

# Activities Approval Policy (Local Government Act 1993)

Approved by	Council resolution
Responsible Officer	Manager Development Building & Compliance
Council Service Unit	Development, Building and Compliance
Next Review Date	30/11/2025

## Version Control

Ref	Date	Description	Resolution Number
0.1	24/11/2020	Presented to Council for Adoption.	368/2020
	29/09/2020	Presented to Council to facilitate public exhibition	284/2020

## Purpose

The purpose of this Policy is to establish and outline specific activities that may be carried out without the need to obtain approval from Council under certain circumstances, and to set criteria for those activities where approval from Council is required.

The objectives of the Policy are to:

- Make our towns and villages more liveable and friendly.
- Enhance the character of the urban environment.
- Provide for the appropriate use of footpaths, plazas and public areas that will;
  - Contribute positively to the streetscape character,
  - Boost trade for retailers,
  - Enhance opportunities for social interaction
  - Promote activities that are compatible with other community uses of the public space
  - Ensure safety and accessibility for all users.

The Activities Approval Policy has been developed and adopted under Chapter 7, Part 3 of the Local Government Act 1993 (the Act). The Policy is divided into three parts:

- Part 1: Exemptions from activity approvals
- Part 2: Criteria for activity approvals
- Part 3: Other matters relating to activity approvals

## Scope

This Policy applies to the activities requiring approval from Council as listed in Section 68 of the *Local Government Act 1993*, and sets out the circumstances in which Council will not require an activity approval to be obtained.

<b>PART A - STRUCTURES OR PLACES OF PUBLIC ENTERTAINMENT</b>	
1	Install a manufactured home, moveable dwelling or associated structure on land
<b>PART B - WATER SUPPLY, SEWERAGE &amp; STORMWATER DRAINAGE WORK</b>	
1	Carry out water supply work
2	Draw water from a council water supply or a standpipe or sell water so drawn
3	Install, alter, disconnect or remove a meter connected to a service pipe
4	Carry out sewerage work
5	Carry out stormwater drainage work
6	Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer
<b>PART C - MANAGEMENT OF WASTE</b>	
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)
<b>PART D - COMMUNITY LAND</b>	
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
<b>PART E - PUBLIC ROADS</b>	
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
<b>PART F - OTHER ACTIVITIES</b>	
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

# Legislative Framework

*Local Government Act 1993*

*Roads Act 1993*

*Crown Lands Act 1989*

*Environmental Planning & Assessment Act 1979*

*Food Act 2003*

*Smoke-free Environment Act 2000*

*Liquor Act 2007*

*Companion Animal Act 1998*

*Anti-Discrimination Act 1977*

*Charitable Fundraising Act 1991*

*Work Health and Safety Act 2011*

## Part 1: Exemptions from activity approvals

The Act states that a person may only carry out an activity approval specified in the above with the prior approval of Council, unless there is an exemption under the Act, Regulation or under a Council Policy.

This Policy permits an activity to be exempt from the need to gain an activity approval where its meets determined standards.

The activities that are exempt from approval are specified in **SCHEDULE 1**. This does not, however, prevent a person applying for approval to carry out an activity specified in the Schedule.

To be exempt from approval, the person carrying out an activity must comply with:

- The relevant exemption requirements listed in **SCHEDULE 1**; and
- The relevant standards prescribed by the *Local Government Act, 1993* and its Regulations, including the Building Code of Australia, Plumbing Code of Australia and Australia New Zealand Food Standards Code; and
- Any need to have public liability or other insurances in place to cover their activities.
- The exemptions do not relate to Development Applications, Complying Development Certificates or approvals required under any other legislation.

