supply work is to comply with the Plumbing and Drainage Code of Practice.</p> <p>Any drinking water supply is to meet Australian National Health and Medical Research Council's Guidelines for Drinking Water.</p>	<p>Any water supply drawn from a river, creek, bore or the like may require separate approval from the Department of Natural Resources prior to the carrying out of water supply works.</p>

SECTION 68 PART B5 CARRY OUT STORMWATER DRAINAGE WORK		
Type of Activity	Exemption Circumstances / Requirements	Advisory Note
<p>Carry out stormwater drainage work.</p> <p>(Item B5 of Table to Section 68)</p>	<p>Relates to a single dwelling on a single allotment of land.</p> <p>Relates to the repair or replacement of existing stormwater drainage lines including guttering and downpipes.</p> <p>New stormwater drainage works servicing a maximum roof area of 100 square metres.</p> <p>Drainage lines are to be connected to the street drainage system where the fall permits.</p> <p>Absorption trenches shall be a minimum 600 mm wide x 600 mm deep x 3000 mm in length for every downpipe discharging thereto (Note:- Downpipes are to be spaced at 12 metre maximum centres).</p> <p>Absorption trenches shall be located parallel to the ground contours at least 3 metres from any building or property boundary.</p> <p>Drainage work to comply with AS/NZS 3500.3.2-Stormwater Drainage - 2003.</p>	<p>Separate approval will be required under Council's Tree Preservation Order prior to the removal of any trees required as a result of drainage works.</p> <p>Council's Better Living DCP deals with appropriate stormwater disposal methods.</p>

SECTION 68 PART C3 PLACE A WASTE STORAGE CONTAINER IN A PUBLIC PLACE		
Type of Activity	Exemption Circumstances / Requirements	Advisory Note
<p>Place a waste storage container in a public place (eg road reserve)</p> <p>(Item C3 of Table to Section 68)</p>	<p>The waste storage container is associated with a single dwelling on a single residential premises;</p> <p>Only 1 container per property;</p> <p>The container is to have a maximum capacity of 2m³;</p> <p>Maximum period of 72 hours;</p> <p>Located so as to not interfere with vehicular or pedestrian traffic;</p> <p>Appropriate barricades, guards, lighting and reflectors shall be provided where necessary to prevent the container being a traffic hazard;</p> <p>Waste shall be secured to prevent being dislodged by wind and other forces including animals;</p> <p>Not to be used for the disposal of hazardous or noxious material.</p>	<p>This relates to the use of mini skips and not the normal weekly collection service. Commercial premises require a separate approval from Council.</p> <p>Council may require the relocation of a container where it is or is likely to pose a hazard.</p> <p>Many chemicals and materials such as asbestos cement sheeting pose a threat to public health and safety and separate arrangements are to be made for their disposal.</p>

SECTION 68 PART C6 OPERATE A SYSTEM OF SEWAGE MANAGEMENT (WITHIN THE MEANING OF SECTION 68A)		
Type of Activity	Exemption Circumstances / Requirements	Advisory Note
<p>Approval to operate a System of Sewage Management</p>	<p>Systems serving a single dwelling on a single allotment of land involving pumping directly into a Sydney Water reticulated sewerage system.</p> <p>Approval obtained from the Sydney Water Corporation for the disposal of effluent.</p>	

SECTION 68 PART D4 FOR FEE OR REWARD, PLAY A MUSICAL INSTRUMENT OR SING.		
Type of Activity	Exemption Circumstances / Requirements	Advisory Note
<p>Busking or street theatre.</p> <p>(Item D4 of Table to Section 68)</p>	<p>Not to occur:</p> <ul style="list-style-type: none"> • In tourist areas such as Echo Point or lookouts. • Within 5 metres of a bus stop, pedestrian crossings, taxi stand or intersections. • Any area adjacent to a residential premise, educational establishments or place of public worship. • Any park or reserve. <p>Where props are used, acceptable public liability insurance in accordance with Council's policy must be obtained;</p> <p>Minimum 2.5 metres of footpath shall be available for public movement.</p> <p>The activity shall not be offensive or cause offensive noise.</p> <p>The activity shall incorporate appropriate risk management practices so as to avoid injury or loss.</p> <p>Not to include a public address system or amplified music.</p>	<p>Council does not want its most prominent areas used for busking or street theatre. It is also important that performances not be placed in areas where it is likely to create traffic problems and possible injury to the public.</p> <p>Some props in street theatre may carry some risks to the public. These include flame, knives, juggling articles and the like. Appropriate insurances must be obtained.</p> <p>Council and the Police have the right to remove people if they are causing a nuisance to the public (including shop owners). This includes repetitive performances.</p>