## Part 2: Criteria for activity approvals

This Part lists the criteria Council must take into consideration in determining an application under the *Local Government Act 1993* or as required under Sections 125, 138 or 139A of the *Roads Act 1993*. Those pieces of legislation require that Council determining an activity application:

- a) Can only approve an application where an activity complies with all relevant laws, standards and Guidelines, including the Building Code of Australia, Plumbing Code of Australia and Australia New Zealand Food Standards Code; and
- b) Must take into consideration any criteria in a local policy adopted by the council which are relevant to the subject matter of the application, and
- c) Must take into consideration the principles of ecologically sustainable development; that is, using, conserving and enhancing the community's resources so that ecological processes are maintained, and the community wellbeing can be increased.

If no requirements are established and no criteria are adopted, Council is to:

- (a) Take into consideration, in addition to the principles of ecologically sustainable development, the likely impact of the activity, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, and
- (b) The public interest.

In considering the public interest, Council is to take into account:

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

## **GENERAL REQUIREMENTS**

In order to achieve the objectives of this Policy, the following matters must be considered in addition to any matters prescribed by the regulations for the respective activity applications.

1. Applicants must ensure the application form and all other information is submitted. Incomplete applications will be rejected.
2. Applications for all other activities (as described in the Table of Section 68 of the Act) not listed in this Policy are to be on the approved form available on Council's website and will be assessed in accordance with Section 89 of the Act.
3. Each activity application will be considered on its merits and assessed against the criteria established in this Policy.
4. Public Liability insurance (to an amount determined appropriate by Council's Insurers at the time of application) which indemnifies Council against any claims which may be made as a result of use of public land must be held and renewed every year for the life of an approval. Applicants are to provide a Certificate of Currency noting the interest of Council with their application.
5. An approval may not be granted on a footpath of a classified road (i.e. a highway or main road) or within its corridor for any activity, without the agreement of the NSW Roads and Maritime Services (RMS). Council will refer those activity applications to the RMS for their advice.
6. The hours of operation will generally be the same as the hours approved under the development consent for the premises unless a lesser period is determined due to environmental considerations. An application for an outdoor dining area or footpath trading activity will not be approved under this Policy if the proposal is of such a scale that the noise generated will have a significantly adverse effect upon nearby residential properties.
7. Permit holders cannot claim for any loss of income or refund of permit fees as a result of works carried out by Council or other service providers on Council owned footpaths, plazas and public areas.
8. Approvals for Footpath Trading and Outdoor Dining must be renewed annually. It is the permit holder's responsibility to ensure the renewal of the permit before the renewal date. If the renewal is not made by this date, the activity is to cease until a new permit is approved. Permits are non-transferable.
9. An approval may be cancelled at any time after it has been issued, in any of the following circumstances:
  - If the approval was obtained by fraud, misrepresentation or concealment of the facts;
  - For any failure to comply with a condition of approval; or
  - If the public land ceases to be used by the person having the benefit of the approval i.e. business closes or relocates.

## **2.1 OUTDOOR DINING**

### **2.1.1 Suitable Locations for Outdoor Dining Areas**

The following criteria apply:

- Outdoor dining areas should be located on a suitably constructed surface that is sufficiently level to allow for the safe use of the furniture and can support a layout that adequately meets the other requirements of this Policy.
- Location should be consistent with any other outdoor dining area at adjoining premises.
- A minimum unobstructed footpath width of 2.0 metres is to be maintained.
- Outdoor dining must be located so as not to interfere with car parking and vehicular movement where it adjoins a roadway.
- Furniture must not be placed within 0.8m of any vehicle parking space.
- Furniture should be located directly in front of the premises to which it relates unless written consent from the landowner or proprietor is provided.
- Either non-disposable eating utensils are provided in the outdoor dining area of the premises, or appropriate receptacles for the collection of disposable eating utensils must be provided.
- No furniture shall be located within 3.0 metres of any road corner.
- Outdoor dining areas can include areas in front of neighbouring properties so long as written permission from owner of the adjoining property has been obtained and is included in the application.

#### **2.1.2 Outdoor Furniture**

Outdoor furniture to be used by an establishment must adhere to the following guidelines:

- Outdoor furniture must be commercial grade and of adequate strength and durability to withstand most external weather conditions and outdoor commercial use.
- Domestic style plastic furniture is not permitted as it is not generally considered to be of high quality or durability. All furniture must be of a high aesthetic quality that enhances the existing streetscape.
- Furniture for all establishments and surrounds are to be kept in a clean, hygienic and safe condition at all times.
- The security, cleanliness and safety of all furnishings are the responsibility of the proprietor.
- Shade umbrellas/structures are to be securely anchored.
- Penetrations into the footpath are prohibited.
- Shade umbrellas/structures must not protrude into the roadway. They must be more than 2.0 metres in height if they protrude into the pedestrian thoroughfare.
- All furnishings are to be removed from the public domain and securely stored outside trading hours.

#### **2.1.3 Heating Structures**

Any proposal to use heating structures within outdoor dining areas will be assessed on merit with consideration given to: footpath width; the type, number and location of heating structures proposed; and proximity to other structures. Particular attention will be given to the safety of the diners and the general public.

**Note:** All gas heating structures must adhere to *Australian Standard 4565 - Radiant gas Heated for outdoor and non-residential indoor use*.

#### **2.1.4 Lighting**

Any outdoor dining area licensed to operate outside daylight hours must be adequately lit to ensure the safety and amenity of patrons and the general public. Lighting of any outdoor dining area must be in the form of down lights or the like which need to be:

- directed away from the roadway;
- contained to the outdoor dining areas only;
- turned off outside the operating hours of the premises.

Existing under-awning lighting may suffice.

### **2.1.5 Advertising and Signage**

Advertising on outdoor dining furniture or footpath trading activities that is associated with the cafe/restaurant or retail premises is permitted by Council in accordance with the following guidelines:

- The third party advertising of one advertiser only may appear on the furnishings of the area. It should not dominate the appearance of every piece of furniture.
- Details of third party advertising on outdoor dining furnishings must be submitted to Council with the application for a permit.

Outdoor dining and footpath trading is not to be used as a means for increasing advertising to a business's activity. The use of advertising material and signage outside the provisions of this policy will require separate development consent.

### **2.1.6 Planter Boxes**

Planter box styles proposed for use within outdoor dining areas will be assessed by Council on merit, with consideration given to footpath width, and type and location of the planter boxes proposed.

Planter boxes:

- must be located within the permit area;
- must be located so as not to obstruct pedestrian flow;
- must be maintained and cleaned of litter;
- must not carry advertising.

Council reserves the right to order the removal of planter boxes that are not properly maintained.

### **2.1.7 Permanent Covered and Walled Structures**

In some cases, the applicant may wish to undertake streetscape works to accommodate an outdoor dining area. Such works may include permanent covers, walled structures, street tree planting, landscaping, pedestrian lighting etc. Any such works requires a specific approval by the Council and lodgement of a development application.

These structures are outside the provisions of this policy and require separate development consent and rental agreements with the Council.

### **2.1.8 Amenity, Public Health and Safety**

Each permit holder is responsible for the cleanliness and tidiness of the areas in front of the premises and the immediate surrounds used for outdoor dining:

- Tables must be cleaned of food scraps immediately after customers leave. All litter must be swept up in a timely way and disposed of appropriately.
- Furniture items must be maintained in a neat, tidy and clean appearance when in use.
- All furniture must be removed from the footpath/public area to enable the area to be swept and stains removed from the footpath at least daily (on each day of use).

**Note:** Debris must not be swept into the gutter. This action constitutes a pollution offence for which penalties may be incurred

### **2.1.9 Service of Alcohol**

Restaurants and cafés that have an existing on premises liquor licence may apply to Liquor & Gaming NSW to extend their licence boundary to include the outdoor dining area. Liquor & Gaming NSW will assess the change of boundary application as per existing arrangements for expansion of liquor licence boundary.