SECTION 68 PART E2		
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.		
Type of Activity	Exemption Circumstances / Requirements	Advisory Note
<p>Display an A-Frame or sandwich board signs on footpaths.</p> <p>(Item E2 of Table to Section 68)</p>	<p>Not permitted outside premises where the footpath or arcade has been approved for dining;</p> <p>Acceptable public liability insurance in accordance with Council's policy must be obtained;</p> <p>Located outside commercial premises, refreshment rooms, shops or take-away outlet within a defined village centre;</p> <p>Not more than one (1) sign per shop or business;</p> <p>The sign shall not exceed 1 metre in height with the advertising panel not exceeding 900 mm high by 600 mm wide;</p> <p>Located immediately adjacent to and extending no further than 700mm from the front of the shop or business;</p> <p>A minimum of 2.5 metres of unobstructed footpath to be maintained between the sign and the kerb;</p> <p>Where installed in an arcade, an unobstructed distance of 2 metres is to be provided in the arcade;</p> <p>No lewd or provocative advertisements;</p> <p>The sign must not present an obstruction or risk to public safety.</p> <p>Signs shall be removed during inclement or windy weather or when the business is not trading;</p> <p>All signs shall be prepared in a professional manner and maintained in good repair.</p>	<p>An A-frame/sandwich board sign will not be permitted for premises with an approval for the use of the footpath for restaurant seating or the display of goods. The area will become too cluttered and dangerous for the public.</p> <p>Further information relating to criteria/guidelines for A-Frame/sandwich board signs is contained within Council's Policy on A-Frame/sandwich Board signs.</p> <p>Council may impound signs under the Impounding Act 1993 where they do not meet the exemption criteria or have not received separate approval from Council.</p>

	Text of the sign shall relate only to the business conducted at the premises and shall be removed outside approved trading hours.	
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SECTION 68 PART E2		
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.		
Type of Activity	Exemption Circumstances / Requirements	Advisory Note
<p>Placement of Pay-Phones on footpaths.</p> <p>(Item E2 of Table to Section 68)</p>	<p>Acceptable public liability insurance in accordance with Council's policy must be obtained;</p> <p>Not more than one phone per premises.</p> <p>Located outside commercial premises, refreshment rooms, shop or take-away outlet within a defined village centre.</p>	<p>Phones shall not be located where security or safety of persons may be at risk.</p>
<p>Display of potted plants</p> <p>(Item E2 of Table to Section 68)</p>	<p>Acceptable public liability insurance in accordance with Council's policy must be obtained;</p> <p>Plants are to be displayed for decorative purposes and not for sale;</p> <p>A maximum of two (2) plants per premises;</p> <p>Plants are not be dangerous to the public;</p> <p>Pots must be at least 450 mm x 450 mm and securely fixed to prevent vandalism and expected wind forces;</p> <p>Located immediately adjacent to and extending no further than 700mm from the front of the shop or business;</p> <p>A minimum of 2.5 metres of unobstructed footpath to be maintained between the pots and the kerb;</p> <p>A minimum of 2 metres of unobstructed width to be maintained in arcades.</p> <p>Located outside commercial premises, refreshment rooms, shop or take-away outlet within a defined village centre.</p>	<p>Some plants present a problem for the public. These include thorny plants such as roses and some citrus species.</p>

SECTION 68 PART E2		
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.		
Type of Activity	Exemption Circumstances / Requirements	Advisory Note
<p>Installation of roll-up under awning blinds</p> <p>(Item E2 of Table to Section 68)</p>	<p>Not attached to premises listed as a Heritage Item or located within a Heritage Conservation Area without Development Consent.</p> <p>The material of the blinds shall comply with the provisions of the BCA with respect to combustibility and smoke hazard indices.</p> <p>Awnings shall be structurally adequate to support loads.</p> <p>Blinds shall be parallel to the kerb.</p> <p>Outside edge of the blind is to be minimum 600 mm clear of the kerb line and minimum 2400 mm clear of the footpath.</p> <p>No advertising shall be displayed on the blind.</p> <p>The colour of the blind shall complement the colour scheme of the building.</p>	
<p>Small amusement devices</p> <p>(Item E2 of Table to Section 68)</p>	<p>The amusement device is to have appropriate WorkCover registration;</p> <p>There are to be no trip hazards to the public including cords;</p> <p>Located immediately adjacent to and extending no further than 700mm from the front of the shop or business;</p> <p>A minimum of 2.5 metres of unobstructed footpath to be maintained between the device and the kerb;</p> <p>A minimum of 2 metres of unobstructed width to be maintained in arcades.</p>	<p>These amusement devices are commonly found outside shops.</p>