If Liquor & Gaming NSW refuses the application in accordance with its existing policies for change of liquor boundary, no alcohol may be consumed in the restaurant's or café's outdoor dining area.

If approved, the service of alcohol;

- Must be accordance with the licence,
- is limited to seated patrons and is to be served with meals.
- is limited to the applicant's business frontage only.

Any outdoor dining areas that fall within a designated alcohol-free zone must be cordoned off with bollards or screening.

## 2.2 FOOTPATH TRADING ACTIVITIES

### 2.2.1 Footpath Trading Activity Locations

The footpath space directly in front of a retail premises is allocated to that shop. Footpath trading activities must be established in accordance with the following guidelines:

- Footpath trading activities must be located on a safe, stable, hard surface that is sufficiently level to provide adequate stability to display stands.
- Supervision of trading activities/goods must be possible from the shop.
- A minimum unobstructed footpath width of 2.0 metres is to be maintained.
- The location of the footpath trading activity shall be consistent with any footpath trading activity or outdoor dining area at adjoining premises.
- No footpath trading activity shall be located within 3.0 metres of any road corner.
- The footpath trading activity shall have a width not greater than 1.2m.
- The footpath trading activity is not to extend beyond the side property boundaries of the premises.
- The footpath trading activity is not to impede access to or egress from the premises.
- The footpath trading activity is not to create litter, rubbish or any other form of degradation of the footpath area.
- Footpath trading activities (including display stands) are to be stabilised/ anchored to avoid collapse.
- The lodged application must show the intended location of display stands and structures.
- All furnishings are to be removed from the public domain and be securely stored outside of trading hours.

### 2.2.2 Display Merchandise or Promotional Items on Footpaths

The following types of merchandise may not be displayed on footpaths, or public areas:

- Liquor, tobacco or other drugs
- Gases, e.g. Liquid Petroleum Gas (LPG) canisters
- Corrosives, e.g. Car batteries
- Oxidising materials, e.g. paint stripper
- Explosives, e.g. Boat flares
- Flammable liquids
- Spray paints.

**Note:** This list is not exhaustive. Council reserves the right to order the removal of any merchandise considered to be a risk to the health and safety of the public and/or the environment at any time.

### **2.2.3 Display of Goods on Footpath**

When displaying goods on a footpath:

- Fresh food must be kept at least 750mm above the footpath.
- All goods must be displayed on stands, racks or in containers above the level of the footpath, unless goods to be displayed are designed in a manner intended to allow for placement on the ground.
- No advertising using amplification or persons calling to the public may be undertaken.

### **2.2.4 Display Stands**

When using display stands on footpath areas to present goods, the following conditions apply:

- All goods are to be presented on display stands approved by Council.
- Display stands are to be aesthetically pleasing, durable, well-finished, secure and solid-to-ground at the base.
- Materials and finish of display stands must be weather-resistant. Edges and corners must be finished so as not to cause any injury to a passer-by.
- All display stands are to be custom-made and/or designed for the goods being displayed.

### **2.2.5 Free Standing Signage, Flags and Similar Items to Promote Business Activities**

When using free standing signage, flags and similar items to promote business activities on footpath areas, the following conditions apply:

- Items are to be aesthetically pleasing, durable, well-finished, secure and solid-to-ground at the base.
- Each item may occupy up to 0.8m<sup>2</sup> of surface area on the footpath.
- The maximum number of items per premises is directly related to shop frontage facing the street. Up to two items are permitted for every 10m of shopfront.
- The maximum number of items per premises is six (regardless of shopfront length).
- A minimum unobstructed footpath width of 2m is to be maintained.
- No item shall be located within 3 metres of any road corner.
- A maximum of one A-frame sandwich board is permitted per premises. The maximum size shall not exceed 1m<sup>2</sup> on each side (including framework). A-frames must be securely weighted to avoid movement in high winds.
- All signs, flags etc are to be removed from the public area and securely stored outside of trading hours.

## **2.3 STREET STALLS, RAFFLES AND COLLECTIONS**

Eligible charitable or community organisations may apply to conduct street stalls in the towns and villages of the Cootamundra-Gundagai Regional Council Area;

- on the footpath in front of a shopfront in the Central Business District (with the owner's permission required in writing), or
- in a public building such as a hall or shopfront (owner's permission required in writing).

No more than two (2) street stalls are to be held on the same day in the same town unless part of an organised and approved event.



In addition, street stalls must:

- Be located against the building frontage, unless otherwise approved;
- Maintain a minimum unobstructed footpath width of 2.0 metres.
- Display appropriate identification of the organisation on the stall, but no advertising; and
- Not solicit sales and/or public collections, unless conducted in compliance with the *Charitable Fundraising Act 1991*.

## 2.4 BUSKING

Busking is only allowed within the Central Business Districts of the towns and villages in the Cootamundra-Gundagai Regional Council Area. Busking is not permitted in the CBD during Festivals and Events without written Approval from Council and event organisers.

General requirements;

- Buskers must be at least six (6) metres away from the door of premises open for business and must not take up more than 2m<sup>2</sup> of performance space.
- Shall not perform for more than two (2) hours per location per day.
- A busker's performance must not endanger pedestrians or engender fear. If targeted at children, a "Prohibited Employment Declaration" must be submitted with the application.
- Buskers must not create a nuisance or unreasonable noise. Amplification is only permitted if the volume can be adjusted and if played at a reasonable volume.
- Performances can be held between 10.00am and 5.00pm
- Buskers must not obstruct pedestrians or vehicles and a 2metre pedestrian access area must be maintained on the footpath.
- Buskers may accept voluntary donations but must not solicit donations or solicit sales of merchandise or product.
- **Pavement Artists, must use chalk that is entirely removable by water or draw onto a removable canvas placed over the pavement, and make sure there are no slip hazards and no trip hazards by taping down any edges.**

A busker shall comply with any direction given by the Police or Council's Authorised Officers. Where a complaint has been received about the content of the performance, excessive noise, or other breach of these standards, a busker may be directed by authorised officers to cease busking.

The following artists are not to be considered as buskers under the terms of the policy and as such will not be issued with a permit: balloon sculptors, tarot card / palm / fortune readers, aerosol artists, face painting, masseurs, or vendors of any kind soliciting money for any purpose.

## Part 3: Other matters relating to activity approvals

### Exemptions

Any exemption under this Policy or the Local Government Act, 1993 and its regulations, has no effect unless all the specified conditions of the exemption are met. Any breach of the conditions would mean that the exemption no longer applies to the activity involved. Exemptions within the Policy cease to have effect once the Policy lapses.

### Lodgement of an application

Most activities have a specific form and/or guide designed to assist in the lodgement of the application. Applications must be made on the approved form and accompanied by the information required on the form. Any application which is unclear or illegible may be returned. Depending on the type of work or

activity, fees may apply and where these are required they must be paid at the time of lodgement in accordance with Council's fees and charges.

### Assessment of an application

In assessing the more complex applications, additional information may be needed.

### Variation to criteria

In determining an application, Council staff may choose to vary any of the criteria referred to in this Policy on a case by case basis whilst having regard to the merit of the individual circumstances and the purpose of the Policy and legislation. A written statement and any other supporting information that details how this will be achieved must be included with an application that seeks a variation from this Policy.

### Determination

Once determined a notice will be issued advising whether the application has been approved or refused. The period of approval will vary depending on the type of activity or work undertaken. If works have not commenced or where the activity is not held during the nominated time then the approval may lapse. In such cases, and depending on the circumstances, an applicant can seek to lodge a new application or alternatively request to modify an existing application.

A determination can be reviewed under s.100 of the Local Government Act, 1993. A request to review must justify the reasons for review and be made in writing within 28 days of Council's determination. The determination of a review is final.