SECTION 68 PART F4. INSTALL A DOMESTIC OIL OR SOLID FUEL HEATING APPLIANCE		
Type of Activity	Exemption Circumstances / Requirements	Advisory Note
<p>Installation of solid fuel or oil heaters by qualified Contractors only.</p> <p>(Item F4 of Table to Section 68)</p>	<p>Installation by a contractor accredited by Council.</p> <p>Council is notified in writing of the installation along with the accredited contractor's details, after the installation.</p> <p>Installation to be in accordance with the Building Code of Australia, AS 2918 – Domestic solid fuel burning appliances and the Department of Environment and Conservation.</p>	<p>Existing legislation enables Council to take appropriate action to overcome any nuisance, which may arise from the installation of solid fuel heating appliances.</p>

SECTION 68 PART F7		
USE A STANDING VEHICLE OR ANY ARTICLE FOR THE PURPOSE OF SELLING ANY ARTICLE IN A PUBLIC PLACE.		
Type of Activity	Exemption Circumstances / Requirements	Advisory Note
<p>Street Collections (including Badge/Pin days), information and promotional displays.</p> <p>(Item F7 of Table to Section 68)</p>	<p>Not to occur:</p> <ul style="list-style-type: none"> • In tourist areas such as Echo Point or lookouts. • Within 5 metres of a bus stop, pedestrian crossings, taxi stand or intersections. • Any area adjacent to a residential premise, educational establishments or place of public worship. • Any park or reserve. <p>Minimum 2.5 metres of footpath shall be available for public movement.</p> <p>The activity shall not cause offence or obstruction.</p> <p>Not to include a public address system or the like.</p> <p>Surrounding area is to be maintained in a clean and tidy condition and free of hazard and rubbish.</p>	<p>Further detail in relation to other activities, including street stalls, etc can be obtained from Council's Policy on Activities in Public Places.</p> <p>Approvals are not required for Local, State or Federal Elections.</p>

PART 2 - CRITERIA COUNCIL MUST CONSIDER WHEN DETERMINING APPLICATIONS

16. GENERAL MATTERS FOR CONSIDERATION

The matters that Council **must** consider in determining whether to approve an application are:

- The matters prescribed in Section 89 of the Local Government Act, 1993 and the regulations to the Local Government Act.
- Any relevant adopted Council Policy or performance standard, including those listed in Clause 17 hereunder.
- The principles of ecologically sustainable development.

17. COUNCIL'S DEVELOPMENT CONTROL PLANS AND POLICIES

Council's Development Control Plans and Policies listed hereunder are included as criteria for the assessment of applications where relevant, unless the activity is exempted under Part 1 of this Policy.

Development Control Plans

- Development Control Plan No 13 – Effluent Management for Unsewered Development.
- Draft Development Control Plan No 21 – Outdoor Advertising.
- Development Control Plan No 26 – Building in Bushfire Prone Areas.
- Development Control Plan No 29 – Car Parking.
- Development Control Plan No 31 – Public Infrastructure Works in Subdivisions and Developments
- Development Control Plan No 33 – Exempt and Complying Development.

Council Policies

- Access Policy
- Policy on A-Frame/Sandwich Board Signs
- Policy on Activities in Public Places.
- Events Policy
- Tree Preservation Order

Note: Any policy, which is not consistent with or is more onerous than the Act or Regulations is void in respect of that inconsistency or more onerous provision (LGA S.163 and S.164).

PART 3 - OTHER MATTERS RELATING TO APPROVALS

18. APPLICATION OF THE POLICY

This local approvals policy applies to those activities requiring approval under the provisions of Chapter 7 Part 3 of the Local Government Act, 1993.

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.