### When does an approval lapse?

An approval under Section 68 of the Local Government Act, 1993 lapses 1 year after the date from which the approval operates, unless the approval states otherwise. An extension of an approval may be granted if:

- (a) A request is received by Council in writing prior to the date on which the approval would have lapsed; and
- (b) Council determines that the approval should be extended.

## Schedule 1: Exemptions

ACTIVITY		EXEMPT CRITERIA
<b>PART A: MANUFACTURED HOMES, MOVEABLE DWELLINGS &amp; STRUCTURES</b>		
A1	Manufactured home in a caravan park. Clause 74*	Installation of moveable dwellings and associated structures in caravan parks and camping grounds, provided the structure is designed, constructed and installed with the relevant provisions of the Regulations, the site is not liable to flooding and the installation occurs with the consent of the holder of the approval to operate the caravan park or camping ground concerned.
A1	Caravans, campervans or tents on any land. 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
A1	Caravans or campervans on land with an existing dwelling house. Clause 77(b)*	Installation of not more than 1 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

A1	Caravans or campervans on agricultural land for seasonal workers on the land. Clause 77(c)*	Installation of caravans or campervans on pastoral or agricultural land, so long as it is merely occupied seasonally by persons employed in pastoral or agricultural operations on the land.
<b>PART B: WATER SUPPLY, SEWERAGE &amp; STORMWATER DRAINAGE WORK</b>		
C1	Carry out water supply, stormwater drainage or sewerage works	<p>Water supply, stormwater drainage or sewerage works (excluding point of connection works involving Council's water and sewer services and/or works involving a septic tank, an effluent or a sullage disposal system) are exempt from the need for approval provided that it complies with the following criteria:</p> <ul style="list-style-type: none"> <li>a) For the repair or replacement of existing plumbing and drainage works or stormwater drainage lines only;</li> <li>b) The work must comply with the Plumbing and Drainage Act, 2011; and</li> <li>c) The work must not require the cutting or excavation of any public road, footpath or kerb and gutter and/or tree removal unless approved under Section 138 of the Roads Act, 1993.</li> </ul> <p>In this Policy,</p> <ul style="list-style-type: none"> <li>a) <b>Sewerage work</b> means the construction, alteration, extension, disconnection, removal, ventilation, flushing, cleansing, Maintenance, repair, renewal or clearing of any sewerage service pipes or fittings or fixtures communicating or intended to communicate, directly or indirectly, with: a septic tank, an effluent or a sullage disposal system; or any sewer of a council, and includes work of sanitary plumbing and work of house drainage.</li> <li>b) <b>Water supply work</b> means the construction, alteration, extension, disconnection, removal, flushing, cleansing, maintenance, repair, renewal or clearing of any pipes or fittings of any water service communicating or intended to communicate, directly or indirectly, with any water main of a council, but does not include changing a washer.</li> <li>c) <b>Stormwater drainage work</b> means the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal, flushing, cleansing or clearing of any stormwater drain communicating or intended to communicate, directly or indirectly, with any stormwater channel of a council.</li> </ul>
<b>PART C: WASTE MANAGEMENT</b>		
	Transport waste Clause 48(a)^	The transporting of waste over or under a public place for fee or reward if the activity is licensed under the Protection of the Environment Operations Act, 1997; or the waste is being transported through the area of the Council and is not being collected or deposited in that area.
	Place commercial waste in public	<p>In accordance with the exemption given in Clause 48(b) of the Local Government (General) Regulations 2005, the placement of a commercial waste storage container in a public place is exempt from the need for approval provided that it complies with the following criteria:</p> <ul style="list-style-type: none"> <li>a) Must relate to an existing approved and lawful use;</li> <li>b) Maximum of one 240 litre bin and only where the waste collection area on private property is not accessible to the collection agency;</li> <li>c) Must be located so as to not disturb traffic flow, impede pedestrian movement, restrict driver sight lines, access or loading zones;</li> </ul>

		<p>d) Must not be offensive nor contain hazardous, liquid or clinical waste;</p> <p>e) May only be placed in a public place for collection by a waste contractor the night before the scheduled collection and must be removed as soon as possible and stored on private property. In the event of service disruption, containers must be stored on private property until the service can be provided;</p> <p>f) Commercial waste must be collected and disposed of by a commercial contractor. Waste cannot be removed from the premises to be disposed of in a street litter bin.</p> <p>g) All containers must be vermin proof and cleaned on a regular basis without causing storm water pollution;</p> <p>h) The area where the container is placed in public for collection must be kept cleaned; and</p> <p>i) Uncontained waste (such as plastic and cardboard) is not permitted to be placed next to or on top of containers in the public place.</p>
	Place domestic waste in public	<p>In accordance with the exemption given in Clause 48(b) of the Local Government (General) Regulations 2005, the placement of a domestic waste storage container in a public place is exempt from the need for approval provided that it complies with the following criteria:</p> <p>a) Domestic waste must be contained in the Council approved waste storage containers and only placed in a public place for the purposes of collection by Council;</p> <p>b) Uncontained waste is not permitted to be placed next to or on top of containers in a public place;</p> <p>c) Waste storage containers may be put out for collection the night before the scheduled collection and must be removed from the public place as soon as possible and stored on private property;</p> <p>d) Waste storage containers must be placed immediately in front of the resident's property (or an approved service pick up point);</p> <p>e) Lids of waste storage containers must remain closed, and the container surrounds be kept tidy at all time; and</p> <p>f) Waste storage containers must be kept clean and free of stains, odours and debris; and in full working order with no cracks, missing wheels, lids or pins.</p>
<b>PART D: COMMUNITY LAND</b>		
	Sound amplifying device or loudspeaker Clause 49^	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 by sports clubs.
	Sports clubs charging a fee for spectators	Sports clubs with prior written approval from Council for the use of the associated sporting facility may charge a spectator fee to cover its commitments to a sporting association.
<b>PART E: PUBLIC ROADS</b>		
		No exemptions
<b>PART F: OTHER ACTIVITIES</b>		
	Domestic oil or solid fuel heating appliance Clause 70^	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 by a Construction Certificate or Complying Development Certificate under the Environmental Planning and Assessment Act, 1979

	Operation of a public car park Clause 66 <sup>^</sup>	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.
	Jumping castles and amusement devices Clause 71 <sup>^</sup>	Amusement devices not required to be registered under the Work Health and Safety Regulation 2011 may be installed or operated without the prior approval of the Council if there is a contract of insurance or indemnity for the device that complies with Clause 74 (see below) of the Regulations, and be approved under Section 138 of the Roads Act, 1993, if the device is on or over a public road, including a footpath.
	Small amusement devices Clause 75 <sup>^</sup>	<p>A small amusement device may be installed or operated without the prior approval of the Council if:</p> <ol style="list-style-type: none"> <li>a) the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason,</li> <li>b) the device is registered under the Work Health and Safety Regulation 2011,</li> <li>c) 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,</li> <li>d) 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,</li> <li>e) there is in force a contract of insurance or indemnity for the device that complies with Clause 74 (see below) of the Regulations,</li> <li>f) be approved under Section 138 of the Roads Act, 1993, if the device is on or over a public road, including a footpath.</li> </ol> <p>In this Policy, <b>small amusement device</b> 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>
	Amusement devices public liability Clause 74 <sup>^</sup>	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>* Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005  <sup>^</sup> Local Government (General) Regulation 2005</p>		

## Related CGRC Policies and Procedures

The policy replaces the following policies:

- Footpath Trading & Outdoor Dining Policy

## **Review Period**

This document is to be reviewed every four (4) years to ensure that it remains relevant and meets legislative requirements.

